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DOCUMENTS, ESSAYS AND FACTS:

TOGETHER WITH

NOTICES OF THE ARTS AND MANUFACTURES,

AND A

RECORD OF THE EVENTS OF THE TIMES.

WM. OGDEN NILES, EDITOR.

THE PAST—THE PRESENT—FOR THE FUTURE.

FROM MARCH, 1838, TO SEPTEMBER, 1838—VOL. IV, OR, VOLUME LIV—FIFTH SERIES.

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FIFTH SERIES. No. 1.—VOL. IV.]

WASHINGTON CITY, MARCH 3, 1838.

[VOL. LIY.—WHOLE No. 1,379.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

✂ The present sheet contains Mr. Webster's brief speech, made on the 31st of January, against the sub-treasury bill.

✂ Adjutant general Jones, who recently suffered a severe injury by the falling of his horse, has so far recovered as to be able to attend to his duties.

✂ Mr. Preston resumed his seat in the house on Thursday last, as did Mr. Clay, who had been absent for several days in consequence of indisposition. Mr. Vail, of New York, who had also been confined to his room for several days by illness, appeared in his seat in the house on the same day.

✂ The "Globe" states that the president's drawing room will be opened for the reception of company on Thursday evening next, at eight o'clock.

✂ A duel was fought with rifles, near this city, on Saturday last, between the hon. Jonathan Cilley, a member of the house of representatives from the state of Maine, and the hon. William J. Graves, a member of the same body from the state of Kentucky, which resulted in the death of the former on the third fire. The particulars of this most melancholy occurrence will be found in a subsequent page.

On Tuesday last the remains of the deceased were attended to the grave by the president of the United States, the heads of departments, the members of both houses of congress and a vast assembly of citizens.

It is stated that the judges of the supreme court, now in session, were invited to attend the funeral, but resolved not to do so, as an evidence of their reprobation of a practice more characteristic of a barbaric age, than one in which all profess regard for humanity and the laws.

CONGRESSIONAL. The proceedings of the senate and house of representatives on Thursday, are inserted in the last page. In the senate yesterday, after some unimportant business, Mr. Prentiss, agreeably to notice, introduced a bill to prohibit the giving or receiving a challenge within this District to fight a duel, and for the presentment thereof, which was read twice by general consent, and referred to the committee on the judiciary.

[This bill inflicts the punishment of death on all concerned in a duel which results in death; from five to ten years' confinement in the penitentiary on all concerned in giving or receiving a challenge; and from three to seven years for assault, defamation, or abuse, for refusing a challenge.]

In the house, yesterday, Mr. Greanel and Mr. Grantland were announced to have been appointed members of the select committee to examine and report the cause of Mr. Cilley's death, &c. in the place of Mr. Briggs and Mr. Harrison, excused.

After a number of committees had made reports, The bill reported by the committee on foreign affairs, for the preservation of our neutral relations, came up in order, and was discussed by Messrs. Howard, Underwood, McKay, Fillmore, Holsey, Everett, Robertson, Patton, Menefee, Ligare, and Maxwell.

Several amendments were offered, and rejected. Pending the question upon an amendment offered by Mr. Robertson, of Virginia.

Mr. Cushman moved the previous question, which was seconded, 83 to 41, and ordered.

Mr. Petricin demanded the yeas and nays, which were ordered; and the bill was passed to a third reading this day by a vote of 130 yeas to 45 nays. The bill was then read a third time, passed, and returned to the senate for its concurrence in the amendments. Particulars in our next.

FROM CANADA. In addition to the intelligence from Canada inserted in page 7, we have seen it stated that the patriot forces were concentrated at French creek, on the St. Lawrence, about twenty miles from Watertown, N. Y. with the view of attacking Kingston. But we learn by the mail of yesterday, that they went from French creek to Hickory island with the view of making further preparations for the attack; but owing to the small force, and some difficulty with gen. Van Rensselaer, they returned to the Creek and disbanded. The whole force did not exceed 200 or 250 men.

VOL. LIY.—SIC. 1.

It is also rumored that there had been a battle at Malden, and that that town and all the military stores of the British had fallen into the hands of the patriots.

The *Cleveland Herald* of the 23d February says—From Detroit we have papers of the 19th. Not a word touching any movement of the patriots in that quarter. The story of crossing and fighting is therefore a hoax.

TREASURY DEPARTMENT, March 1st, 1838.

The treasury notes issued up to this date, under the provisions of the act of congress of the 12th of October, 1837, amount to \$6,518,964 65.

It appears, by the returns made up to the same period, that there has been received for duties and lands, and in payment of debts, about \$2,430,250.

LEVI WOODBURY,
Secretary of the treasury.

POST OFFICE DEPARTMENT, March 1, 1838.

From the mail registers received at the post office department, from the postmaster at Hawkinsville, Ga. on the Florida line, it appears that no mails from the south were received at that office between the 8th and 17th February, at which latter date two mails were received. The reason assigned is "high creeks."

FLORIDA INDIANS. It is stated in the *Charles-Courier* that the Indian prisoners who have for some time past been in confinement at fort Moultrie, were to have left Charleston on Friday the 22d for New Orleans, on their way to the far west, in the brig *Homer*. The chiefs were embarked on Thursday morning. Lieutenant Reynolds, of the U. S. marines, had them in charge.

FROM FLORIDA. The "Globe" of Thursday night contains the following extract of a letter from a highly respectable officer of the army to a member of the senate, dated

"Fort Bassinger, Feb. 8. 1838.

"So much for myself. Now, sir, I will give you a few lines relative to Florida and the Indians.

"We (col. Taylor's army) have just returned from the everglades. They may be said to commence about 40 or 50 miles southeast of this place, and are on the south side of lake Oak-o-chobee.

"The everglades are what we, at the northwest, term a wet prairie. It is a large wet prairie, or grassy lake, of which the Indians and negroes know but little, and where they cannot live a month without great suffering.

"We saw but few Indians, and they fled rapidly. We took about sixty horses, and ascertained that their cattle were exhausted. Col. Taylor has taken from them, since his fight, about six hundred head. We found, on our last excursion, but few cattle tracks, and only two cows were taken. The Indians are suffering for food; in all their camps we found they had subsisted on palmetto roots and the cabbage-tree, which is never eaten by them except when hard run.

"One hundred and thirty Indians and negroes have come in since the fight, and they say many more will come in soon; that they are tired of the war and hungry.

"Florida is, generally, a poor, sandy country. The southern portion is nearly all prairie, wet and dry alternately, healthy in winter, sickly in summer. Not more than one-tenth, at the utmost, of Florida, is fit for cultivation, and I would not give one good township of land, in Illinois or Michigan, for every foot of land in east Florida.

"The Indian prisoners now admit that they lost twenty killed on the ground, and a great many wounded, in the fight with col. Taylor. They had a strong position, and fought well, but were terribly whipped, and have never returned near the ground since."

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.
Robert M. Hamilton, of Baltimore, consul at Montevideo, in the Oriental Republic Uruguay.

Henry P. Marshall consul at Muscat, in the dominions of the Imaum of Muscat.

George B. Todson to be consul of the United States for the port of Altona, in the Kingdom of Denmark.

Francis H. Gregory, to be a captain in the navy, from the 31st January, 1838.

Samuel W. Downing, to be a commander in the navy, from the 23d September, 1837.

Benjamin Macomber, to be a captain in the marine corps, from the 18th January, 1838.

Archibald H. Gillespie, to be a first lieutenant in the marine corps, from the 18th January, 1838.

Wm. Chandler and John A. Russ, to be lieutenants in the navy from the 23d September, 1837.

Austin W. Allen, of Louisiana, to be a second lieutenant in the marine corps, from the 15th of February, 1838.

Horatio Bridge, of Maine, to be a purser in the navy from the 16th February, 1838.

Joseph W. Dwyer, of Tennessee, to be a purser in the navy from the 20th of February, 1838.

Duncomb Bradford, of New York, vice consul of the United States at Paris, and

George Wolf, collector of the customs for the district of Philadelphia, from the 1st of March, 1838.

James Logan, of Arkansas, to be agent for the Creek tribe of Indians, vice J. W. A. Sanford, resigned.

Washington G. Singleton, to be attorney of the United States for the western district of Virginia.

Richard W. Greene, to be attorney of the United States for the district of Rhode Island.

COLLECTORS OF THE CUSTOMS.

Martin T. Morton, Nantucket, Mass. from January 28, 1838.

Mahlon D. Canfield, Great Egg Harbor, N. J. from January 28, 1838.

Archibald W. Hyde, Burlington, Vt. from February 15, 1838.

Henry Whitely, Wilmington, Del. from February 16, 1838.

George Brent, Alexandria, D. C. from February 16, 1838.

Peter Dixey, Marblehead, Mass. from February 19, 1838.

John P. Norton, Edgartown, Mass. from February 19, 1838.

Thomas H. Blount, Washington, N. C. from February 19, 1838.

Thomas Turner, Georgetown, D. C. from March 1, 1838.

Jesse Hoyt, New York, from March 29, 1838.

George Holt, Cherry Stone, Va. from February 6, 1838.

Denny McCobb, Waldoboro, Me. from February 20, 1838.

Samuel Learned, Pearl River, Mi. from January 31, 1838.

SURVEYORS.

William Durand, jr. New Haven, Ct. January 16, 1838.

Alphonso Mason, Gloucester, Mass. from January 29, 1838.

J. G. Mauney, East Greenwich, R. I. from January 29, 1838.

William Gray, Port Royal, Va. from 29th January, 1838.

R. G. Greene, Portland Me, from February 15, 1838.

John McNeil Boston, Mass. from February 29, 1838.

George W. Ritter, Philadelphia, from March 23, 1838.

Marcus C. Ryan, Windsor, N. C. from January 31, 1838.

NAVAL OFFICERS.

Samuel Brown, Providence, R.I. from January 29, 1838.

John Horn, Philadelphia, from March 23, 1838.

Daniel Sherwood, Wilmington, N. C. from February 22, 1838.

APPRAISER.

Henry Simpson, Philadelphia, from February 23, 1838.

REGISTER OF THE LAND OFFICE.

Thomas H. Hopkins, Jackson, Mi. from February 23, 1838.

RECEIVERS OF PUBLIC MONIES.

Benjamin R. Gault, Opelousas, La. from January 24, 1838.

Henry Smith, Vandalia, Ill. from January 31, 1838.

EXCHANGE. The rates of exchange between New York and other cities are thus noticed in the Express of Saturday:

Boston,	2 a 2½ dis.
Philadelphia,	1½ a 2½
Baltimore,	2 a 2½
Richmond,	3 a 3½
Charleston,	2 a 3
Cincinnati,	4½ a 5
Augusta,	3 a 3½
Savannah,	2½ a 3½
Mobile,	6 a 7
New Orleans,	2½ a 3½
Nashville,	12 a 15
Natchez,	15 a 18
Louisville,	6 a 7
St. Louis,	9 a 10

BANKS OF THE STATE OF NEW YORK. We publish the monthly return of the banks of this state to the 1st of Feb. inst. It has been delayed, unavoidably, for a few days. A comparison with preceding reports, presents the following results. We extend the comparison to December, because the return to the 1st January, being the annual report, was not the usual form of the monthly returns, and not convenient for this purpose.

	June 1.	Dec. 1.	Feb. 1.
Loans and disc'ts,	64,391,299	54,809,505	53,383,854
Specie,	2,802,313	3,482,620	3,949,332
Circulation,	14,040,498	13,908,893	11,545,840
Due canal fund,	3,052,598	2,893,464	3,249,730
"State treasurer,	3,152,960	214,391	147,572
"U. S. treasurer,	1,143,339	194,133	199,442
"Ind. Depositors,	14,100,930	16,100,930	14,950,163
Profits,	6,329,726	7,210,870	8,010,450

The above statements show a diminution of loans and discounts, since the 1st of December (two months) of \$1,425,651; an increase of specie of \$466,712; a diminished circulation of \$2,363,043; an increase of the canal fund deposits of \$356,266; a decrease of the state treasurer's deposit of \$66,819; an increase of the U. S. deposit of \$3,299; and a decrease of individual deposits of \$1,150,767.

[*Albany Argus.*]

COMMONWEALTH BANK, BOSTON. The investigating committee of the Massachusetts legislature have at length reported on the condition of the Commonwealth bank. They disclose a state of things disgraceful and corrupt almost beyond belief, and fully establish the heaviest charges that have ever been made against the persons implicated in the transactions of the bank. The loans to four or five individuals only, exceed the whole capital stock of the bank.

The manner in which the poor pensioners and fishermen were defrauded of their dues is now fully explained. The report shows that the bank received in January last \$14,022 in treasury notes, part of which were sold for account of the bank. Another batch of treasury notes amounting to \$85,200 was received soon after, and these too were sold. Treasury notes at that time were at a premium in Boston—these notes were sold—the premium pocketed by the bank or somebody else, and the fishermen and pensioners paid in the worthless rags of the bank. Only two or three days before the bank failed, these claimants on the government were refused specie or treasury notes, and forced to take the bank bills, when the collector, who paid them out must have known that the bank must fail. The affairs of the bank appear to have been managed by three of the directors, who managed to use up all the funds and defraud the public of an immense sum of money.

The amount due to the government from the bank is \$337,625 29, as security for parts of which the district attorney, who was also a director, holds the notes of several of the other directors to the amount of \$42,420. The total liabilities of the bank are \$1,149,200. The circulation in post notes and bank bills is \$370,462. The assets are, specie, \$29,684. Stocks—most of which are valueless—\$23,456. Balance due from city and Middlesex banks, the last broken, \$145,256,—from other banks, \$30,000. Due from directors \$630,283,—and from various individuals and companies, most of whom have failed about \$350,000. It should be borne in mind that the individuals, who have so grossly defrauded the community and the government, and squandered the money of innocent stockholders, and wronged the needy pensioners and fishermen of the bounty of the government are the particular friends of the administration in Massachusetts.

The Boston papers state that Joshua Dunham and five others, directors of the Franklin bank, have been indicted by the grand jury for official misde-

meanor and criminal neglect of duty. They were arrested and held to bail in the sum of \$2,000 each. These banks found their ruin in becoming the dupes of the government in receiving the deposits that were unjustly wrested from the United States bank. [N. Y. Express.]

Flour in Baltimore. The inspections of flour in Baltimore, in the several quarters of 1837, were as follows:

	wheat.	flour.	rye flour.	corn.	meal.
1837	bbls.	hf. bbls.	bbls.	hhds.	bbls.
1st quarter	94,954	3,157	4,614	217	1198
2d do.	81,622	2,093	4,184	160	2107
3d do.	100,808	4,984	1,761	845	2111
4th do.	114,292	4,543	5,328	268	2957

Total, 391,676 14,777 15,877 800 8378
We subjoin the inspections for the preceding seven years:

Years.	bbls.	half bbls.	total in bbls.
1830,	587,875	19,859	597,804
1831,	544,373	21,537	555,141
1832,	518,674	17,544	527,446
1833,	524,620	18,072	533,656
1834,	490,733	17,261	499,865
1835,	516,600	21,333	527,266
1836,	393,924	13,693	400,720

IMPORTS OF IRON. We copy the following comparative statement of importations from Great Britain into the United States, for the months of October 1836 and 1837. It shows a great falling off for 1837.

	1836.	1837.
Bar iron, tons,	1489	181
Hoop do.	89	20
Pig do.	788	188
Sheet do.	457	163
Hardware and hollow ware	£85,553	11,210
Rail road iron tons,	1669	65
Linens—packages,	2792	262
Cottons, do.	2228	344
Coal, tons,	3050	1341
Carpeting—bales,	167	8

WONDERFUL EFFECTS OF THE WESTERN RAIL ROAD IN CASE OF WAR. This great state rail road with its numerous branches, will, in case of war, enable us to concentrate, as if by enchantment, the whole force of the state, and of the neighboring states, and even the force of distant states, upon any part of the territory of Massachusetts. In connection with a steam-battery, playing inside of cape Cod, and another steam-battery in Narragansett bay, the waters of Massachusetts and the lands of Massachusetts will then present the defeat of an enemy as the inevitable result of any attack. This will be so clear to the eye of any military or naval commander, as to amount to an absolute order by such commander, to himself, not to attack a people, thus made impregnable, by the mighty power of steam, to the mighty power of the mind.

In time of profound peace, it is the part of wisdom to place the state in readiness to disarm war of its power of mischief. It is never worth while to lull ourselves into a false security—more especially while the sceptre of the most formidable naval power is held by a woman, who, in the freaks of love, may, perchance, bestow her affections upon some ambitious Caesar, or on some mischievous man and irresponsible favorite. History is full of warnings, to this purpose. And we have, moreover, on our very frontiers, both in Texas and in the Canadas, a magazine of powder, to which the indiscretion of our own or their citizens may yet apply the match at any moment.

During the war of 1812, cotton was 6 cents per pound in New Orleans, and 40 cents in Massachusetts. Louisiana sugar was worth 3 cents in New Orleans, and 30 cents in Boston. Flour, then worth \$2 a barrel in the western country, did sell for \$16 in Massachusetts. Make the western rail road, and 1 a 2 cents per pound, for the expense of transportation, will give you the command of all the products of the west and of the south west, and the enjoyment of them just as much in time of war, as if it were a time of profound peace—and these seventy millions annual amount of the manufactures of this state will find in the great west even a better market, than in time of uninterrupted peace. And our bay fisheries will still enable us (although we be at war) to supply upwards of six millions of people with fresh and salted and pickled fish, to the amount of many millions of dollars.

During the war of 1812, our whole sea coast was held in continual terror. Adopt the present plan and the security of Massachusetts will be complete, with out any cost of blood or treasury.

[*Boston Journal.*]

PRICE OF FLOUR AT THE LATEST DATES.

New York city	\$8 25 a 8 50
Houston (Texas)	30 00 a —
Apalachicola, Florida	11 25 a 12 59
St. Josephs (western)	12 00 a 15 00
Do. (northern)	14 00 a 15 00
New Orleans	6 50 a 6 75
Mobile	8 00 a —
Savannah, Geo.	9 50 a —
Columbus (western)	11 00 a 12 00
Do. (northern)	14 00 a 15 00
Charleston	10 00 a —
Fayetteville, N. C.	5 00 a 7 00
Wilmington, N. C.	10 00 a 11 50
Elizabeth city	11 00 a 12 00
Louisville, Ky.	5 5 a 6 00
St. Louis	8 00 a 8 50
Cincinnati	5 00 a 5 25
Cleveland, Ohio,	5 75 a 6 00
Chillicothe	5 00 a 5 25
Dayton	4 50 a 4 62
Lynchburg	5 50 a 6 00
Fredericksburg	7 12 a 7 25
Norfolk, Va.	8 00 a 8 25
Petersburg	7 50 a 8 00
Richmond	8 25 a 9 00
Pittsburg	— a 5 00
Troy, N. Y.	8 25 a 8 50
Detroit, Mich.	9 50 a 10 00
Baltimore	8 00 a 9 00
Erie, Pa.	8 00 a —
Philadelphia	7 50 a 7 75
Alexandria	7 50 a 8 00
Wilmington Del.	— a 7 75
Halifax, N. S.	10 00 a 11 00
Boston	8 87 a 8 50
Portland, Me.	8 00 a 8 87

THE SUPPLY OF FLOUR. The following article, from the Louisville advertiser of the 13th inst. is not without interest.

The supply of flour. A business man of this city makes the following remarks in reply to a very lengthy article that recently appeared in the Baltimore American; purporting to be an estimate of the quantity of flour on hand in the United States on the 1st of January last:

"By whatever motive the writer of that statement may have been influenced, I care not; but I will venture to express the opinion that his estimate is exceedingly incorrect. Even were it otherwise, it furnishes no reasonable or secure data, on which intelligent dealers would think of basing operations. Those who wish to act on a satisfactory view of the market for bread stuffs will not confine their inquiries to the real or supposed stock of flour on hand. They will go farther back and endeavor to ascertain the number of bushels of wheat withheld from market by the farmers in the regions of country that supply the principle depots.

"In the statement alluded to, the stock of flour in Louisville, on the 1st. ult., was put down at 4,000 barrels. On that day the writer of this knows there were not 1,000 barrels in the place. There was scarcely a sufficient quantity to supply the immediate local demand, much less a stock for exportation. Farmers are as watchful of their interests as any other class of men; and, when they find the products of their labor depressed in price, they hold them back in order to produce a demand for them and thereby obtain enhanced prices. Hence, since the fall in the price of flour, our mills have not been loaded with grain—the supply has been limited, though the crop was ample, and the stock in the country is known to be abundant.

"It is more than probable the recent importations of foreign grain into N. York were ordered in consequence of such fallacious statements as that I have just noticed, which are evidently calculated to produce erroneous apprehensions of a scarcity of flour, and prompt men to engage in ruinous speculations."

The foregoing remarks are, we believe, worthy of grave consideration. We are very confident the writer is correct in supposing that the stock of wheat and flour together is abundant.

CONNECTICUT. The number of banks in this state, is thirty-one—besides three branches. Litchfield county has only a branch of the Phoenix of Hartford—that county never having obtained a charter for banking. The banks are divided in the different counties as follows:

Hartford county, five—capitals paid in \$3,417,	
680. New Haven county, five—capitals, 1,998,	
920. New London county, ten—capitals, 1,628,	
531 50. Fairfield county, four—capitals, 658,	
940. Windham county, three—capitals, 241,	
990. Middlesex county, three—capitals, 705,	
680. Tolland county, one—capital 60,000	

Total of banking capitals in the state \$6,744,697 50—nearly one half of which is located in the city of Hartford.

In March, 1837, the circulation of all these banks was \$2,996,325—and if the process of curtailment of their circulation has been going on in other parts of the state, as it has here, which we suppose is the case, the amount of circulation of the Connecticut banks will but little, if any, exceed \$1,000,000. Their specie in March, was over \$400,000, and the amount when they suspended specie payments must have been greater—probably half a million. So that they now present, taken as a body, the highly favorable situation of having about one dollar in specie, to every two dollars of bills in circulation. Several of them have, it is believed, more specie in their vaults than they have bills in circulation. Some of the banks in this state are issuing small bills, under the law passed at the last session of the legislature. They are, of course, payable on demand in specie.

[Middletown Sentinel.]

An official document recently transmitted to congress from the treasury department, contains the following list of present deposit banks, and the amounts on deposit to the credits of the treasurer, in cash, by the last returns:

People's bank, Nov. 35, 1837,	\$8,526 76
Brooklyn bank, Nov. 25, 1837,	\$4,154 52
Planter's bank of Georgia, November 22, 1837,	\$9,375 00
Insurance bank of Columbus, Louisville savings institution, Nov. 25, 1837,	20,495 48
Bank of the state of Missouri, Nov. 18, 1837,	167,382 79

INDIAN POPULATION. It appears from a communication of quarter master general Cross, made to the war department, and now recently published, that the number of Indians east of the Mississippi, is 47,365

Number of Indians who have emigrated from east to west side,	51,327
Number of indigenous tribes,	231,806

Aggregate, 332,498
It is estimated by Mr Harris, the Indian commissioner, that these Indians can bring into the field rising sixty-six thousand warriors, that is, when emigration is completed, and they choose to coalesce.

To resist such a coalition, general Cross thinks a force of 7,000 men would be necessary on the western frontier, distributed thus:

Fort Snelling,	300 men.
Fort Crawford,	300 do.
Upper forks of the Des Moines,	400 do.
Fort Leavenworth,	1200 do.
Fort Gibson,	1500 do.
Fort Towson,	800 do.
The 8 posts of refuge proposed,	800 do.
The protection of the 4 depots,	200 do.
Jef. barracks as a corps of reserve,	1000 do.
Total,	7,000 men.

THE VIRGINIA BANKS. The Richmond Whig says that the committee of the legislature of Virginia, appointed to investigate the affairs of the banks of that state, have reported that the banks are undoubtedly solvent, and accompanied their report with a bill for the relief of those institutions. The following is the substance of the bill.

The bill provides for repealing so much of the existing laws as operate a forfeiture of the charters of the banks for failing to redeem their notes in specie; and so much of the same law as requires said banks to pay higher damages or rate of interest than six per cent. for such failure.

It also remits any forfeiture which may have been already incurred, and renews the charters of the banks in all respects—reserving to the general assembly the right to re-enact the suspended provisions.

The notes of the banks to be continued to be received in payment of public dues; and the deposits of the revenue to be made as heretofore, in the bank of Virginia, and the Farmers' bank of Virginia. The prohibition of the issue of notes under \$10 is suspended; but no notes to be issued under the denomination of \$5.

The banks to make no dividend after a fixed day, unless specie payment be resumed by them; and if they fail to pay specie thereafter, then ten per cent. damages to be imposed and recovered.

It is further provided, that if the banks do resume specie payment after the day fixed, they shall forfeit and pay to the literary fund, the whole amount of profits over and above five per cent. per

annum, accruing from and after that day, during the period of such suspension: Provided, however, that if the principal banks in New York, Philadelphia, and Baltimore shall not have resumed specie payments before the date aforesaid, the legislature pledges itself to remit the forfeiture aforesaid.

MAIL ROBBERIES—Arrests. We learn from the Cincinnati Republican that the great northern mail, from Columbus to Toledo, was robbed, it is supposed, near Lyme, Huron county, Ohio. Both the mail-bags were cut open. The amount of loss sustained has not yet been ascertained. Upon the arrival of the mail at Lyme on the 1st inst., the postmaster of that office, (Mr. Lyman Strong,) with great promptitude, instituted an investigation, and strong suspicions resting upon a man named Houck, who was a passenger in the stage, he forthwith went in pursuit of him. He overtook and arrested him at Granville, and brought him to Columbus on the morning of the 4th inst., where he was fully committed for trial.

On the 26th ult., the postmaster of Kingsville, Ashtabula county, Ohio (Stephen Munger,) and his son, Harrison Munger, were arrested by Mr. James Brown, one of the agents of the post office department, on suspicion of robbing from the mail. They were committed, and will receive their trial at the next session of the U. S. Court to be held in Columbus, in May next.

It is stated that ten persons including those mentioned above have been arrested in Ohio alone, within the last two months, for depredations on the mails.—*Alexandria Gazette*..

FROM PERU. The following is an extract from a letter received by a gentleman in Salem, (Mass.) dated "Lima, Oct. 5, 1837: We have just received information that the long talked of expedition from Chili is on our coast. It sailed from Valparaiso on the 16th ultimo—3400 men, 700 horses, and 24 transports. A more foolish and hopeless expedition was never fitted out. It must end in ruin to Chili, and cause great distress to Peru. On the 24th ult. 18 of the vessels were seen in front of Arica. No attempt was made to land. Peru has from 10 to 12,000 troops, and so stationed that 5000 men can be united at any point on the coast in ten days. We have within ten leagues of Lima, 4000 good troops, and they could at any time be brought to the city in six hours. I have no fears for the capital."

FROM PORT-AU-PRINCE. Capt. St. John, of the brig Panope, at New York in 10 days from Port-au-Prince, informs the editors of the Journal of Commerce that the French fleet had not yet arrived, but was momentarily expected. A French brig of war entered the port the same morning that the Panope came out. Also, the United States corvette Boston. The object of the French fleet is to enforce the fulfilment of the treaty of indemnity, which the Haytiens, after paying one or two instalments, have found too onerous for their comfort.

LIBERATION OF MR. GREELEY. We stated in the last "REGISTER" that Mr. Greeley had been liberated. Gov. Kent, of Maine, has communicated to the legislature, the following, as the official account of his (Greeley's) liberation, which was brought about by the intercession or remonstrance of Mr. Stephenson, at the court of St. James.

To Edward W. Miller, esq. high sheriff of the county of York, and keeper of the jail of the said county.

Whereas, Ebenezer S. Greeley, a foreigner and citizen of the United States of America, stands committed to your custody by my warrant, bearing date the sixth day of September, 1837, as the agent of a foreign state, in committing an act of aggression on a part of the territory in the possession and under the jurisdiction and government of this province, and the said Greeley by my said warrant was so committed until the further order of the lieutenant governor or commander-in-chief of this province for the time being, should be given according to her majesty's pleasure; and whereas it having been made to appear to me that the offence for which the said Greeley was so committed will no longer be persisted in: these are to charge, authorise, and command you, the said Miller, as such high sheriff and keeper of the gaol of the said county of York, forthwith to discharge him, the said Greeley, out of your custody.

WM. F. ODELL.

I herewith communicate for your consideration, a letter received from E. S. Greeley, and also a copy of the order of his discharge, as certified by him. This language of the lieutenant governor in

relation to the possession, jurisdiction, and government of the disputed territory by New Brunswick, is not perhaps otherwise important than as additional evidence that absolute and exclusive jurisdiction is claimed and insisted on. I will only add, that no communication from me, or any action of the executive department authorized the expression, "that the offence for which the said Greeley was so committed, will no longer be persisted in." E. KENT.

SURRENDER OF THE BARRERS. We regret to hear that governor Marcy has concluded to surrender to the British government the two men, father and son, charged with having fired a gun in the posse in Ireland on a collection for rent, in which a sergeant of police was killed. We are quite sure that this result creates regret even among the British agents in this city, whose duty it was to claim the surrender, but who never believed that it would or could be done. We ask for the law, for the treaty, for the power which induced governor Marcy to give up to the British authorities two persons who had resided here nearly ten years! We know that there is an understanding between the authorities of Canada and this state to deliver fugitives from justice reciprocally; this is proper, because a mere boundary line divides us, but are we bound by any consideration of duty, by our laws, by the spirit of the government, to surrender Irishmen who, from the unhappy disputes in that oppressed country, have committed crimes and have taken refuge here?

It will be recollected that the old man and his sons were defending their house which was assailed by an armed posse, and that he did not fire the gun which killed the police man, if he fired it at all, until one of his sons was killed at his side from a shot without. Since their arrival in this city, their conduct has been that of quiet industrious men. Nothing appears against them here, and they are transported from this free country to be tried and probably suffer death for this unfortunate act of self defence.

At all events we hope a petition will be got up addressed to the British government and signed by the citizens of this city, recommending them to mercy, which, we are sure, the American minister in London will take pleasure to present to the queen; and we further trust that no American ship will consent to take out these unfortunate prisoners. These are not the days of prison ships in our borders.—*N. Y. Star*.

AMERICAN GIPSIES. Gipsies are known in all countries in Europe—an idle vagabond race, without settled homes, living by theft, beggary, and fortune telling, and the mending of pots and kettles. They are of uncertain origin, but show the same characteristic marks, wherever they are found. No attempts have hitherto succeeded in reducing the gipsies of Europe to the habits of civilized life. It has been supposed that none of this singular race exist in America, where, in our woods and wilderness, their wandering propensities might have had double space for exercise. Yet, in fact, there is a colony of gipsies, who were brought to America by the French, in early times, and whose posterity now live and flourish on the shores of Biloxibay, in Louisiana. A philosopher, contemplating the points of similarity between the European gipsy and the American Indian, both untamable—one the wild man of civilized countries, and the other of the forest—might have imagined that the two races would at once have mingled, and the gipsy have found a home in the Indian wigwam. On the contrary, ever since their settlement on this side of the Atlantic, gipsies appear to have thrown off their hereditary characteristics. No difference can be perceived between them and other descendants of French colonists, except in personal appearance; their complexion is much darker, and their hair is coarse and straight. They still call themselves gipsies or Egyptians, but are industrious, orderly in their habits, and retain nothing of their ancestry, except the name.

AN UNENVIABLE SITUATION. On Thursday morning last, soon after two masons had gained the top of the chimney, (upwards of 80 yards high,) now being finished at the new saw-mill, by some misfortune the ropes connected with the blocks by which the materials were raised to the workmen, broke; and as it was only by the same rope that the workmen could be enabled to descend from this perilous eminence, it will be easily conceived that their situation was by no means an enviable one. Various means were attempted to get a line within their reach, by the help of a kite, and by other plans. At length 8 o'clock in the afternoon had arrived, and the three poor fellows

were still roosting at their lawful elevation, when a distressed woman, wife to one of the unfortunates, had the joyful felicity to remember that her husband had on a new pair of knit stockings. "Use your knife," she cried out, "and cut off the toe of your stocking, continue the ravelling until you get a length sufficient to reach the earth, then attach a stone to it to sink it here." The man obeyed the oracle, as many have done, and in a short time he had a length of worsted long enough to reach the ground, which he let down. Well, the next business was to tie the worsted to a thin cord, which the men drew up, and the original rope for the block having been fastened to the cord, it was also drawn up, and by the men so adjusted as to enable them with safety to descend to terra firma. We are sure that great credit is due to the woman for the way in which she improved a lucky thought, and those persons who may perchance be subjected to a similar disaster to the one which befell these three men, should take care above all things never to forget the value of knit stockings in such an emergency.

[Preston, Eng. Pilot.]

STATEMENT of the amount of tolls received on the several canals of New York, in each year, from the 1st day of January, 1820, to the 1st day of January, 1838.

Years.	Erie and Champlain canals.	Total.*
1820,	5,437 34	5,437 34
1821,	14,388 47	14,388 47
1822,	64,072 40	64,072 40
1823,	152,958 33	152,958 33
1824,	340,761 07	340,761 07
1825,	566,112 97	566,112 97
1826,	762,008 69	762,008 69
1827,	839,053 43	839,053 43
1828,	835,407 28	835,444 65
1829,	795,054 52	813,137 45
1830,	1,032,599 13	1,056,822 12
1831,	1,194,610 40	1,223,801 98
1832,	1,195,804 23	1,229,483 47
1833,	1,422,695 22	1,463,715 22
1834,	1,294,649 66	1,339,799 56
1835,	1,492,811 59	1,548,972 39
1836,	1,556,269 87	1,614,680 38
1837,	1,239,052 49	1,293,129 89

\$14,828,746 64 \$15,191,879 63

*The other canals in the state besides the Erie and Champlain, are the Oswego, the Cayuga and Seneca, the Chemung, the Crooked Lake, and the Chenango. All these, as well as the Erie and Champlain, are included in the columns of "total."
[Eds. Jour. Com.]

OHIO COMMON SCHOOLS. We have been favored with a copy of the first annual report of the superintendent of these schools, which we find upon examination, to be a very able and satisfactory document. The legal foundation of common schools in this state is laid in the ordinance of congress providing for the government of the northwestern territory, of which Ohio formed a part, in the third article of which are these words: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged." The bill of rights, in the constitution of the state, carries out the same sentiment. But congress laid the foundation of these schools in the soil itself, by consecrating one-thirty-sixth part of it forever, to their support. The first law of the state, assessing a school-tax in 1825, is generally considered as the commencement of the system. The tax, which was at first but half a million the dollar, has gradually risen to a mill and a half, and power is given to increase it by townships, and some have done so. Common schools have by these means been extensively established.

No correct idea can be given of the system of instruction adopted, every variety, from the best to the worst, being found in them. Complaints are every where made that good teachers cannot be obtained. The truth is, that teachers, as well as others, will generally be governed by self-interest, and, unless their emoluments bear some proportion to the talents and labor required, suitable, qualified teachers need not be expected. The schools (says the superintendent) must furnish permanent employment to their teachers, and proper salaries be provided for them, and then there will be no difficulty in obtaining suitable characters to fill these trusts. Convenient school-houses and both male and female teachers must be every where provided, so that every child, whether rich or poor, shall be freely educated on equal terms, and neither expense nor labor be spared to effect the object. That the system will be costly, there

is no doubt; but ought it not to be effected at any cost? No half-way measures will do; the effort must be powerful, simultaneous, and worthy of a great state.

A tabular statement appended to the superintendent's report, shows that, for the year ending Oct. 25, 1837, Ohio had in operation 4,336 public common schools, and 2,175 private, and that the former were attended by 107,845 scholars, and the latter by 42,557. That the number of their school houses is 4,378, and their value is estimated at \$513,973.

[Nat. Intelligencer.]

MAINE STATE PRISON. The whole number of convicts in the state prison at Thomaston is 77—of whom, 17 are employed in the lime quarry, and 44 in shoemaking. The granite business has been discontinued, and the lime making substituted, by a new method introduced by the warden. In consequence of the small demand for lime, and its low price at the present time, the kiln was not put into operation until late in August. The business was then continued for about four months, by the process called the *perpetual kiln*, and in that period 4800 casks of lime were made. Hard coal is used in the process. All the labor, including the manufacture of the casks, is performed by the convicts, assisted only by an overseer in each department. The warden, Mr. O'Brien, in this respect, suggests the following improvements in the method of carrying on the business:

One method for obtaining an additional advantage might be to erect kilns on the side of the quarry near the prison buildings, and to secure the heat which passes off from the kilns, and conduct it by means of pipes to warm the cells and work shops; it might also be applied to the purposes of cooking. Such an arrangement would affect the saving of fuel. Another plan would be to erect kilns, at the prison wharf. Then by removing the surplus earth which covers an inexhaustible quantity of lime rock, within a few rods of the wharf, a gentle slope would be formed, on which the gravity of a loaded car, moving from the quarry to the kilns, would return the light one back from the kilns to the quarry. The coal for burning could be landed from the vessel on the wharf, and the lime would be already on the wharf as it came out of the kiln. This business, when under way, and properly managed, would save all the expense of team labor.

[Boston Gazette.]

JAMES GARNETT, esq. of Essex county, Virginia, a gentleman who has been for many years president of the agricultural society of Fredericksburg, thus speaks of the passion for digging gold:

"This disemboweling passion has produced results, at least in regard to the precious metals, which, I venture to say, will greatly astonish all who are not apprised of the facts which I am now about to disclose to you. I give the statement from the sessions acts since 1832, having procured it from our first auditor's office. It is a most curious but painful disclosure, and one which I would willingly avoid, were it not for my thorough conviction that it may not only prove a very instructive lesson to all who will read it right, but will convince our agricultural brethren, to a man, that our legislature, for the last five years, not content utterly to neglect agriculture, have actually (I will not say intentionally) been busily engaged during a part of each session in passing laws highly injurious to her best interests. The effect has been produced by their holding out the strongest, most alluring temptations to draw from her much of the capital she so greatly needs, and to divert it to the most wild and hazardous speculations, thereby powerfully exciting that passion for inordinate gain, which is always sufficiently rash and pernicious of itself, without legislative encouragement to stimulate its mischievous action. *This our law-makers have done to a fatal extent*, by chartering, since 1832, no less than seventy mining companies, thirty-seven of which were incorporated from the 13th of last January to the 30th of March!! In several of those charters the object of pursuit is designated to be *gold*, in others *copper*; while in many of them the metallic character is not mentioned at all. Their aggregate capital is 5,795,043 dollars, with a right to increase it to 30,000,000 dollars and to hold land amounting in the whole to 197,000 acres—a territory larger than either of several of our smallest counties."

THE NEW RECORDER. It was announced in the court of sessions on Saturday, that Robert H. Morris, esq. has been appointed successor to the present recorder of this city, the hon. Richard Riker, whose term of office is on the eve of expiring. Mr. Riker has held the station for nearly twenty-three years.—*N. Y. Jour. Com.*

LATEST FROM FLORIDA.

We have been favored with the perusal of letters from Florida of the eighth and ninth of the present month, from an officer engaged in the arduous service of that region.

This gentleman writes at a spot about twenty miles south of Fort Jupiter. He describes a difficult march through briars, thick bearded saw grass, (which is strong, and from its name, cuts badly), in black mud up to the waist, and crossed where ten Indians might defy a hundred of the best troops in the world, from the peculiar situation of the country. He states that, at the solicitation of a negro prisoner, a talk was had with the Indians. "When the advanced guard had marched very near the Indians, we found them as they always are, with their rifles cocked, to fire upon us. When this negro found them, by a very different trail, the Indians told him (whom at first they were for killing) that if he was going to do good, he must stop the army, and they would then believe him. On his making his appearance the advanced guard, as also the balance of the army, halted, and general Jesup, with several officers, visited, or rather met the Indians. They being young warriors commanded by Hadjo, and merely a scouting party, stated that they were tired of the war, but could not make any terms, as the chiefs were not there. They requested until 12 o'clock today, (the 8th), when they would again see the general and have a talk; and, while I am writing general Jesup, with several officers, and a force at hand sufficient to guard against stratagem and surprise are now, in council about half a mile off and I hope something may be done to put an end to this almost interminable war—interminable, I say, because, the Almighty has placed these savages in a country inhabitable only by themselves, and where Xenophon's army could not displace them, so long as they choose to remain. They have fastnesses and hiding places, where they lie in ambush, wait until we come up fire upon the advance, kill and wound and then run off."

The writer says there is but one opinion as to the policy of permitting the Indians to remain. He passes a high compliment upon general Jesup, who, he says, has done every thing that man could have done. He adds, "it would have filled your bosom with pleasure to have seen on the day of the battle, (at Lochs Hatchee), these men charge the hammock and swim the creek, in the face of the enemy hid behind their trees, and amidst their fires and savage yells. Col. Z. Taylor penetrated to the west as far as possible but on account of the country has been compelled to fall back, and is now, I believe, at Fort Brooke or Bassinger. An express received last night informs us that one hundred and thirty, including negroes, men, women and children, have gone into him. Among them were forty-six men who bore arms."

"The clouds are gathering and indicate rain, which, should it come will put an end to this campaign; for the ground where I am now sitting would, with six hours rain, be overflowed some inches deep."

"7 o'clock P. M. The general and other officers have returned from the council, accompanied by Hadjo (a considerable character) and eight other Seminoles. They beg to be permitted to regain a small portion of the country. They say it is their home—the home of their fathers; that they were born here, and love the country, and would not leave it. The general has consented that they shall remain until they hear from Washington. They say they are tired of fighting; they don't wish to hurt the white man, nor trouble any thing belonging to him. In my opinion, they can be made useful allies, instead of a daring foe, and would occupy a portion of country uninhabitable by white men, unless possibly some more degenerate than the untutored savage. These Indians are very timid and suspicious for they have been told so many falsehoods, by mischievous persons, that they are very distrustful. They are not restrained, but permitted to go out again. Two of them stay in our camp to night from choice. They did not bring in their arms. To-morrow they will have another talk, when something more will be ascertained. Tustogee, who commanded on the 24th ult, was here at the talk, and will probably come in to-morrow."

A letter of the 9th says: "The general has just returned from the council, and the Indians have agreed to come in and go to the west, but they hope the president will permit them to remain in the country. They will come to the Lochs Hatchee and I still express my opinion that the policy of the government ought to be to permit them to remain. Our portion of the army will go westward and co-operate with some other division; though the probability, is that the rest of the Indians will come in."

[Richmond Whig.]

DUEL BETWEEN MESSRS. GRAVES AND CILLEY.

From the Globe of Monday evening, the 26th ult.
STATEMENT.

Washington city, D. C.
February 26th, 1838.

The following is a statement of the facts of the duel between the honorable Wm. J. Graves, of Kentucky, and the honorable Jonathan Cilley, of Maine, as agreed upon by George W. Jones, and Henry A. Wise, the seconds of the parties, committed to writing between the hours of 10½ o'clock, a. m. February 25th, and 12 o'clock, m. this day. The seconds propose, first, to state the correspondence which occurred before the challenge, and which was communicated through others than themselves; neither second having borne any paper or message, verbal or written, to or from either of the principals, until Mr. Wise bore the challenge and Mr. Jones bore the acceptance. This correspondence, as it has been placed in the hands of the seconds, is as follows, to wit:

Mr. Graves to Mr. Cilley.

House of representatives,
February 20, 1838.

In the interview which I had with you this morning, when you declined receiving from me the note of col. J. W. Webb, asking whether you were correctly reported in the Globe in what you are there represented to have said of him in this house upon the 12th inst, you will please say whether you did not remark, in substance, that in declining to receive the note, you hoped I would not consider it in any respect disrespectful to me, and that the ground on which you rested your declining to receive the note was distinctly this: that you could not consent to get yourself into personal difficulties, with conductors of public journals, for what you might think proper to say in debate upon this floor in discharge of your duties as a representative of the people; and that you did not rest your objection, in our interview, upon any personal objections to col. Webb as a gentleman.

Very respectfully,
Your obedient servant,
W. J. GRAVES.

Hon. Jonathan Cilley.

Mr. Cilley to Mr. Graves.

House of representatives,
February 21, 1838.

The note which you just placed in my hands has been received. In reply, I have to state that in your interview with me this morning, when you proposed to deliver a communication from col. Webb, of the New York Courier and Enquirer, I declined to receive it, because I chose to be drawn into no controversy with him. I neither affirmed or denied any thing in regard to his character; but when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended by the refusal no disrespect to you.

Very respectfully,
Your obedient servant,
JONA. CILLEY.

Hon. W. J. Graves.

Mr. Graves to Mr. Cilley,

House of representatives,
February 22, 1838.

Sir: Your note of yesterday in reply to mine of that date is inexplicit, unsatisfactory and insufficient; among other things in this: that, in your declining to receive col. Webb's communication, it does not disclaim any exception to him personally as a gentleman. I have, therefore, to inquire whether you declined to receive his communication, on the ground of any personal exception to him as a gentleman or man of honor? A categorical answer is expected.

Very respectfully,
W. J. GRAVES.

Hon. J. Cilley.

Mr. Cilley to Mr. Graves.

House of Representatives,
February 22, 1838.

Sir: Your note of this date has just been placed in my hands. I regret that mine of yesterday was not satisfactory to you, but I cannot admit the right on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

Very respectfully,
JONA. CILLEY.

Hon. W. J. Graves.

Here follows the first paper borne by Mr. Wise.
Washington city, Feb. 23, 1838.

As you have declined accepting a communica-

tion which I bore to you from col. Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognised among gentlemen. My friend, hon. Henry A. Wise, is authorised by me to make the arrangements suitable to the occasion.

Your obedient servant,
W. J. GRAVES.

Hon. J. Cilley.

Mr. Wise states that he presented the foregoing challenge to Mr. Cilley, in the parlor at Mr. Birth's boarding house a few minutes before 12 o'clock, m. on Friday, the 23d instant.

In addition to the foregoing correspondence, the seconds propose to relate only such facts and circumstances as occurred within their joint knowledge, after their own participation in the melancholy affair.

On the evening of the 23d instant, about the hour of 5 o'clock, p. m. Mr. Jones, the second of Mr. Cilley, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, the following note, which was the first paper borne by Mr. Jones, to wit:

Washington city, 23d Feb. 1838.

Hon. W. J. Graves:

Your note of this morning has been received. My friend, gen. Jones, will "make the arrangements suitable to the occasion."

Your ob't serv't,
JONA. CILLEY.

Immediately upon the presentation of the acceptance of the challenge, Mr. Graves retired, leaving Mr. Jones with Mr. Wise, who submitted to Mr. Wise the following propositions for the arrangement of the meeting, to wit:

Washington, Feb. 23, 1838.

Sir: Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, to-morrow, at 12 o'clock, m. The weapons to be used on the occasion shall be rifles; the parties placed side to side at eighty yards distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked, and triggers set; the words to be, "Gentlemen are you ready?" After which, neither answering "No" the words shall be, in regular succession, "Fire—one, two, three, four." Neither party shall fire before the word "fire" nor after the word "four." The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon and two other friends. The seconds, for the execution of their respective trusts, are allowed to have a pair of pistols each on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,
GEO. W. JONES.

Hon. Henry A. Wise.

About 9 o'clock, p. m. at Mr. Jones' room, at Dowson's Mr. Wise returned to him the following answer, to wit:

Washington, Feb. 23d, 1838.

Sir: The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented to me this evening though unusual and objectionable, are accepted; with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word "fire."

I will inform you, sir, by the hour of 11 o'clock, a. m. to-morrow, whether Mr. Graves has been able to procure a rifle, and consequently whether he will require a postponement of the time of meeting.

Your very obedient servant,
HENRY A. WISE.

Hon. Geo. W. Jones,

About 8 o'clock, a. m. on the 24th inst. Mr. Jones left at Mr. Wise's room the following note, to wit:

Washington city, D. C.
February 24, 1838.

Sir: I will receive, at doct. Reilly's on F street, any communication you may see proper to make me, until 11 o'clock, a. m. to-day.

Respectfully,
Your obedient servant,
GEO. W. JONES.

Hon. H. A. Wise.

Dr. Reilly's, F street, Feb. 24th, 1838.

10 o'clock, a. m.

Sir: I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready by 12 o'clock, m. to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half past 12 o'clock, m. to-day what time to procure and prepare a weapon he will require.

Very respectfully, &c.
HENRY A. WISE.

Hon. George W. Jones

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:

Washington, 10½ a. m.
February 24th, 1838

Sir: Your note dated at 10 o'clock to-day is received,

In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

Very respectfully, &c.
GEO. W. JONES.

Hon. Henry A. Wise.

Afterwards Mr. Jones sent to Mr. Wise's room the following note, to wit:

Washington,
Feb. 24, 1838, 11 a. m.

Sir: Through the politeness of my friend, doct. Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½, a. m. this morning.

Respectfully,
Your ob't servant,
GEO. W. JONES.

Hon. H. A. Wise.

And with this note a rifle and powder flask, and balls were left at Mr. Wise's room.

After the reception of this note from Mr. Jones, Mr. Wise called on him, at Dr. Reilly's, and informed Mr. Jones that Mr. Graves had procured a rifle other than that left at his room by Dr. Duncan, and would be ready for the meeting at 3 o'clock, p. m. It was then agreed that the parties should meet at the Anacosta bridge, on the road to Marlborough, in Maryland, between the hours of 1½ and 2½ o'clock, p. m. and if either got there first he should wait for the other, and that they would thence proceed out of the district. Accordingly, the parties met at the bridge, Mr. Cilley and his party arriving there first, and all proceeded, about 2 o'clock, p. m. to the place of meeting. On arriving at the place, Mr. Jones and Mr. Wise immediately proceeded to mark off the ground. They then decided the choice of positions. Mr. Wise won the position, and consequently Mr. Jones had the giving of the word. At this time Mr. Jones was informed by Mr. Wise that two gentlemen (Mr. Calhoun of Kentucky and Mr. Hawes of Kentucky) were at some distance off, spectators, but they should not approach upon the ground. Mr. Jones replied that he objected to their coming on the ground, as it was against the articles of the meeting, but he entertained for them the highest respect. Mr. Wise also informed Mr. Jones that, contrary to the terms, he had brought on the ground two rifles; that if he (Mr. Jones) required him to do so, he would immediately send one of them away. Upon Mr. Jones finding that the rifle was unloaded, he consented that it should remain in one of the carriages. There were, it is proper to remark, several persons on the ground, (besides the hack-drivers and the two gentlemen before mentioned at a distance,) who were there without the authority or consent of either party or their friends, as far as is known either to Mr. Jones or Mr. Wise, and one of these persons was supposed to be the owner of the field. Shortly after the hour of 3 o'clock, p. m. the rifles were loaded in the presence of the seconds; the parties were called together; they were fully instructed by Mr. Jones as to their position, and the words twice repeated to them, as they would be, and as they were, delivered to them, in the exchange of shots. After this they were ordered to their respective positions, the seconds assumed their places, and the friends accompanying the seconds were disposed along the line of fire to observe that each obeyed the terms of meeting. Mr. Jones gave the words distinctly, audibly, and in regular succession, and the parties exchanged shots without violating in the least a single instruction. They both missed. After which, Mr. Wise called upon the friends generally to assemble and to hear what was to be said. Upon the assembling of the friends, Mr. Jones inquired of Mr. Wise whether his friend (Mr. Graves) was satisfied? Mr. Wise immediately said, in substance: "Mr. Jones, these gentle-

men have come here without animosity towards each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves's hands col. Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied, in substance: "Whilst the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said, in substance: "The exchange of shots suspends the challenge, and the challenge is suspended for the purpose of explanation." Mr. Jones thereupon said he would see Mr. Cilley, and did go to him. He returned, and asked Mr. Wise again: "Mr. Wise, do I understand aright that the challenge is suspended?" Mr. Wise answered: "It is." Mr. Jones was then about to proceed, when Mr. Wise suggested that it was best, perhaps, to give the explanation or reason in writing. Mr. Jones then said, in substance: "Mr. Wise, if you require me to put what I have to say in writing, I shall require you to put what you have said, or may say, in writing." Mr. Wise replied: "Well, let us hear the explanation beforehand, as it may not be necessary to put it in writing." Mr. Jones then proceeded, as he now thinks, substantially to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from col. Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he now does, the highest respect and most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with col. Webb." Mr. Wise thinks this answer to Mr. Jones was, in substance, as follows: "I am authorized by my friend Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from col. Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he does now, the highest respect and the most kind feelings; but my friend refuses to disclaim disrespect for col. Webb, because he does not choose to be drawn into an expression of opinion as to him." Such is the substantial difference now between the two seconds, as to this answer of Mr. Jones. The friends on each side, with the seconds, then retired from each other to consult upon this explanation. After consultation, Mr. Wise returned to Mr. Jones, and said: "Mr. Jones, this answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." Much conversation then ensued between the seconds and their friends, but no nearer approach to reconciliation being made, the challenge was renewed, and another shot was exchanged in a manner perfectly fair and honorable to all parties. After this, the seconds and the friends again assembled, and the challenge was again withdrawn, and a very similar conversation to that after the first exchange of shots again ensued. Mr. Jones then remarked: "Mr. Wise, my friend, in coming to the ground, and exchanging shots with Mr. Graves, has shown to the world, that in declining to receive the note of col. Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here." To this, Mr. Wise replied in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for Mr. Graves in the written correspondence and Mr. Graves does not require of Mr. Cilley a certificate of character for col. Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, col. Webb." These words of Mr. Wise, Mr. Jones recollects, and Mr. Wise thinks he added the words: "Mr. Graves only insists that he has not borne the note of a man who is not a man of honor, and not a gentleman." After much more conversation, and ineffectual attempts to adjust the matter, the challenge was again renewed; and whilst the friends were again loading the rifles for the third exchange of shots, Mr. Jones and Mr. Wise walked apart, and each proposed to the other anxiously to settle the affair. Mr. Wise asked Mr. Jones "If Mr. Cilley could not assign the reason for declining to receive the note of col. Webb, that he (Mr. Cilley) did not hold himself accountable to col. Webb for words spoken in debate?" Mr. Jones replied that "Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate." Mr. Wise then, according to his recollection, asked Mr. Jones whether "Mr. Cilley would not say, that in declining to receive the note of col. Webb, he meant no disrespect to Mr. Graves, either directly or indirectly?" To which Mr. Jones replied in the affirmative, adding, "Mr. Cilley entertains the highest respect for Mr. Graves, but de-

clined to receive the note, because he chose to be drawn into no controversy with col. Webb. After further explanatory conversation, the parties then exchanged the third shot, fairly and honorably, as in every instance. Immediately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, "If this matter is not terminated this shot, and is not settled; I will propose to shorten the distance." To which Mr. Jones replied, "After this shot, without effect, I will entertain the proposition."

After Mr. Cilley fell, Mr. Wise, for Mr. Graves, expressed a desire to Mr. Jones to see Mr. Cilley. Mr. Jones replied to Mr. Wise, "My friend is dead;" and went on to Mr. Graves, and told him that there was no objection to his request to see Mr. Cilley. When Mr. Jones approached Mr. Graves, and informed him that his request should be granted, Mr. Graves inquired, "How is he?" The reply was, "My friend is dead, sir." Mr. Graves then went to his carriage. Mr. Wise inquired of Mr. Jones, before leaving the ground, whether he could render any service, and tendered all the aid in his power. Mr. Wise and Mr. Jones concur that there were three shots exchanged.

Such is the naked statement of all the material facts and circumstances attending this unfortunate affair of honor, which we make in justice to our friends, to ourselves, to all concerned, to the living and to the dead; and it is made for the only purpose of allaying excitement in the public mind, and to prevent any and all further controversy upon a subject, which already is full enough of woe. We have fully and substantially stated wherein we agree and disagree. We cordially agree, at all events, in bearing unqualified testimony to the fair and honorable manner in which this duel was conducted. We endeavored to discharge our duties according to that code under which the parties met, regulated by magnanimous principles, and the laws of humanity. Neither of us has taken the least exception to the course of the other; and we sincerely hope that here all controversy whatever may cease. We especially desire our respective friends to make no publication on the subject. None can regret the termination of the affair more than ourselves, and we hope again that the last of it will be the signatures of our names to this paper, which we now affix.

GEO. W. JONES.
HENRY A. WISE.

THE ALTON AFFAIR.

A brief notice that the Alton trials had resulted in the acquittal of all the parties, has been for some time travelling the rounds of our newspaper press. These trials involved the riots, arson, and murder of last November, at Alton, and such reports as we have seen are very perplexed and unsatisfactory.

In the first case that attracted my attention, it appeared that the court disclaimed jurisdiction. From what I could collect, the court was a newly organized city tribunal, which, with its entire jurisdiction, had been created subsequent to the transactions drawn into question before it. Hence its disclaimer of jurisdiction. In that case, the jury found the defendants guilty of the facts charged, and not guilty for defect of jurisdiction of the court. To the profession, generally, this would appear a most anomalous proceeding, indicating a mere mockery of justice. Whether the other cases were brought on before the same unauthorized court, or whether it was rendered competent to try and punish, we are not advised. The parties implicated have been subjected to the form of trial, and have got the benefits of an acquittal. It is due to the country that these trials should be better understood.

The Alton Telegraph, edited by J. Baillhache, gives us a sketch of the trials which last look place. They appear to have been had in the municipal court. The parties who defended the house were charged with a riot in one indictment; the assailants were charged with the same offence, in another indictment. We subjoin the Telegraph sketch of this latter trial.

"On the part of the people, it was proved that the press had arrived by steamboat a day or two previous to the 7th of November, consigned to Mr. A. B. Rolf, but was landed at Messrs. Godfrey & Gilman's warehouse, where it was stored; that said warehouse was built by those gentlemen in 1832, and has been since that time owned and occupied by them, as forwarding and commission merchants; that, on the afternoon of November 7, one of the defendants had told the witness (H. H. West, esq.) that the boys were going to attack the warehouse, and that it would either be blown up or burnt, unless the press was given up; and that some of the defendants were in a company of about twenty-five, that formed a line from a certain grocery, swearing that they would have the press at all hazards. It

was also proved that two guns or pistols were fired from the outside of the warehouse at those within; that showers of stones were discharged against the front of the building, by which the windows were demolished; that, during the attack, a man named Bishop was shot from the inside of the warehouse; that some of the defendants were seen carrying away his body, observing that one of their men had been wounded; that Mr. Gillman addressed the crowd from the third story of the building, requesting them to desist, and stating that he was defending his property, which he felt it his duty to do at the risk of his life; that he was replied to by one of the defendants, as spokesman for the rest, who observed that they were determined to destroy the press, if it cost them their lives.

"It was also proved by the mayor and S. W. Robbins, a justice of the peace, that they identified several of the defendants, with arms in their hands, declaring that they would have the press; that a man was seen going towards the warehouse with fire in his hands, swearing that he would burn down the building; that a ladder was set up against the side, and the fire actually communicated to the roof; that at this time Mr. West went in with the mayor to propose a capitulation, by which it was stipulated that if those inside would leave the warehouse and give up the press, they should not be injured, and no other property except the press molested; that the building was accordingly abandoned by Mr. Gilman and its other defenders, as the only means left them to prevent its destruction, and that of their own lives; that they were fired upon by some of the crowd as they retreated; that, upon their leaving the warehouse, it was immediately entered by some of the defendants, and others; that the press was thrown out and demolished with a sledgehammer, &c.

"This constitutes the sum of the evidence on the part of the prosecution. On the part of the defendants it was proven by Mr. Gillman that he was not the owners of the press, and had no further interest in it than the liability of himself and partner for its safe-keeping. After argument by counsel, the case was submitted to the jury, who returned a verdict of not guilty.

"Counsel for the people, F. B. Murloch, city attorney, and Alfred Cowles, esq.; for the defence, U. F. Linder, esq. attorney general."—*Cincinnati Gazette*.

THE HON. MR. RUGGLES.

The following is Mr. Jones's statement of the transaction with Mr. Ruggles in relation to his patent lock.

State of New Jersey, Essex county, to wit:—Be it remembered that on this tenth day of February, in the year of our Lord, 1838, before me, Jacob L. Douglass one of the justices of the peace in and for the county of Essex aforesaid duly commissioned and sworn and residing at the city of Newark, in said county, personally appeared Henry C. Jones, of the city of Newark aforesaid, of full age, who being by me duly sworn according to law, on his oath deposeth and saith: that in the month of January last, he, this deponent, went to the city of Washington, for the purpose of ascertaining the sufficiency of the specification, upon which a patent of a lock for trunks, bags &c. had been previously granted to this deponent, and of procuring a new patent, if the former should prove insufficient, and also with the view of introducing his said lock into more general notice, and of procuring its adoption by the post office department, if possible.

That on or about the 25th January last past, this deponent applied to the hon. Henry L. Ellsworth, commissioner of the patent office, at the patent office in the city of Washington, and requested his opinion as to the sufficiency of the specification on which his patent had been granted, and was by him referred to Dr. Jones and Mr. Keller, whom he found in a private apartment in the patent office, known as the secret archives, and also a third person, then unknown to this deponent.

That the deponent then submitted his patent and specification, to the three persons above mentioned, all of whom concurred in declaring them to be insufficient; this deponent thereupon inquired for a competent person whom he could procure to draw a new and correct specification, when the person above alluded to, and who was then unknown to this deponent, offered to draw a new specification for the deponent, and on this deponent's enquiring what would be his charge for so doing, answered that "he did not know, perhaps nothing; he would see when it was done." This deponent then enquired for his address, and on its being given, learned, to his surprise, that he was the hon. John Ruggles, U. S. senator from Maine. This deponent by the invitation of Mr. Ruggles, called upon him at his lodgings, on the evening of that

day, and also on the evenings of the two succeeding days, and during those interviews had considerable conversation with Mr. Ruggles respecting the lock which this deponent had invented, and for which he was desirous to obtain a new patent. In the course of these conversations, Mr. Ruggles spoke repeatedly and strongly of the great difficulty of preparing specifications correctly, and of the large number of specifications that were incorrectly made, and also observed that he was the framer of the present patent law, and could therefore prepare specifications under it better than any other person.

During the conversation above named, this deponent also expressed his desire to procure the adoption of his lock for mail bags, by the post-office department, and Mr. Ruggles said he had considerable influence with the post office department, and proposed to this deponent, that if this deponent would give him an interest in the profits arising from the manufacture and sale of the locks, he (Mr. R.) would use his influence to procure its adoption by the department. Mr. Ruggles at the same time proposed that the assignment of interest in the lock should be made in the name of his (Mr. Ruggles') brother who lives at Worcester, Massachusetts, and requested this deponent not to let it be known, that he (Mr. R.) had any interest in the lock, as, if known, it might lessen his influence in procuring it to be adopted by the post office department. This deponent objected to making an assignment to Mr. Ruggles' brother, without having seen him, and Mr. Ruggles subsequently, in one of the committee rooms at the capitol, said that he would take the assignment in his own name.

Several days having elapsed after Mr. Ruggles had undertaken to prepare the specification, and this deponent being desirous to return home, and to avoid the expense of a protracted stay at Washington, he became urgent with Mr. Ruggles to complete the specification, and finally, on the first day of this present month, Mr. Ruggles informed this deponent that the specification was completed. They accordingly on the same day, went together to the patent office and after this deponent had made affidavit to the specification which Mr. Ruggles had prepared, and this deponent had also paid to the proper officer the fees required for securing a new patent, he, this deponent, requested Mr. Ruggles to deliver to him the specification to be deposited with the proper officer and also the old patent that he might give it up to be cancelled, which was necessary to be done before a new patent could be obtained. Mr. Ruggles declined giving them to the deponent alleging that he wished to make some alteration in the specification in order to render it more correct, to which the deponent objected inasmuch as it had been sworn to by him and therefore ought not to be altered. Mr. Ruggles then requested this deponent to retire with him into the apartment used as a depository of models, and there presented to this deponent a paper purporting to be a memorandum of covenants and agreements between the said John Ruggles and this deponent, which he requested this deponent to sign, and of which the following is a true copy from the original now in the possession of this deponent, omitting the erasures—

"Memorandum of covenants and agreements made and entered into by and between Henry C. Jones, of Newark, in the state of New Jersey on one part, and John Ruggles of Thomaston, in the state of Maine, on the other part, witnesseth, that whereas the said Jones has taken out a patent for an improved lock for mail pouches, bags, trunks, chests, &c., and the said Ruggles has become interested by assignment in the said patent—Now, therefore, in consideration thereof, the said Jones claiming the special right, during the term of the patent, of manufacturing all said locks, which the said Ruggles, his agents or assigns shall want, or for which he or they may find a sale, the said Jones for himself, his heirs and assigns, covenants and agrees to manufacture and deliver all said locks which said Ruggles, his heirs or assigns may apply for, with reasonable promptness and despatch: and the locks which said Ruggles shall so receive, he shall account for and pay to said Jones, his heirs or assigns, three fourths of the amount or price which he or they shall receive or realize from others generally. And the said Jones on his part, for himself, his heirs and assigns, covenants and agrees to render an account to the said Ruggles, his heirs and assigns, of all said locks he, his heirs or assigns shall dispose of, and pay to said Ruggles, his heirs or assigns, one fourth part of the sums or price received therefor, (not, however, being accountable for bad debts contracted in the state thereof,) first deducting the expense of manufacturing the same.

This deponent took the said paper, but declined signing it at the time, saying that he wished opportunity to examine it. Mr. Ruggles strongly urged deponent to sign said writing, saying, among other things, that he had discovered an improvement of the lock which he would communicate to this deponent, if he would sign the said paper, but this deponent persisted in declining to sign it. In the course of the conversation which then took place, this deponent remarked that he wished his lock to stand on its own merits; and to which Mr. Ruggles replied—"Things do not go down here on their own merit, but by pulling the right strings, and if you will make me interested, I will pull the right string, otherwise, I will have nothing to do about it, unless you will sign the paper before you go home." This deponent and Mr. Ruggles then parted. Mr. Ruggles taking with him the specification and the old patent; the latter, however, the deponent succeeded in obtaining from him on the evening of the same day, and having by the aid of real friends, procured a new specification to be prepared by a competent person, succeeded at last in procuring a new patent without the friendly offices and assistance of the hon. John Ruggles, of Thomaston in the state of Maine, and without sacrificing the quarter part of his earnings for fourteen years to come.

HENRY C. JONES,

Sworn to and subscribed the day and year first above written before me.

JACOB L. DOUGLASS,

Justice of the peace.

OFFICIAL—FIRE.

West Point, Feb. 19, 1838.

Sir: It becomes my duty to inform you that the buildings occupied by the engineering, chemical, and philosophical departments, and the library, were consumed last night by fire. The fire originated in one of the engineering rooms, used on Sundays as a reading room, and was not discovered until it had so far spread as to render all efforts to extinguish it useless.

In communicating this unfortunate occurrence to you, it is gratifying to have it in my power to state that the books of the library, the philosophical instruments, and the chemical apparatus, were all saved, by the timely exertions of the officers and cadets. Of course, many articles have been more or less injured in the rapid manner in which they had to be removed, but the loss will be considerable, compared with the value of property exposed. The adjutant's office was immediately over the room where the fire originated, and I regret to inform you that all the records and papers were destroyed. I have been busy this forenoon in having the books and instruments secured, and have occupied rooms at the hotel for that purpose.

The misfortune will only cause a delay of two or three days in the academic exercises.

I have, sir, to request that a court of inquiry may be ordered for the purpose of investigating the cause of the accident.

No time will be lost in laying before you the extent of the damages sustained.

With the highest respect,

I have the honor to be, sir,

Your obedient servant,

R. E. DE RUSSEY,

Lieut. col. and superintendent M. A.

Brig. Gen. CHARLES GRATIOT,
Chief Engineer. U. S.

IMPORTANT FROM DETROIT.

From the Cleveland Advertiser.

The following letter was received by this morning's mail, from a gentleman, a resident of this city, now in Detroit, whose statements are made from personal observation, and may be relied upon as correct:

Detroit, Friday, Feb. 16.

As but little intelligence has recently been found in the Detroit journals as to the progress of the revolution in Canada, you may be desirous of being advised of passing events upon this portion of the frontier. I have just passed from Lower Sandusky to this city, and have collected all the information as to the plans, the strength of the patriots, and also the means of resistance with which they are to be opposed by the provincial government. A profound silence is attempted to be maintained here as to the offensive movements of the patriots; so much so, indeed, that by many, even here, the enterprise is supposed to be abandoned; and were I not satisfied that a decisive blow will be struck before you shall have received this letter, I should not feel at liberty to address you on the subject.

Gen. Van Rensselaer is here in person, though he appears only "incog.," and Southerland and Freeland are also here, and Duncombe and McKen-

zie are supposed to be here. The militia have been ordered out, under the command of gen. Brady, to maintain the stipulated neutrality between the United States government and that of the Canadas; but general B., finding their sympathies so strongly in favor of the patriot cause was obliged to discharge them. The only force, therefore, now engaged in this service is a company of the United States troops, sent from Buffalo by general Scott, which is stationed at Gibraltar. The patriot army which is scattered along this portion of the frontier, is from fifteen hundred to two thousand strong, and is well supplied by its officers, with all the necessary munitions of war. Few, however, of the soldiers are to be found in the principal towns, but are dispersed through the interior at some distance from the shore, who stand ready, at a moment's warning, to rush to the rallying points, and enter upon actual service. Despatches were yesterday sent to different quarters, the object of which, as is supposed, was to collect, and march to the point designated for the complete organization of the army. You will see, therefore, that, should nothing occur to arrest the present movements, a descent will be made upon Canada as early as Sunday or Monday next. The intention is to cross the ice a mile or more below Gibraltar, and enter the province at a sufficient distance from the fort at Malden to avoid being borne down upon by the ordinance stationed there for its defence.

In relation to the force at Malden, it is variously estimated at from five to eleven hundred regular troops; the latter of which must fall nearer the truth, provided the intelligence of last evening was correct, that a reinforcement of eight hundred men from Toronto had been received. Prior to this, however, the force at Malden must have been very inconsiderable.

You will see, from what I have written, that the spirit of revolution is not, as has been supposed, extinguished. It is true, indeed, that some of its leading enterprises have miscarried; but it is also true that, while the fortune of war seemed unpropitious, the brutality and oppression which have been executed upon those who, during the recent struggle, have fallen into the hands of tyrants, have fanned the fire of revolution into a fiercer flame.

I am, in haste, truly yours, &c.

Detroit, Saturday, Feb. 17.

"Intelligence reached here this morning that the patriots crossed over to the Canada shore last evening, with a strong force. They entered the province below Malden, according to previous arrangements."

Correspondence of the Albany Argus.

Adams, Jefferson, co. Feb. 19, 1838.

The state arsenal at Watertown was broken open last evening, and some 500 muskets was taken out. Fairbanks, who is the keeper, has offered a reward of \$250 for the recovery of them.

There begins to be some excitement here upon the subject of Canada. Many loads of men and provisions have been and are now passing here for the north.

Some of them have called at the different stores for powder, and have bought all that was for sale by the keg. Whether it will amount to any thing or not, we cannot determine.

[The report is, that there is a considerable force on the frontier, in Jefferson county, and that a descent upon Canada, at some point, is contemplated. We doubt it, however.]

A letter from Hamilton, dated 12th February, in the Rochester Democrat, states that there was a riot at Toronto on the 9th, in which four were killed and several wounded.

SPEECH OF MR. WEBSTER,

OF MASSACHUSETTS,

Wednesday, January 31, 1838,

ON THE SUB-TREASURY BILL.

"Let the government attend to its own business, and let the people attend to theirs."

"Let the government take care that it secures a sound currency for its own use, and let it leave all the rest to the states and the people."

These ominous sentences, Mr. President, have been ringing in my ears ever since they were uttered yesterday by the member from New York. Let the government take care of itself, and the people take care of themselves. This is the whole principle and policy of the administration, at the present most critical moment, and on this great and all-absorbing question of the currency.

Sir, this is an ill-boding announcement. It has nothing of consolation, of solace, or of hope in it.

It will carry through all the classes of commerce and business nothing but more discouragement and deeper fears. And yet this is but repetition. It is

only a renewed exhibition of the same spirit which was breathed by the message and the bill of the last session, of which this bill is also full, and which has pervaded all the recommendations and all the measures of government since May. Yet I confess that I am not, even yet, so familiar with it, so accustomed to hear such sentiments avowed, as that they cease to astonish me. I am either groping in thick and palpable darkness myself, in regard to the true objects of the constitution, and the duties of congress under it, or else these principles of public policy, thus declared, are at war with our most positive and urgent obligations.

The honorable member made other observations indicative of the same general tone of political feeling. Among his chosen topics of commendation of the bill before us, a prominent one was, to shelter the administration from that shower of imputations, as he expressed the idea, which would always beat upon it as it beats now, when disasters should happen to the currency. Indeed! And why should the administration, now or ever, be sheltered from that shower? Is not currency a subject over which the power and duty of government extend? Is not government justly responsible for its condition? It is not, of necessity, wholly and entirely under the control and regulation of political power? Is it not a matter, in regard to which, the people cannot, by any possibility, protect themselves, any more than they can, by their own individual efforts, supercede the necessity of the exercise by government of any other political power? What can the people do for themselves, to improve the currency? Sir, the government is justly answerable for the disasters of the currency, saving always those accidents which cannot at all times be foreseen or provided against. It is at least answerable for its own neglect, if it shall be guilty of it, in not exercising all its constitutional authority for the correction and restoration of the currency. Why does it, how can it, shrink from this responsibility? Why does it seek not the laurels of victory, not the reputation, even of manly contest, but the poor honors of studied and eager escape? Sir, it never can escape. The common sense of all men pronounces that the government is, and ought to be, and must be, answerable for the regulation of the currency of the country; that it ought to abide, and must abide, the peltings of the storm of imputation, so long as it turns its back upon this momentous question, and seeks to shelter itself in the safes and the vaults, the cells and the caverns of a sub-treasury system.

But of all governments that ever existed, the present administration has least excuse for withdrawing its care from the currency, or shrinking from its just responsibility in regard to it.

Its predecessor, to whose footsteps it professes to tread, has interfered, fatally interfered, with that subject. That interference was, and has been, the productive cause of our disasters. Did the administration disclaim power over the currency in 1833, when it removed the deposits? And what meant all its subsequent transactions, all its professions, and all its efforts, for that better currency which it promised, if, in truth, it did not hold itself responsible to the people of the United States for a good currency? From the very first year of the late administration to the last, there was hardly a session, if there was a single session, in which this duty of government was not acknowledged, promise of high improvement put forth, or loud claims of merit asserted, for benefits already conferred. It professed to erect the great temple of its glory on improvements of the currency.

And, sir, the better currency, which has been so long promised, was not a currency for the government, but a currency for the people. It was not for the use of revenue merely but for the use of the whole commerce, trade, and business of the nation. And now, when the whole industry, business, and labor of the country, is harassed and distressed by the evils brought upon us by its own interference, government talks with all possible coolness of the great advantage it will be to adopt a system which shall shield itself from a thick-falling shower of imputations. It disclaims, it renounces, it abandons its duties, and then seeks an inglorious shelter in its professed want of power to relieve the people.

We demand the better currency; we insist on the fulfilment of the high and flattering promises; and surely there never was a government on the face of the earth that could, with less propriety, resist the demand; yet, we see it seek refuge in a bold, cold, and heartless denial of the competency of its own constitutional powers. It falls back from its own undertakings, and flatly contradicts its own pretensions. In my opinion, it can find no refuge, where the public voice will not reach it. There can be no shelter, while these times last, into which go-

vernment can retreat, wherein it can hide, and screen itself from the loud voice of the country, calling upon it to come forth to fulfil its promises, or at least, now that these promises are all broken, to perform its duties. The evils of a disordered currency are evils which do not naturally correct or cure themselves. Nor does chance, or good luck, often relieve that community which is suffering under them. They require political remedy; they require provisions to be made by government; they demand the skilful hand of experienced statesmen. Until some just remedy be applied, they are likely to continue, with more or less of aggravation, and no man can tell when or how they will end. It is vain, therefore, quite vain, for government to hope that it may retreat from this great duty, shield itself under a system, no way agreeing either with its powers or its obligations, and thus escape reproaches, by attempting to escape responsibility.

Mr. President, there is fault and failure somewhere. Either the constitution has failed, or its administration fails. The great end of a uniform and satisfactory regulation of commerce is not answered, because the national currency, an indispensable instrument of that commerce, is not preserved in a sound and uniform state.

Is the fault in the constitution itself? Those who affirm that it is, must show how it was, if that be so, that other administrations, in other times, have been able to give the people abundant satisfaction in relation to the currency. I suppose it will be said, in answer to this, that the constitution has been violated; that it was originally misconstrued; that those who made it did not understand it; and that the sage and more enlightened politicians of our times see deeper and judge more justly of the constitution than Washington and Madison. Certain it is, that they have more respect for their own sagacity than for all the wisdom of others, and all the experience of the country; or else they find themselves, by their party politics and party commitments, cut off from all ability of administering the constitution according to former successful practice.

Mr. President, when I contemplate the condition of the country; when I behold this utter breaking down of the currency, this wide spread evil among all the industrious classes, this acknowledged inability of government to pay its debts legally, this prostration of commerce and manufactures, this shocking derangement of internal exchange, and the general crash of credit and confidence; and when I see that three hundred representatives of the people are here assembled, to consult on the public exigency; and that, repudiating the wisdom of our predecessors, and rejecting all the lights of our own experience, nothing is proposed, for our adoption, to meet an emergency of this character, but the bill before us, I confess, sir, the whole seems to me some strange illusion. I can hardly persuade myself that we are all in our waking senses. It appears like a dream, like some phantasm, of the night, that the opening light of the morning usually dispels.

There is so little of apparent relation of means to ends; the measure before us has so little to promise for the relief of existing evils; it is so alien, so outlandish, so abstracted, so remote from the causes which press down all the great public interests, that I really find it difficult to regard as real what is thus around me.

Sir, some of us are strangely in error. The difference between us is so wide, the views which we take of public affairs so opposite, our opinions, both of the causes of present evils and their appropriate remedies, so totally unlike, that one side or the other must be under some strange delusion. Darkness, thick darkness, hangs either over the supporters of this measure or over its opponents. Time, and the public judgment, I trust, will sooner or later disperse these mists, and men and measures will be seen in their true character. I think, indeed, that I see already some lifting up of the fog.

The honorable member from New York has said that we have now already existing a mode of conducting the fiscal affairs of the country substantially such as that will be which this bill will establish. We may judge therefore, he says, of the future by the present. A sub-treasury system, in fact, he contends, is now in operation, and he hopes the country sees so much good in it as to be willing to make it permanent and perpetual.

The present system, he insists, must at least be admitted not to have obstructed or impeded the beneficial action of the immense resources of the country. Sir, this seems to me a most extraordinary declaration. The operation and energy of the resources of the country not obstructed? The business of the community not impeded? Why, sir, this can only be true upon the supposition that the present evils are no way attributable to the policy

of government, that they all spring from some extraneous and independent cause. If the honorable member means that the disasters which have fallen upon us arise from causes which government can not control; such as overtrading or speculation, and that government is answerable for nothing, I can understand him, though I do not at all concur with him. But that the resources of the country are no now in a state of great depression and stagnation is what I had supposed none would assert. Sir, what are the resources of the country? The first of all, doubtless, is labor? Does this meet no impediment? Does labor find itself rewarded, as heretofore, by high prices, paid in good money? The whole mass of industry employed in commerce and manufactures, does it meet with no obstruction, or hindrance, or discouragement? And commerce and manufactures, in the aggregate, embracing capita as well as labor, are they too in a high career of success? Is nothing of impediment or obstruction found connected with their present condition?

Again, sir, among our American resources, from the very first origin of this government, credit and confidence have held a high and foremost rank. We owe more to credit, and to commercial confidence, than any nation which ever existed; and ten times more than any nation, except England. Credit and confidence have been the life of our system, and powerfully productive causes of our prosperity. They have covered the seas with our commerce, replenished the treasury; paid off the national debt, excited and stimulated the manufacturing industry, encouraged labor to put forth the whole strength of its sinews, felled the forests, and multiplied our numbers, and augmented the national wealth, so far beyond all example, as to leave us a phenomenon for older nations to look at with wonder. And this credit, and this confidence, are they now no way obstructed or impeded? Are they now acting with their usual efficiency, and their usual success, on the concerns of society?

The honorable member refers to the exchanges. No doubt, sir, the rate of foreign exchange has nothing in it alarming. Nor has it had, if our domestic concerns had been in a proper condition. But that the internal exchanges are in a healthful condition, as the honorable member alleges, is what I can by no means admit. I look upon the derangement of the internal exchanges as the precise form in which existing evils most manifestly exhibit themselves. Why, sir, look at the rates between large cities in the neighborhood of each other. Exchange between Boston and New York, and also between Philadelphia and New York, is 1½ to 2 per cent. This could never happen but from a deranged currency; and can this be called a healthful state of domestic exchange?

I understand that the cotton crop has done much towards equalizing exchange between New Orleans and New York; and yet I have seen, not many days since, that in other places of the south, I believe Mobile, exchange on New York was at a premium of 5 to 10 per cent.

The manufacturers of the north can say how they have found, and how they now find, the facilities of exchange. I do not mean exclusively, or principally, the large manufacturers of cotton and woollen fabrics; but the smaller manufacturers, men who, while they employ many others, still bestow their own labor on their own capital; the shop manufacturers, such manufacturers as abound in New Jersey, Connecticut, and other parts of the north. I would ask the gentlemen from these states how these neighbors of theirs find exchanges, and the means of remittance, between them and their correspondents and purchasers in the south. The carriage makers, the furniture makers, the hatters, the dealers in leather, in all its branches, the dealers in domestic hardware; I should like to hear the results of the experience of all these persons, on the state of the internal exchanges, as well as the general question whether the industry of the country has encountered any obstacle in the present state of the currency.

Mr. President, the honorable member from New York stated correctly, that this bill has two leading objects.

The first is, a separation of the revenue, and the funds of government, from all connexion with the concerns of individuals, and of corporations; and especially a separation of these funds from all connexion with any banks.

The second is, a gradual change, in our system of currency, to be carried on till we can accomplish the object of an exclusive specie or metallic circulation, at least in all payments to government, and all disbursements by government.

Now, sir, I am against both these propositions, ends as well as means.

I am against this separation of government and

people, as unnatural, selfish, and an abandonment of the most important political duties.

I am for having but one currency, and that a good one, both for the people and the government.

I am opposed to the doctrines of the message of September, and to every thing which grows out of those doctrines. I feel as if I were on some other sphere, as if I were not at home, as if this could not be America, when I see schemes of public policy proposed, having for their object the convenience of government only, and leaving the people to shift for themselves, in a matter which naturally and necessarily belongs, and in every other country is admitted to belong, to the solemn obligations and the undoubted power of government. Is it America, where the government, and men in the government, are to be better off than the people? Is it America, where government is to shut its eyes and its ears to public complaint, and to take care only of itself? Is it America, Mr. President, is it your country, and my country, in which, at a time of great public distress, when all eyes are turned to congress, and when most men feel that substantial and practical relief can come only from congress, that congress, nevertheless, has nothing on earth to propose, but bolts and bars, safes and vaults, cells and hiding places, for the better security of its own money; and nothing on earth, not a beneficial law, not even a kind word, for the people themselves? Is it our country, in which the interest of government has reached such an ascendancy over the interest of the people, in the estimate of the representatives of the people? Has this, sir, come to be the state of things, in the old thirteen, with the new thirteen added to them? For one, I confess I know not what is American, in policy, in public interest, or in public feeling, if these measures be deemed American.

The first general aspect, or feature of the bill, the character written broadly on its front, is this abandonment of all concern for the general currency of the country. This is enough for me. It secures my opposition to the bill in all stages. Sir, this bill ought to have had a preamble. It ought to have been introduced by a recital, setting forth, that whereas the currency of the country has become totally deranged; and whereas, it has heretofore been thought the bounden duty of this government to take proper care of that great branch of the national interest; and whereas, that opinion is erroneous, obsolete, and heretical; and whereas, according to the true reading of the constitution, the great duty of this government, and its exclusive duty, so far as currency is concerned, is to take care of itself; and whereas, if government can but secure a sound currency for itself, the people may very well be left to such a currency as the states, or the banks, or their own good fortune, or bad fortune, may give them; therefore be it enacted, &c. &c. &c.

The very first provision of the bill is in keeping with its general objects and general character. It abandons all the sentiments of civilized mankind on the subject of credit and confidence, and carries us back to the dark ages. The first that we hear is of safes, and vaults, and cells, and cloisters. From an intellectual it goes back to a physical age. From commerce and credit, it returns to hoarding and hiding; from confidence and trust, it retreats to bolts and bars, to locks with double keys, and to pains and penalties for touching hidden treasure. It is a law for the times of the feudal system; or a law for the heads and governors of the piratical states of Barbary. It is a measure fit for times when there is no security in law, no value in commerce, no active industry among mankind. Here, it is altogether out of time and out of place. It has no sympathy with the general sentiments of this age, still less has it any congeniality with our American character, any relish of our hitherto approved and successful policy, or any agreement or conformity with the general feeling of the country.

The gentleman, in stating the provisions of the first section, proceeds to say, that it is strange that none of our laws heretofore has ever attempted to give to the treasury of the United States a "local habitation." Hence it is the object of this first section of the bill to provide and define such local habitation. A local habitation for the treasury of a great and growing commercial country, in the nineteenth century! Why, sir, what is the treasury? The existing laws call it a "department." They say, there shall be a department, with various officers, and a proper assignment of their duties and functions; and that this shall be the department of the treasury. It is thus an organized part of government; an important and indispensable branch of the general administration, conducting the fiscal affairs of the country, and controlling subordinate agents.

But this bill does away with all legal and po-

litical ideas, and brings this important department down to a thing of bricks and mortar. It enacts that certain rooms in the new building, with their safes and vaults, shall constitute the treasury of the United States! And this adoption of new and strange notions, and this abandonment of all old ideas, is all for the purpose of accomplishing the great object of separating the affairs of government from the affairs of the country. The nature of the means shows the nature of the object; both are novel, strange, untried, and unheard of. The scheme, sir, finds no precedent, either in our own history, or the history of any other respectable nation. It is admitted to be new, original, experimental; and yet its adoption is urged upon us as confidently as if it had come down from our ancestors, and had been the cherished policy of the country in all past times.

I am against it altogether. I look not to see whether the means be adapted to the end. That end itself is what I oppose, and I oppose all the means leading to it. I oppose all attempts to make a separate currency for the government, because I insist upon it, and shall insist upon it, until I see and feel the pillars of the constitution falling around me and upon my head, that it is the duty of this government to provide a good currency for the country and for the people, as well as for itself.

I put it to gentlemen to say, whether currency be not a part of commerce, or an indispensable agent of commerce; and something, therefore, which this government is bound to regulate, and to take care of? Gentlemen will not meet the argument. They shun the question. We demand that the just power of the constitution shall be administered. We assert, that congress has power to regulate commerce, and currency as a part of commerce; we insist that the public exigency, at the present moment, calls loudly for the exercise of this power,—and what do they do? They labor to convince us that the government itself can get on very well without providing a currency for the people, and they betake themselves, therefore, to the sub-treasury system, its unassailable walls, its iron chests, and doubly secured doors. And having satisfied themselves, that, in this way, government may be kept going, they are satisfied. A sound currency for government, a safe currency for revenue; these are the only things promised, the only things proposed. But these are not the old promises. The country, the country itself, and the whole people, were promised a better currency, for their own use; a better general currency; a better currency for all the purposes of trade and business. This was the promise, solemnly given by the government in 1833, and so often afterwards renewed, through all successive years, down to May last. We heard nothing, at that time, of a separation between government and people. No, sir, not a word. Both were to have an improved currency. Sir, I did not believe a word of all this; I thought it all mere pretence or empty boasting. I had no faith in these promises, not a particle. But the honorable member from New York was confident; confident, then, as he now is; confident of the success of the first scheme, which was plausible, as he is confident of this, which is strange, alien, and repulsive in its whole aspect. He was then as sure of being able to furnish a currency for the country, as he is now of furnishing a currency for government. He told us, at that time, that he believed the system, adopted by the late administration, was fully competent to its object. He felt no alarm for the result; he believed all the president had done, from the removal of the deposits downwards, was constitutional and legal, and he was determined to place himself by the side of the president, and desired only to stand or fall, in the estimation of his constituents, as they should determine in the result. And that result has now come.

As I have said, sir, I had no faith at all in all the promises of the administration, made before and at that time, and constantly repeated. I felt no confidence, whatever, in the whole project; I deemed it rash, headstrong, and presumptuous, to the last degree. And, at the risk of the charge of some offence against good taste, I will read a paragraph from some remarks of mine, in February, 1834, which sufficiently show what my opinion and my apprehensions then were:

"I have already endeavored to warn the country against irredeemable paper; against bank paper, when banks do not pay specie for their own notes; against that miserable, abominable, and fraudulent policy, which attempts to give value to any paper of any bank, one single moment longer than such paper is redeemable on demand in gold and silver. And I wish, most solemnly and earnestly, to repeat that warning. I see danger of that state of things ahead. I SEE IMMINENT DANGER THAT MORE OR FEWER OF THE STATE BANKS WILL

STOP SPECIE PAYMENT. The late measure of the secretary, and the infatuation with which it seems to be supported, tend directly and strongly to that result. Under pretence, then, of a design to return to a currency which shall be all specie, we are likely to have a currency in which there shall be no specie at all. *We are in danger of being overwhelmed with irredeemable paper; mere paper, representing not gold or silver; no, sir, representing nothing but BROKEN PROMISES, BAD FAITH, BANKRUPT CORPORATIONS, CHEATED CREDITORS, AND A RUINED PEOPLE!*"

And now, sir, we see the upshot of the experiment. We see around us bankrupt corporations and broken promises, but we see no promises more really and emphatically broken than all those promises of the administration which gave us assurance of a better currency. These promises, now broken, notoriously and openly broken, if they cannot be performed, ought at least to be acknowledged. The government ought not, in common fairness, and common honesty, to deny its own responsibility, seek to escape from the demands of the people, and to hide itself, out of the way and beyond the reach of the process of public opinion, by retreating into this sub-treasury system. Let it, at least, come forth, let it bear a part of honesty and candor; let it confess its promises, if it cannot perform them; and, above all, now, even now, at this late hour, let it renounce schemes and projects, the inventions of presumption, and the resorts of desperation, and let it address itself, in all good faith, to the great work of restoring the currency by approved and constitutional means.

But, sir, so far is any such course from all probability of being adopted, so little ground of hope is there that this sub-treasury system will be abandoned, that the honorable member from New York has contended and argued, in his place, that the public opinion is more favorable to this measure now proposed, than to any other which has been suggested. He claims for it the character of a favorite with the people. He makes out this sub-treasury plan to be quite high in popular estimation. Certainly, sir, if the honorable member thinks so, he and I see with different eyes, hear with different ears, or gather the means of opinion from different sources. But what is the gentleman's argument? It is this: The two houses of congress, he says, reflect the wishes and opinions of the people; and with the two houses of congress this system, he supposes, is more acceptable than any other.

Now, sir, with the utmost respect for the two houses of congress, and all their members, I must be permitted to express a doubt, and, indeed, a good deal more than a doubt, whether, on this subject, and at the present moment, the two houses do exactly reflect the opinions and wishes of the people. I should not have adverted to the state of opinion here, compared with the state of public opinion in the country, if the gentleman had not founded an argument, on the supposed disposition of the two houses, and on the fact that they truly set forth the public opinion. But since he has brought such an argument, it is proper to examine its foundation.

In a general sense, undoubtedly, sir, the members of the two houses must be understood to represent the sentiments of their constituents, the people of the United States. Their acts bind them, as their representatives, and they must be considered, in a legal sense, as conforming to the will of their constituents. But, owing to the manner of our organization, and to the periods and times of election, it certainly may happen that, at a particular moment, and on a particular subject, opinion out of doors may be one way, while opinion here is another. And how is it now, if we may judge by the usual indications? Does the gentleman hope for no vote, in this body, for this bill, but such as shall be, in his opinion, in strict accordance with the wishes as generally understood, and most recently expressed in the state from which that vote shall come?

I shall be exceedingly sorry, sir, for instance, to see a vote from Maine given for this bill. I hope I may not. But if there should be such a vote, can the gentleman say that he believes, in his conscience, it will express the wishes of a majority of the people of that state? And so of New Jersey, and one, if not more states in the west. I am quite sure that gentlemen who may give their votes will discharge their duty, according to their own enlightened judgments, and they are in no way accountable to me for the manner in which they discharge it; but when the honorable member from New York contends that this body now accurately represents the public opinion on the sub-treasury system, we must look at the facts. And with all possible respect, for the honorable member, I must

even take leave to ask him, whether, in his judgment, he, himself, is truly reflecting the opinions and wishes of a majority of the people of New York, while he is proposing and supporting this bill? Where does he find evidence of the favor of the people of that state towards this measure? Does he find it in the city? In the country? In the recently elected house of assembly? In the recently elected members of the senate? Can he name a place—can he lay a *veue* for the popularity of this measure in the whole state of New York? Between Montauk point and Cattaraugus, and between the mountains of Pennsylvania and the north end of lake Champlain, can he any where put his finger on the map and say, here is a spot where the sub-treasury is popular? He may find places, no doubt, though they are somewhat scarce, where his friends have been able to maintain their ascendancy, notwithstanding the unpopularity of the measure; but can he find one place, one spot, of any extent, in which this measure of relief is the choice, the favorite, of a majority of the people?

Mr. president, the honorable member has long been in public life, and has witnessed often the changes and the fluctuations of political parties and political opinions. And I will ask him what he thinks of the hurricane which swept over New York in the first week of last November? Did he ever know the like? Has he before ever been called on to withstand such a whirlwind? or had he previously any suspicion that such an outbreak in the political elements was at hand? I am persuaded, sir, that he feared such a thing much less than I hoped for it; and my own hopes, although I had hopes, and strong hopes, I must confess, fell far short of the actual result. And to me, Mr. president, it seems perfectly plain, that the cause of this astonishing change in public opinion is to be found, mainly, in the message of September, and the sub-treasury bill of the last session. The message, with its anti-social, anti-commercial, anti-popular doctrines and dogmas—the message which set at naught all our own manners and usages, rejected all the teachings of experience, threatened the state institutions, and, anxious only to take good care of the government, abandoned the people to their fate; the message—the message—it was, that did the great work in New York and elsewhere.

The message was that cave of Eolus, out of which the careering winds issued:

"Una Euræque notusque ruunt creberque procellis
"Africus"—
mingling seas and skies, dispersing the most powerful political combinations, and scattering their fragments on the rocks and shores. I might quote the poet further, sir,

"et vos voluit ad litora fluctus."

The political deep seemed agitated to the very bottom, and its heaving bosom moved onward and forward the "*vastos fluctus*," in nautical phrase, the big rollers of public opinion.

The honorable member may say, or may think, that all this was but the result of a transient impulse, a feverish ebullition, a sudden surprise, or a change superficial, and apparent only, not deep and real. Sir, I cannot say, but I must confess that if the movement in New York last fall was not real, it looked more like reality than any fanciful exhibition which I ever saw. If the people were not in earnest, they certainly had a very sober and earnest way of being in jest.

And now, sir, can the honorable member, can any man say, that in regard to this measure, even the house of representatives is certain, at this moment, truly to reflect the public judgment? Though nearer to the people than ourselves, and more frequently chosen, yet it is known that the present members were elected, nearly all of them, before the appearance of the message of September. And will the honorable member allow me to ask, whether, if a new election of members of congress were to take place in his own state, to-morrow, and the newly elected members should take their seats immediately, he should entertain the slightest expectation of the passage of this bill through that house?

Mr. president, in 1834 the honorable member presented to the senate resolutions of the legislature of New York, approving the previous course of the administration in relation to the currency. He then urged strongly, but none too strongly, the weight due to those resolutions, because, he argued, they expressed the undoubted sense of the people, as well as that of the legislature. He said there was not, at that time, a single member in the popular branch of the legislature who was not in favor of those resolutions, either from the cities of Hudson, Albany, Troy, Schenectady, Utica, or an almost endless number of incorporated trading towns and villages, or the great city of New York itself, which he justly calls the commercial emporium of the country; all these cities and villages being sur-

rounded, as he most justly said, by an intelligent population; and cities, villages, and country, altogether, comprising near two millions of souls. All this was very well. It was true. The facts were with the honorable member. And although I most exceedingly regretted and deplored that it was so, I could not deny it. And he was entitled to enjoy, and did enjoy, the whole benefit of this respectable support. But, sir, how stands the matter now? What say these two millions of souls to the sub-treasury? In the first place, what says the city of New York, that great commercial emporium, worthy of the gentleman's commendation in 1834, and worthy of his commendation, and my commendation, and all commendation, at all times? What sentiments, what opinions, what feelings are proclaimed by the thousands of her merchants, traders, manufacturers and laborers? What is the united shout of all the voices of all her classes? What is it, but that you will put down this new fangled sub-treasury system, alike alien to their interests and their feelings, at once, and forever? What is it, but that in mercy to the mercantile interest, the trading interest, the shipping interest, the manufacturing interest, the laboring class, and all classes, you will give up useless and pernicious political schemes and projects, and return to the plain, straight course of wise and wholesome legislation? The sentiments of the city cannot be misunderstood. A thousand pens and ten thousand tongues, and a spirited press, make them all known. If we have not already yet heard enough, we shall hear more. Embarrassed, vexed, pressed, and distressed, as are her citizens at this moment, yet their resolution is not shaken, their spirit is not broken; and, depend upon it, they will not see their commerce, their business, their prosperity and their happiness, all sacrificed to preposterous schemes and political empiricism, without another, and a yet more vigorous struggle. And Hudson, and Albany, and Troy, and Schenectady, and Utica—pray, why may not the citizens of these cities have as much weight with the honorable member now, as they justly had in 1834? And does he, can he, doubt of what they think of this bill? Ay, sir, and Rochester, and Batavia, and Buffalo, and the entire western district of the state, does the honorable member suppose that, in the whole of it, he should be able, by careful search, to do more than to find, now and then, so rare a bird, as a single approver of this system?

Mr. president, if this system must come, let it come. If we must bow to it, why, then, put it upon us. Do it by the power of congress, and the president. Congress and the president have the power. But spare us, I beseech you, spare the people from the imputation that it is done under clear proof and evidence of their own approbation. Let it not be said it is their choice. Save them, in all mercy, from that reproach.

Sir, I think there is a revolution in public opinion, now going on, whatever may be the opinion of the member from New York, and others. I think the fall elections prove this, and that other more recent events confirm it. I think it is a revolt against the absolute dictation of party, a revolt against coercion, on the public judgment; and, especially, a revolt against the adoption of new mischievous expedients on questions of deep public interest; a revolt against the rash and unbridled spirit of change; a revolution, in short, against further revolution. I hope, most sincerely, that this revolution may go on: not, sir, for the sake of men, but for the sake of measures, and for the sake of the country. I wish it to proceed, till the whole country, with an imperative unity of voice, shall call back congress to the true policy of the government.

The honorable member from New York is of opinion, sir, that there are only three courses open to us. We must, he urges, either adopt this measure, or return to a system of deposits with the state banks, or establish a national bank. Now, sir, suppose this to be as the gentleman states, then, I say, that either of the others is better than this. I would prefer doing almost any thing, and I would vastly prefer doing nothing, to taking this bill.

I need not conceal my own opinions. I am in favor of a national institution, with such provisions and securities as congress may think proper, to guard against danger and against abuse. But the honorable member disposes of this at once, by the declaration, that he himself can never consent to a bank, being utterly opposed to it, both on constitutional grounds, and grounds of expediency. The gentleman's opinions, always respected, is certainly of great weight and importance, from the public situation he occupies. But although these are his opinions, is it certain that a majority of the people of the country agree with him in this particular? I think not. I verily believe a majority of the people of the United States are now of the opinion

that a national bank, properly constituted, limited, and guarded, is both constitutional and expedient, and ought now to be established. So far as I can learn, three-fourths of the western people are for it. Their representatives here can form a better judgment; but such is my opinion upon the best information which I can obtain. The south may be more divided, or may be against a national institution; but, looking again to the centre, the north, and the east, and comprehending the whole in one view, I believe the prevalent sentiment is such as I have stated.

At the last session great pains were taken to obtain a vote of this and the other house against a bank, for the obvious purpose of placing such an institution out of the list of remedies, and so reconciling the people to the sub-treasury scheme. Well, sir, and did those votes produce any effect? None at all. The people did not, and do not, care a rush for them. I never have seen, or heard, a single man, who paid the slightest respect to those votes of ours. The honorable member, to-day, opposed as he is to a bank, has not even alluded to them. So entirely vain is it, sir, in this country, to attempt to forestall, commit, or coerce the public judgment. All those resolutions fell perfectly dead on the tables of the two houses. We may resolve what we please, and resolve it when we please; but if the people do not like it, at their own good pleasure they will rescind it; and they are not likely to continue their approbation long, to any system of measures, however plausible, which terminates in deep disappointment of all their hopes, for their own prosperity?

I have said, sir, that, in preference to this bill, I would try some modification of the state bank system; and I will cheerfully do so, although every body knows that I always opposed that system. Still, I think it less objectionable than this. Mr. president, in my opinion, the real source of the evil lies in the tone, and spirit, and general feeling, which have pervaded the administration for some years past. I verily believe the origin is there. That spirit, I fully believe, has been deeply anti-commercial, and of late decidedly unfriendly to the state institutions. Do the leading presses in favor of the administration speak its own sentiments? If you think they do, then look at the language and spirit of those presses. Do they not manifest an unceasing and bitter hostility to the mercantile classes, and to the institutions of the states? I certainly never supposed the state banks fit agents for furnishing or regulating a national currency; but I have thought them useful in their proper places. At any rate, the states had power to establish them; and have established them, and we have no right to endeavor to destroy them. How is it, then, that generally, every leading press which supports the administration joins in the general cry against these institutions of the states? How is it, if it be not that a spirit, hostile to these institutions has come to pervade the administration itself?

In my opinion, the state banks, on every ground, demand other treatment; and the interest of the country requires that they should receive other treatment. The government has used them, and why should it now not only desert, but abuse them? That some of the selected banks have behaved very unworthy, is no doubt true. The best behavior is not always to be expected from pets. But that the banks, generally, deserved this unrestrained warfare upon them, at the hands of government, I cannot believe. It appears to me to be both ungrateful and unjust.

The banks, sir, are now making an effort, which I hope may be successful, to resume specie payments. The process of resumption works, and must work, with severity upon the country. Yet I most earnestly hope the banks may be able to accomplish the object. But, in all this effort, they got no aid from government, no succor from government, not even a kind word from government. They get nothing but denunciation and abuse. They work alone, and therefore the attainment of the end is the more difficult. They hope to reach that end only, or mainly, by reduction and curtailment. If, by these means, payment in specie can be resumed and maintained, the result will prove the existence of great solidity, both of the banks and of the mercantile classes. The bank of England did not accomplish resumption by curtailment alone. She had the direct aid of government. And the banks of the United States, in 1816, did not rely on curtailment alone. They had the aid of the then new created bank of the United States, and all the countenance, assistance, and friendly support, which the government could give them. Still, I would not discourage the efforts of the banks. I trust they will succeed, and that they will resume specie payments at the earliest practicable moment; but it is, at the same time, my full conviction, that, by another and a better course of public policy, the government

might most materially assist the banks to bring about resumption; and that, by government aid, it might be brought about with infinitely less of public inconvenience and individual distress.

For an easy resumption of specie payments, there is mainly wanted a revival of trust, the restoration of confidence, and a harmonious action, between the government and the moneyed institutions of the country. But, instead of efforts to inspire trust and create confidence, we see and hear nothing but denunciation; instead of harmonious action, we find nothing but unrelenting hostility.

Mr. President, you and I were in congress, in 1816, during the time of the suspension of specie payments by the banks. What was the spirit of the government at that time, sir? Was it hostile, acrimonious, belligerent towards the state institutions? Did it look on them only to frown? Did it touch them only to distress? Did it put them all under the scourge? You know, sir, it was far otherwise. You know, that the secretary of that day entered into friendly correspondence with them, and assured them that he would second their efforts, for resumption, by all the means in his power. You know, sir, that, in fact, he did render most essential aid. And do you see, sir, any similar effort now? Do you behold, in the bill before us, any thing of the spirit, or the policy, of Mr. Madison, on an occasion very like the present. Mr. Madison was a man of such subdued self-respect, that he was willing to yield to experience and to the opinion of his country; a man, too, of so much wisdom and true patriotism, that nothing was allowed to stand between him, and his clear perception of the public good. Do you see, sir, any thing of this spirit,—of the wisdom, of the mild, and healing, restoring policy, of Mr. Madison, in this measure? Another illustrious man, now numbered with the dead, was then with us, and was acting an important part, in the councils of the country. I mean Mr. Lowndes; a man not deficient in force and genius, but still more distinguished for that large and comprehensive view of things, which is more necessary to make great men, and is also much rarer, than mere positive talent,—and for an impartial, well balanced judgment, which kept him free from prejudice and error, and which gave great and just influence to all his opinions. Do you see, sir, any thing of the spirit, the temper, the cool judgment, or the long-sighted policy of Mr. Lowndes, in all that is now before us? And Mr. Crawford, then at the head of the treasury, arduously striving to restore the finances, to re-establish both public and private credit, and to place the currency, once more, upon its safe and proper foundation; do you see, sir, the marks of Mr. Crawford's hands in the measure now presented for our approbation?

Mr. President, I have little to say of the subordinate provisions of this bill, of the receivers-general, or of the dangerous power, given to the secretary, of investing the public money in state stocks of his own selection. My opposition to the bill is to the whole of it. It is general, uncompromising, and decided. I oppose all its ends, objects, and purposes; I oppose all its means, its inventions, and its contrivances. I am opposed to the separation of government and the people; I am opposed, now and at all times, to an exclusive metallic currency; I am opposed to the spirit in which the measure originates, and to all and every emanation and ebullition of that spirit. I solemnly declare, that in thus studying our own safety, and renouncing all care over the general currency, we are, in my opinion, abandoning one of the plainest and most important of our constitutional duties. If, sir, we were, at this moment, at war with a powerful enemy, and if his fleets and armies were now ravaging our shores, and it were proposed in congress to take care of ourselves, to defend the capitol, and abandon the country to its fate, it would be, certainly, a more striking, a more flagrant and daring, but in my judgment not a more clear and manifest dereliction of duty, than we commit in this open and professed abandonment of our constitutional power and constitutional duty, over the great interest of the national currency. I mean to maintain that constitutional power, and that constitutional duty, to the last. It shall not be with my consent that our ancient policy shall be overturned. It shall not be with my consent that the country shall be plunged further and further into the unfathomed depths of new expedients.

It shall not be, without a voice of remonstrance from me, that one great and important purpose for which this government was framed, shall now be surrendered and abandoned forever.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

February 23. After the presentation of petitions, memorials, &c.

Mr. Smith, of Indiana, submitted a resolution, which lies over one day, calling on the secretary of the treasury for statements of the whole number of acres of the public lands granted to each of the states of Ohio, Indiana, Illinois, Alabama, Mississippi, Louisiana, Missouri, Michigan, and Arkansas, with the particulars; the number of acres sold in said states at public or private sale, the number remaining unsold, distinguishing between Indian and other lands, and the number of acres sold in Indiana, with the amount received from those sales.

The unfavorable reports on the claims of Andrew King, and the widow of Thomas Cogswell, were taken up and agreed to.

The bill to provide for issuing patents to certain lands at Green Bay, Wisconsin, and the bills for the relief of Robert Dickey, Joseph Hall, Albion T. Crow, the heirs of John Hawkins, the heirs of lieutenant William Russworm, the heirs of doctor William Rumsey, the heirs of Nathan Peter and William Adams, and the owners of the brig Despatch and cargo, were severally read a third time, and passed.

The bill to authorize the examination and test of Samuel Raub's double safe-acting safety valve, was taken up, and, on motion of Mr. Davis, again laid on the table, on the ground that a general bill authorizing experiments on steam boilers, &c. had already passed the senate.

The senate resumed the consideration of the sub-treasury bill, and Mr. Rives's substitute.

Mr. Brown spoke till half past four o'clock in favor of the bill.

After an executive session, (moved by Mr. Grundy,)

The senate adjourned till Monday.

February 26. The chair communicated a letter from the secretary of the treasury, in answer to a resolution of the senate of the 22d instant, directing him to communicate the report of E. and G. W. Blunt, of New York, relative to the construction and improvement of light-houses, stating that no such communication had been received at his office, nor at the office of the fifth auditor.

Also, a report from the same, transmitting, in compliance with the provisions of the acts for the establishment of the treasury, war, and navy departments, a list of contracts entered into for the year 1837: laid on the table, and ordered to be printed.

Also, a report from the war department, transmitting, in compliance of a resolution of the senate, a map of the military road from Saginaw and Mackinaw; which, on motion of Mr. Lyon, was laid on the table, and ordered to be printed.

Mr. Trotter presented the memorial of the legislature of Mississippi, praying congress to ratify and confirm certain pre-emption claims under the act of June, 1834: referred to the committee on public lands.

Mr. Smith, of Indiana, presented a memorial, signed by seventy-four of the members of the general assembly of the state of Ohio, praying congress to appropriate a portion of the public funds in a subscription for a part of the capital stock of the Jeffersonville and New Albany canal company, incorporated by the state of Indiana, to construct a canal around the falls of Ohio, on the Indiana side, of sufficient capacity to pass steamboats of the largest size.

Mr. S. said he had before had the honor to introduce, memorials, numerous signed by the business men of Wheeling and Cincinnati, on this subject. Those memorials had been printed, and referred to the committee on roads and canals. He (Mr. S.) would only say, on the present occasion, that the great importance of the measure was admitted and felt by the whole western country.

On motion of Mr. S. the memorial was referred to the committee on roads and canals.

Mr. Clay, of Alabama, presented the memorial of the inhabitants of township three, range nine west, of Huntsville, Alabama, representing that the 16th section, reserved for schools, in that township is sterile and unproductive, and praying a grant of other lands in lieu of the same; which was referred to the committee on public lands.

Mr. Benton presented the memorial of sundry inhabitants of Erie, Pennsylvania, praying congress to take measures to prevent the re-issue of the notes of the old bank of the United States: referred to the committee on finance.

Mr. Buchanan presented the memorial of a large number of citizens of Philadelphia, asking congress to establish a dry dock at that place, and setting forth strong reasons why such an establishment should exist there: referred to the committee on naval affairs.

On motion of Mr. Benton,

Resolved, That the secretary of the treasury be directed to cause to be prepared and communicated

to the senate, tables of the rates of exchange, foreign and domestic, and of the price of bank notes at different periods, from such materials as are in the department, and such others as can be conveniently procured.

On motion of Mr. Wall, the senate took up and considered as in committee of the whole, the bill for the establishment of a port of entry at Jersey city; and, after brief explanations from Messrs. Wall and King, it was ordered to be engrossed for a third reading.

A message was received from the house of representatives by Mr. Franklin, the clerk, announcing the death of the honorable Jonathan Cilley, a member of the house from the state of Maine, and stating that the funeral would take place from the hall of the house to-morrow at 12 o'clock.

Mr. Williams rose and addressed the senate as follows:

Mr. President: I came into the senate this morning, exhausted and overwhelmed, to perform the melancholy duty of announcing to you and to the senate of the United States the sudden and lamented death of my friend and colleague the honorable Jonathan Cilley, a representative from Maine, in the congress of the United States.

At the last adjournment of the senate, Mr. Cilley was in perfect health, full of hope and expectation of making himself useful in asserting and vindicating the violated rights of his state, and of distinguishing himself in the great questions which now so deeply agitate the public mind; full of zeal and ardent patriotism; and of devotion to the great cause of human liberty and of human rights, he considered that a crisis had arisen when his country had a right to claim the services of her sons. He obeyed the call of his constituents, relinquishing the enjoyments of the domestic circle of a wife and three children. He is now a lifeless corpse; all his hopes are blasted and destroyed, and his constituents are deprived of the services of an able and faithful representative.

Mr. Cilley was a native of New Hampshire, and belonged to one of the most ancient and respectable families in that state. Patriotism and bravery were his inheritance. His grandfather was the distinguished patriot and brave officer of the revolution; general Cilley; and his brother, captain Joseph Cilley, was the gallant leader of the heroic charge under colonel Miller, at the battle of Bridgewater heights, in the last war.

The deceased was a graduate of Bowdoin college, in Maine, and by his superior talents and application attained a high standing at the bar in that state. He was a good lawyer, an able advocate, and a powerful debater.

From early life Mr. Cilley was ardently attached to the principles of free government; a zealous advocate of the rights of the whole people, and a determined opponent of the claim of the few to tyrannise over the many.

In 1832, Mr. Cilley was elected to the house of representatives in Maine, and in 1835 and 1836 was speaker of that body, where his talents and love of country became so conspicuous, that in 1837 he was elected to congress in a district in which the majority were his political opponents.

Of his conduct here I need not speak, for all who bear me, all who knew Mr. Cilley in the other end of the capitol, will bear testimony of his ability, to his open, frank, and determined course, to the high order of his talents and powers as a debater, and to the respect and deference he paid to the rights of others.

As a man, Mr. Cilley was warm, ardent, generous, noble; as a friend, true, faithful, abiding. He was in the meridian of his life, aged 35: the past was the earnest of the future.

In his death Maine has lost one of her brightest ornaments, and the nation is bereft of a devoted patriot, and an ardent, zealous supporter of its free institutions.

The sun which set upon the lifeless corpse of my late friend and colleague, rose bright and cheering upon his distant fireside circle, and the wife of his bosom blest its gladsome beams, and told her innocent children that it brought the return of their father one day nearer.

Alas! nor wife nor children shall see him more. Who shall now penetrate that bereaved mansion, and witness the tears, the agony, the distraction of the widow and the fatherless? Mr. president, I cannot. May the Father of all Mercies be their comforter and their support.

Of the cause and manner of the death of Mr. Cilley, I forbear to speak; but allow me to say, that it is my solemn conviction that he entertained no ill will, and intended no disrespect to Mr. Graves, in any thing that occurred; and that in accepting the call, he did nothing more than he believed in-

dispendable to avoid disgrace to himself, to his family, and to his constituents.

Mr. Williams then submitted the following resolutions, which were unanimously adopted:

Resolved, unanimously, That the senate will attend the funeral of the honorable Jonathan Cilley, late a member of the house of representatives, from the state of Maine, at the hour of twelve o'clock to-morrow, and as a testimony of respect for the memory of the deceased, they will go into mourning by wearing crape round the left arm for thirty days.

And, as an additional mark of respect to the memory of the deceased.

Resolved, That the senate do now adjourn.

The senate then adjourned.

February 27. The senate assembled at 12 o'clock, pursuant to adjournment; and after the journal was read,

Mr. White rose and said, that in order that the senate might carry into effect the resolution adopted yesterday, in relation to attending the funeral of the deceased member from Maine, he would move that the senate adjourn; which motion being concurred in,

The senate adjourned until to-morrow, at twelve o'clock.

February 28.—The following petitions, &c. were presented:

By Mr. Webster: from a number of citizens of New York, praying congress to take into their serious consideration the condition of the currency, and establish a bank of the United States, for the purpose of restoring the currency to its former sound condition. Laid on the table.

Also, from Daniel A. Brown, in relation to the preservation, &c. of timber for the navy of the United States. Referred.

By Mr. Buchanan: the proceedings of a meeting of the "democratic" citizens of Philadelphia county, requesting him to disavow his legislative instructions in regard to the sub-treasury scheme.—Read, laid on the table, and ordered to be printed.

[Mr. Buchanan, in presenting these proceedings, said he regretted he could not comply with the request of the democratic delegation of the county of Philadelphia, that he should pay no regard to the instructing resolution of the legislature of Pennsylvania. On this subject his determination was fixed, and could not be changed by any human power, except the legislature itself; and, much as he respected the source from which this request emanated—and it was worthy of all respect—he could only refer the delegates to the remarks which he had made in the senate, some days ago, on presenting the resolution of instruction, as a fair exposition of his views on the subject. Had he consulted his own feelings, he should have resigned rather than obeyed; but friends whose opinion he valued had convinced him it was a case for obedience, and not for resignation. He was sorry to be placed in this position, because there was no man in the country who, as an individual, was more decidedly and strongly in favor of a separation between the banks and the government than he was himself.]

By Mr. Allen: praying the repeal of postage on newspapers not sent beyond the limits of any one county. Referred.

By Mr. Wall: against the admission of Texas. Laid on the table.

Also, the proceedings of a public meeting of citizens of New Jersey, assembled at Newark, in which Mr. W. said they had expressed their opinions in relation to a variety of public matters, from which Mr. W. differed, though he considered the meeting highly respectable. Laid on the table, and ordered to be printed.

By Mr. Young: numerous petitions from Illinois, in relation to mail routes. Referred.

Also, various petitions in regard to pre-emption rights. Laid on the table, and ordered to be printed.

Also, a petition asking a grant of land for the improvement of Fox river. Referred.

By Mr. White: from citizens of Sevier county, Tennessee, asking for a new mail route from Sevier court house to South Carolina. Referred.

By Mr. Clay, of Alabama: resolutions of the legislature of Alabama in favor of the annexation of Texas to the union. Read, laid on the table, and ordered to be printed.

By Messrs. Wall, Lyon, Moulton, and Niles: on individual claims.

Mr. Robbins, from the committee on the library, reported a joint resolution, authorizing the secretary of the senate and clerk of the house to subscribe for ten numbers of Niles' Register for each of the members of congress, (to be delivered every week,) provided that the editor would consent to publish the proceedings of congress, with the yeas and nays on each question so taken, and also a supplement at the end of the session, con-

taining all public and private laws of congress, treaties, &c. and furnish to each member one copy of this supplement free of charge.

The resolution having been read once,

Mr. Benton said he hoped this business would stop at once. He called for the yeas and nays on the question of ordering it to a second reading.

Mr. Robbins moved that the resolution be laid on the table.

Mr. Benton: Never to be called up again?

Mr. Robbins: I shall consent to no such thing.

Mr. Benton: Then I move that it be indefinitely postponed.

The question on laying on the table having precedence, was put, and decided in the affirmative.

On motion of Mr. White, the special committee on the case of Mr. Ruggles, were authorized to employ a clerk.

On motion of Mr. Benton, the committee on the judiciary were instructed to inquire into the expediency of appointing a separate judge for the western district of Louisiana.

The following bills were read a third time, and passed:

For the relief of the heirs of Nathan Peter, and William Adams; for the relief of the owners of the brig Despatch and cargo; authorizing the issuing of patents to certain lands at Green Bay, Wisconsin; establishing a port of entry at Jersey city, New Jersey.

And the bill to establish two additional land districts in Wisconsin, west of the Mississippi.

[An amendment to this bill, formerly offered by Mr. Sevier, for making one land district instead of two, was discussed by Messrs. Sevier, Young, Walker, Lyon, Clay, of Alabama, and King, and rejected.]

Mr. Prentiss gave notice that he should, to-morrow, ask leave to bring in a bill to prohibit, under suitable penalties, the giving and receiving, within this district, of a challenge to fight a duel.

The senate then resumed the sub-treasury bill.

Mr. Davis rose and addressed the senate in opposition to this measure till near 4 o'clock, particularly aiming to show that the late and present administrations have had in view as the main and paramount object of all their financial measures, the establishment of a government bank, resting on the public revenue. Before he had concluded, he gave way to a motion to adjourn, and

The senate adjourned.

HOUSE OF REPRESENTATIVES

Friday, February 23. In answer to a question, proposed to the chairman of the committee of ways and means, by Mr. Pickens,

Mr. Cambreleng said that that committee in the course of the ensuing week, would report a bill for the keeping and disbursing the public revenue.

Mr. Thomas, of Maryland, gave notice (as chairman of the committee on the judiciary) that, immediately after the neutrality bill should be disposed of, he should move to take up the bill to prevent the abatement of suits, &c. against the late Bank of the United States.

Mr. Howard, by leave, moved that the house, at one o'clock this day, do take up the bill for the preservation of neutral relations; which motion was agreed to.

A number of reports from committees were received, which will be duly noticed in their progress.

A few resolutions of minor importance having been offered,

Mr. Reed asked leave to offer a resolution granting the use of the hall to the congressional temperance society on Tuesday evening next; objection being made.

Mr. Reed moved a suspension of the rule, in order to enable him to offer the resolution; this motion prevailed by a vote of more than two-thirds—ayes 91, noes 88.

The question being upon the adoption of the resolution,

Mr. Boon demanded the yeas and nays; which were not ordered; and the resolution was adopted without a division.

The hour of one o'clock having arrived, the neutrality bill was again taken up and considered.

The pending question being on the motion of Mr. Bell, to commit the bill to the committee of the whole, with instructions to report a substitute, which he sent to the chair yesterday.

The debate was continued by Messrs. Patton, Taylor, Howard, Dunn, McKay, Haynes, Bell, Robertson, Wise, Mercer, and Adams; when, without coming to any decision upon either amendment proposed, the house, on motion, adjourned, at half past 4 o'clock.

Saturday, Feb. 24. On motion of Mr. Worthington.

Resolved, That the clerk of the house of repre-

sentatives cause 2,000 copies of the survey and chart of the harbor of Havre de Grace and mouth of the Susquehanna and head waters of the Chesapeake bay, communicated to the house on the 2d of February, 1837, from the war department, to be lithographed on a reduced scale, for the use of the house.

Several committees having made reports, which will be duly noticed hereafter,

The speaker laid before the house a letter from the secretary of the treasury, transmitting information called for by the house on the 19th inst. in relation to the land ceded to the United States by the Shawnee Indians, under the treaty of Wapagonetta, and the amount due to said Indians on account of said cession.

The speaker laid before the house a letter from the secretary of the navy, transmitting the information called for on the 19th instant, in relation to the survey of the St. Helena bar, South Carolina.

The resolution offered on a former day by Mr. Wm. Cost Johnson, proposing the appointment of a committee to inquire into the expediency of making a further appropriation of public lands for the purposes of education, being taken up—

Mr. J. took the floor, and modified his motion so as to read as follows:

Resolved, That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the union.

Resolved, That each of the states in whose favor congress have not made appropriations of land for the purposes of education are entitled to such appropriations as will correspond in a just proportion with those heretofore made in favor of other states.

Resolved, That the committee of ——— report a bill making an increased appropriation of the public lands, the property of the United States, yet unappropriated to all the states and territories of the union for the purposes of free schools, academies, and the promoting and diffusion of education in every part of the United States.

Mr. J. then commenced and made some progress in his remarks, in support of this resolution, when they were cut off by the arrival of the hour for the orders of the day.

The pending question was the same as on yesterday, and the debate was resumed and continued by Messrs. Crockett, Whittlesey, of Connecticut, Garland, of Virginia, Rencher, Holsted, Toucy, and Petrikin; which last named gentleman moved the previous question, upon engrossing the amendment, agreed to; (limiting the operation of the bill to January, 1840,) and another, inserting at the end of the second section the words "other than ports or places within such continuous state or territory," and to engross the bill for a third reading.

Upon the first count, for seconding the motion for the previous question, the yeas were 64, and the nays 43. No quorum.

The speaker then said that there was evidently a quorum present, and desired members to vote upon one side or the other.

Mr. Robertson moved (unsuccessfully) for a call of the house.

The house was then counted again (by tellers) and the call for the previous question was sustained. Ayes 83, noes 51. So the motion was seconded.

The previous question was then decided in the affirmative; and the bill, as amended, was read, at the request of Mr. Patton, who remarked that the bill as it stood amended, purposed to prohibit the trade with Canada.

The bill being read, as amended,

Mr. Fillmore asked for the yeas and nays, which were ordered; and the question on ordering the bill, as amended, to a third reading was decided as follows.

YEAS—Messrs. J. W. Allen, Anderson, Atherton, Beatty, Beirne, Bicknell, Bruyn, Cambreleng, T. J. Carter, Chapman, Cleveland, Cules, Connor, Corwin, Craig, Crary, Cranston, Curtis, Cushman, Davies, De Graff, Evans, Farrington, Fairfield, Fry, Glascock, Grantland, Gray, Haley, Hammond, Haynes, Hoffman, Hopkins, Howard, Wm. C. Johnson, Klingensmith, Legare, Lincoln, James M. Mason, Martin, Maxwell, Mc Kay, Robert McClellan, Abraham McClellan, McKim, McKennan, Milligan, Miller, Morgan, S. W. Morris, Noble, Owens, Palmer, Parker, Paynter, Pearce, Pennybacker, Potter, Pratt, Rariden, Rencher, Ridgway, A. H. Shepperd, C. Shepard, Stuart, Thomas, Titus, Toncey, Turney, Weeks, Elisha Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, S. L. Williams, Worthington—76.

NAYS—Messrs. Adams, Alexander, H. Allen, Ayer, Bell, Biddle, Bond, Boon, Borden, Boul-din, Brodhead, Bronson, Wm. B. Campbell, Wm.

B. Carter, Casey, Chambers, Chaney, Clark, Clowney, Crockett, Davenport, Deberry, Dennis, Dringbold, Dunn, Edwards, Everett, Fillmore, Gallup, J. Garland, J. Graham, William Graham, Grant, Hall, Halsted, Harlan, Harper, Henry, Herod, Holsey, R. M. T. Hunter, J. Jackson, Henry Johnson, Joseph Johnson, J. W. Jones, Kemble, Lawler, Loomis, Lyon, Mallory, Marvin, Samson Mason, Maury, Mercer, Mitchell, Montgomery, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Patton, Peck, Petrikin, Phillips, Plumer, Pope, Potts, Randolph, Reed, Rives, Robertson, Sawyer, Shields, Sibley, Smith, Snyder, Southgate, Spencer, Stanly, Stone, Stratton, Taliaferro, Tillinghast, Underwood, Albert S. White, Sherrod Williams, Yell, Yorke—88.

So the bill was *rejected*.

When this decision was announced—

Mr. *Patton* rose, and intimating that the vote just taken could not be considered as expressing the sense of the house on the expediency of legislating in some way upon the subject to which the bill referred, but rather as proving the force of the objections taken to the form of the bill, moved a reconsideration of the vote just taken; in which motion he was supported by Mr. *Tillinghast*.

Mr. *Howard* then proposed an amendment, which he sent to the chair, and which was read.

Mr. *Mason*, of Ohio, moved to refer the bill and amendment to the committee on the judiciary.

Mr. *Robertson*, of Va. moved the reference to the committee on foreign affairs.

After a few remarks by Mr. *Biddle* on the merits of the question embraced in the bill,

The motion to refer to the committee on the judiciary was lost; 54 in the affirmative, nays not counted.

The motion to recommit the bill to the committee on foreign affairs was carried; 85 in the affirmative, nays not counted.

Mr. *Cambreling* gave notice that, on Monday next, he should ask the house to proceed (at one o'clock) to the consideration of the appropriation bills.

The speaker laid before the house a letter from the secretary of the treasury, transmitting a statement of contracts made in the treasury department during the year 1837; a statement of contracts relative to light-houses, beacon-lights, &c.; a statement of payments made according to law at the treasury of the United States during the year 1837, for the discharge of miscellaneous claims, and a statement of expenditures from the marine hospital fund for the relief of sick and disabled seamen.

Then the house, on motion, adjourned, at a quarter before 4 o'clock.

Monday, February 26. As soon as the journal was read,

Mr. *Fairfield* rose and addressed the house as follows:

Mr. *Speaker*: An event has occurred since our last adjournment, which has spread a deep gloom over this community, and deprived this body of one of its most valuable members. I allude, sir, to the death of my late colleague, the honorable Jonathan Cilley, which, it is my painful duty to announce, took place on Saturday last near this city. One hour we saw him in full life, standing in the midst of us in all the pride and vigor of manhood; the next, a helpless, inanimate corpse. It is a case, sir, most melancholy and heart-rending in all its circumstances, (of which, however, this is not the occasion to speak) and brings home to our minds, with peculiar emphasis, the trite but solemn truth, that "in the midst of life we are in death."

My deceased colleague was a man of uncommon talents. His mind was strong, vigorous, well stored, and well disciplined. He had, moreover, that indomitable spirit of perseverance in all the pursuits of an elevated and honorable ambition, which would not rest satisfied with low attainments. He partook largely, too, of that fearless patriotism of his ancestors, which made them "pour out their blood like water," in the war of the revolution, and which also displayed itself in the brave and chivalrous conduct of an only brother during the late war.

His fellow-citizens has often elected him to places of honor and trust in the state of his adoption, and had now given him a seat among the representatives of the nation; among us, who are now spared to deplore his abrupt and tragical removal. Though he had not long been a member of this body, he had established an enviable and an enduring reputation. His ready powers of debate, his warm and fervid eloquence, his manly bearing towards opponents, and courteous demeanor to all, will be readily acknowledged, and long remembered, by the members of this house.

That his sudden and melancholy death will pro-

duce a deep sensation in Maine, and indeed throughout the whole country, no one can doubt; but the announcement of the dreadful fact to the partner of his bosom, sitting in the midst of the young pledges of their mutual affection, little dreaming of the blow that awaits her, it is shocking to contemplate. No one can think of it but with feelings of the most poignant and heartfelt grief. May "He who tempers the wind to the shorn lamb," and who "will not break the bruised reed," give her that consolation and support which she needs, and which no earthly power can give.

With this brief and imperfect announcement, I beg leave to submit the following resolutions:

Resolved, That the members of this house will attend the funeral of Jonathan Cilley, deceased, late a member of the house from the state of Maine, at 12 o'clock to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of Jonathan Cilley, deceased.

Resolved, That the members and officers of this house will testify their respect for the memory of Jonathan Cilley, by wearing crape on the left arm for thirty days.

The resolutions were unanimously adopted.

On motion of Mr. *Fairfield*, the house then adjourned till 12 o'clock to-morrow.

Tuesday, February 27. The house met, pursuant to adjournment, at 12 o'clock, for the purpose of attending the funeral obsequies of the honorable Jonathan Cilley, late a representative in congress from the state of Maine.

The committee of arrangements, pall-bearers, and mourners, attended at the late residence of the deceased, at Mr. Birth's, at 11 o'clock, a. m. at which time the remains were removed, in charge of the committee of arrangements, attended by the sergeant-at-arms of the house of representatives, to the hall, where the funeral service was performed by the reverend Mr. Slicer, and the discourse preached by the reverend Mr. Reese.

The funeral procession then moved from the hall of the house of representatives to the place of interment, in the following order:

The chaplains of both houses.

Committee of arrangements, viz:

Mr. Evans, of Maine.

Mr. Atherton, of N. H. Mr. Coles, of Va.
Mr. Connor, of N. C. Mr. Johnson, of La.
Mr. Whittlesey, of Ohio, Mr. Fillmore, of N. Y.

Pall bearers, viz:

Mr. Thomas, of Maryland, Mr. Campbell, of S. C.
Mr. Williams, of N. H. Mr. White, of Indiana,
Mr. Ogle, of Pennsylvania, Mr. Martin, of Ala.

The family and friends of the deceased.

The members of the house of representatives and senators from Maine, as mourners.

The sergeant-at-arms of the house of representatives.

The house of representatives, preceded by their speaker and clerk.

The sergeant-at-arms of the senate.

The senate of the United States, preceded by the vice president and their secretary.

The president of the United States.

The heads of departments.

Judges of the supreme court, and its officers.

Foreign ministers.

Citizens and strangers.

Wednesday, Feb. 28. Immediately after the reading of the journal,

Mr. *Fairfield*, of Maine, asked leave to offer a resolution, which was read for information, as follows:

Resolved, That a committee consisting of seven members be appointed to investigate the causes which led to the death of the honorable Jonathan Cilley, late a member of this house, and the circumstances connected therewith, and to report thereon to this house."

Resolved, That said committee have power to send for persons and papers, and have leave to sit during the sessions of the house."

Mr. *Bell* objecting to its reception at this time, Mr. *Fairfield* moved a suspension of the rules, to allow of his offering the resolution at this time.

Mr. *Bell* stated that he had objected only because he thought it better to postpone any action in relation to the subject referred to for a few days, until existing excitement should have had time to subside.

Mr. *Parker*, of New York, demanded the yeas and nays on the question of suspending the rule; they were ordered, and, being taken, resulted as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, Anderson, Atherton, Ayer, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Broadhead, Bruyn, W. B. Calhoun, Cambreling, Casey, Clark, Coles, Craig, Cray, Cushman, Davies, Deberry, DeGraff, Dunn, Ed-

wards, Elmore, Evans, Everett, Fairfield, Fletcher, Fry, Gallup, Glascock, Goode, Grantland, Grant, Gray, Grennell, Haley, Hall, Hammond, Hastings, Haynes, Henry, Hopkins, Hubley, N. Jones, Kilgore, Lewis, Logan, Loomis, Lyon, Marvin, Martin, Maxwell, McKay, Robert McClellan, A. McClellan, McKim, Milligan, Miller, Montgomery, Morgan, M. Morris, S. W. Morris, C. Morris, Noble, Noyes, Owens, Palmer, Parker, Paynter, Peck, Petrikin, Plumer, Potts, Potter, Prentiss, Rariden, Randolph, Reed, Rhett, Richardson, Ridgway, Rives, Russell, Sheffer, C. Shepard, Shepler, Slade, Smith, Spencer, Stuart, Stratton, Tillinghast, Titus, Toucey, Turney, Vanderveer, Weeks, A. S. White, E. Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, Worthington, Yell, Yorke—114.

NAYS—Messrs. Bell, J. Calhoun, W. B. Campbell, W. B. Carter, Chambers, Cheatham, Cranston, Dawson, Ewing, James Garland, J. Graham, Harlan, Harper, Hawes, R. M. T. Hunter, W. C. Johnson, Mallory, J. M. Mason, S. Mason, McKennon, Mitchell, Robertson, Sergeant, Shields, Snyder, Southgate, Taliaferro, John White, Sherrod Williams, J. L. Williams, C. H. Williams—31.

There being more than two-thirds in the affirmative, the rules were suspended, and leave given to introduce the resolution, which was again read at the clerks table.

Mr. *Fairfield* then said that, entertaining the views and feelings which he did in reference to the awful tragedy to which the resolution referred, he could not refrain from offering it to the house. Had he refused to do so, the voice of his colleague's blood would call to him from the ground. His colleague and friend had been deprived of life in a manner and under circumstances which demanded investigation; it was due to the family of the deceased, it was due from members to themselves, to the country, to humanity, and to God. He trusted that no member on that floor would shrink from such a proposal. For, aside from the peculiar circumstances of the present case, an opportunity was presented which he should suppose every good man would promptly and gladly embrace, to put down the barbarous and disgraceful practice of duelling, a practice which wantonly violated the laws of God, which outraged the best feelings of our nature, which was unworthy of the age of civilization in which we live. He trusted that the efforts of every friend of his species would be united in an endeavor to suppress a practice like this.

Under the peculiar and distressing circumstances, however, of the present case, the deceased having been Mr. F.'s colleague and personal friend, should the house agree to pass the resolution, he hoped the speaker would waive the usual practice which, from courtesy, was supposed to require that the name of a mover for a select committee should be placed at the head of such committee, when appointed by the chair, and would not put him on the committee at all.

Mr. *W. C. Johnson*, of Md., said that he had voted against the motion to suspend the rules, because, on hearing the resolution read, he had been at once convinced that its adoption would effect no possible good, or lead to any satisfactory result. No one could grieve more over the calamity which had befallen the mover of the resolution, and all the other friends of him whose death they all mourned, than himself, but he had opposed the introduction of this resolution because he did not know what power congress possessed to suppress duelling. As a moralist, he lamented, as all must lament, that the state of society was supposed to be such as to sanction such a dreadful resort. None could be more sorry that appeals of that description were thought to be necessary. But still, he must ask, what good would be effected by the proposed inquiry? The morning papers contained a detailed statement of all the particulars of this melancholy affair; the house was already thus possessed of all the facts and circumstances of the case. And where was its power, under the constitution, to enact an anti-duelling law? To do that was the right of the states. Many of the states had enacted such laws; it was fully within the pale of their jurisdiction to do so; but any like attempt on the part of congress would be a usurpation of power. It was, by the constitution, left to the state to purify the morals of their own citizens, and protect their lives and character.

He had voted against the suspension, and should vote against the resolution, for another reason. By voting in favor of a measure like this, he should consider himself as reflecting on all the parties in any way concerned in this transaction; it implied a reflection on the prudence, judgment, and wisdom of both the parties. Had any fraud, any deception, any moral delinquency of any sort, any thing that would justify a vote of expulsion, been imputed to either of the parties or of their friends

in this matter? If any gentleman would rise in his place, and state such an act; if he would show that any one of those concerned had violated the rules of honor, and those attributes which should ever distinguish the character of a gentleman on that floor, and would make his name known to that house, Mr. J. would promptly go for any measure which might be required to punish him. Not only would he vote for a committee of inquiry, but for the instant expulsion of such a person from that house; nay, were it in his power, he would expel such a being from off the face of the earth. Was there any gentleman who would rise in his place and assert this? If there was none; what right had the house to yield to its sympathies, contrary to the rules of the house and the provisions of the constitution? What right had they to pursue a man into the private relations of life, and erect a committee of their number into a court of honor, to ferret out the private doings of members, when not acting in their public and official character? Occurrences which took place in presence of the house, on its floor, they had a right to notice; though, even with respect to these, the line was delicate which marked their right of control. But to constitute such a committee of inquiry as was now proposed, instead of tending to quench the flames of discord, sooth irritation, and lead, from reflection on the past, to any improvement in the future, by rendering gentlemen more cautious and guarded in their language towards each other, would, on the contrary, prove the fruitful source of new strifes and collisions. The duty to be assigned to the committee was one of very delicate and difficult character; any committee who should attempt the discharge of it would soon find that they had need to prepare themselves with strong nerves and well braced. For his own part, he never would consent to serve on such a committee unless, at the very outset, he armed himself for encounters.

In taking this course, Mr. J. was actuated by no previous concert. He had not seen or conversed with a single one of those who had been on the field of the late melancholy contest. If the imprudence of the friend of the parties on either side, their indiscretion, or mistake, had led to the catastrophe which all now so deeply lamented, it was matter of deep regret; but it was out of the power of the house to cure the case; they could not resuscitate the dead, nor could they offer any effectual alleviation to the wounded feelings of his surviving friends. Every step the committee might take would only exasperate public feeling, and sow broadcast the seeds of future occurrences of an equally dreadful character. This was his candid belief. Though as anxious as any other gentleman could be that such rencontres should be prevented for all future time, he was well assured this was not the course to secure such a result.

Mr. Parker, of New York, said that he regretted to differ from the gentleman from Maryland. He had hoped that this resolution would have passed without a dissenting voice. While that gentleman had been addressing the house, Mr. P. had carefully listened for some good reason for rejecting the resolution, but he must say he had heard none. The gentleman said that congress had not the constitutional power to correct the evil of duelling. It certainly had within the limits of the District of Columbia; and it was not disputed that congress had the power to control the action of its own members. The gentleman had further declared that if any gentleman would rise in his place and affirm that either of the parties concerned had violated the laws of honor in this matter, he would vote for the resolution. Mr. P. presumed that no gentleman would do so; but the code of honor, as understood by many, was a very different code from that held as such by his constituents. It was enough for him, as their representative, to know that the whole transaction had been a gross and flagrant violation of the laws of God and man. It was the duty of the house to take steps which might lead to the correction of public opinion, if, indeed, it could be true that it upheld such doings. Did public opinion sanction such acts? Then it was high time that gentlemen should take some means to protect their own lives and those of their friends. He was one who believed the house to possess power to take some steps in this matter which would be attended with salutary effect in the community.

It had been further said by the gentleman from Maryland (towards whom Mr. P. cherished very high respect) that the adoption of the resolution proposed would only lead to further broils, and to a repetition of acts of the same dreadful character. Mr. P. confessed his regret at hearing such a remark. They had fallen on evil times, indeed, if a man might not advocate the cause of truth, of

reason, and of eternal justice on that floor, without being threatened with a personal attack.

Mr. Johnson here explained. It had been far from his purpose, very far, to say that any gentleman on that floor would be threatened with a personal attack. But, should the committee be raised and constituted a board of honor to investigate the transaction which had occurred, they would very probably tread beyond their sphere, and might incense those whose conduct they should publicly censure; and these individuals might then consider themselves justified in yielding to personal resentment.

If any gentleman, however, would take the ground that congress had power to suppress duelling within the District of Columbia, (this affair had happened without the line,) and would move that the committee be instructed to report a bill for that purpose, Mr. J. would heartily vote for it. He was as ready as any gentleman could be to set his face against the whole system. But as to the present case, it had already happened; no power could undo it; and it would be useless to report any bill on the matter.

Mr. Parker resumed. He had not understood the gentleman as meaning to say that members acting on the proposed committee would have reason to fear an attack from him, nor did he expressly say it was to be feared from others; but Mr. P. had been going on to say that members of the committee might proceed in their duty without the fear of any such attacks. He was, indeed, ready to admit, that if the committee should proceed to discuss the code of honor, they might perhaps greatly differ as to what it required, and these differences might lead to collision; but he apprehended that the committee, if appointed, would go straight forward in the discharge of its duty, utterly regardless of all rules of that kind: that they would look only to the welfare of the country and the prosperity of the people, without troubling their heads about the fine cobweb distinctions of the code of honor. It had been said that the facts of this case were already before the house, inasmuch as full statements had appeared in the public papers. That was very true: but it formed no valid reason against the appointment of a committee of investigation. The facts were not known to the house officially, so that it could act upon them. The matters which had been mentioned in the case of *The Spy* in Washington, had all appeared in the papers; yet that did not prevent the house from ordering an official inquiry respecting them. It should have the facts of the existing case reported from a committee. Mr. P. was for the resolution.

Mr. Dawson, of Georgia, observed that there was no gentleman on that floor who more deeply regretted the event which had recently occurred than he. He entertained, in regard to it, what he believed to be correct sentiments; but he could not but think that to raise such a committee as was proposed, would only kindle up a flame both within and without that house. He asked gentlemen to pause before they proceeded to take such a step. When he heard the resolution, he had proposed to himself the questions, what will be the result of such a measure? and what will be the character of the action we can found upon it? What benefit will it confer on the public interest, or the public morals? and he could give no satisfactory answer. He admitted that congress might pass an anti-duelling law for this district; and such a law he would vote for with great pleasure. But why this committee? was it that the house might get arguments to justify itself in passing an anti-duelling law? did not all acknowledge the abstract proposition, that duelling was wrong? when the general principle was already admitted, why inquire into one particular case under it? why go beyond the limits of constitutional authority to get grounds on which to base congressional action? if gentlemen wanted a law against duelling in the district of Columbia, let them pass it; but not leap over the constitution, and invade the private rights of its members.

Mr. D. said he sympathized with the feeling which pervaded the house. He venerated and esteemed the sentiments which had been uttered by the gentleman from Maine, (Mr. Fairfield,) and responded to them as correct. But let him ask, would that gentleman seek to draw the attention of the whole American people, not to the subjects of public moment which were before congress, but to an investigation of the conduct of their representatives in their private and personal relations with each other? into their actions performed as private citizens, after they had thrown off and disconnected themselves from the place and duty of a representative? what must be the result? it would, it must, be to create a flame that would involve the community. This measure went to compel the

people to take sides in a private quarrel, and thus get up an excitement leading to consequences which no man could calculate. It might lead to results which would, eventually, be thrown back upon the members of that house as their cause. This course would never check the evil which all deplored, but might lead to what all would have deep cause to regret. The abstract question with respect to duelling was settled: it need not now be discussed: all they did should be prospective, and preventive, in its character. He asked that the house would stop now, before it went a step farther. Why send a committee to sift and measure actions by the code of honor—a code which the house did not recognise or know, as prescribed either by the constitution or the law? a code which existed merely in the imaginations of a certain portion of the people? would gentlemen direct an investigation according to the requisitions of a code such as this? and to what end? to increase the public indignation against duelling? he feared that was not the object. The feelings of the house, and of the community, were quite sufficiently roused. Let what had passed rather be set down to the account of those calamities and disasters incident to human nature, and let the whole matter be buried as quick as possible. Mr. D. was actuated by motives the most upright and sincere in his course upon this occasion. He was opposed, on principle, to duelling, although it was very possible that circumstances might occur which would drive him to violate his own principles, yet he disapproved of it as much as any man, and was desirous as any to promote and preserve the peace of the house. After a few more remarks of similar tenor, Mr. Dawson resumed his seat. Whereupon,

Mr. Mathias Morris, of Pennsylvania, offered the following amendment:

"And that said committee be instructed to inquire into the means more effectually to suppress the practice of duelling, and report a bill for that purpose at as early a period as may be practicable."

Mr. W. C. Johnson immediately moved the following amendment to the amendment, to be appended to it as an addition:

"Resolved, also, that the committee inquire into the propriety of regulating the strong personalities which members resort to sometimes in debate."

Mr. Morris said he had no disposition to prolong the discussion, or to take any part in the debate on the original resolution. On hearing it read, it had struck him that the resolution did not reach the object, which ought to be the prevention of the recurrence of like outrages in future. All he had in view was to give to the resolution the character of prospective legislation, of which it seemed to be destitute.

Mr. Bell had been prepared for what he had heard, as he had anticipated the introduction of a resolution of some nature, in relation to the late unhappy affair. But he had hoped that this step would not have been taken until a few days should have elapsed, when members would have been better qualified than they could be now, to act deliberately and dispassionately. Least of all had he expected that such a resolution would be introduced to-day. He doubted not it had been done with the best and purest intentions, but he could not believe that its effects could be any thing but mischievous. Mr. B. did not mean to oppose the action of the house upon the subject, but the time proposed for that action; and he would appeal to the good sense of the house as to the propriety of postponing the consideration of the subject for a few days. He deprecated the passion, personality, exacerbation, and expressions of strong feeling, which he feared must arise out of the discussion of this subject. He doubted not that the excitement produced by this event was an honest and laudable one: and if the object were in reality, to benefit the country by the prevention of future mischief, he would beg the house to pause, and to look seriously at the probable result. No member on that floor more deeply lamented the late melancholy event than he did, and no member could be better pleased by the adoption of any practicable mode of preventing the recurrence of similar cases. But looking at the inevitable consequences, (as they presented themselves to his mind,) of present action upon this subject, he must entreat the house to consent to a postponement for one week. He made a motion to this effect.

Mr. Elmore, of South Carolina, said he was very unwilling to have participated in this discussion, but the remarks made by gentlemen who had preceded him rendered it necessary to say one word to explain his course, and put this matter on its right footing. If, as had been said by some of the gentlemen who had addressed the house, it was intended only to lay the ground-work for a law against duelling, he would vote against it as totally unne-

cessary, and, under present circumstances, very much to be avoided. But if, on the other hand, it was intended to assert the rights, privileges, and protect the persons of the members of this house, here in the discharge of their constitutional duties, it becomes a question too high and solemn to allow him to hesitate one moment in giving it his support. He required no information as to the circumstances of this unhappy affair to direct his vote for a law against duelling; and if the resolution of the gentleman from Maine shall go only to that end, he would vote against it, but if it be so modified as to present distinctly the question whether the *privileges of this house have been violated*, he should, under a solemn conviction of his judgment, feel it his imperative duty to vote for the inquiry, with the sole view to protect the members of this house from question, for what it may be their duty, as it unquestionably is their constitutional right, to say in debate.

But, sir, it is said this inquiry will produce ill feeling and excitement. He trusted not. Who, sir, when the high and solemn duty of guarding and protecting the rights guaranteed by the constitution to this body, and through it to our constituency, and the country, will dare to throw his private feelings into the proceeding, to swell excitement on so sad an occasion? No member surely will do such wrong to justice and to the honor and dignity of this house.

Entertaining the opinions he did upon this subject, under the convictions of his judgment, he should feel constrained to vote for the inquiry, if the resolution be so amended as to make it the means of asserting the privileges of the house and protecting the freedom of its debates and proceedings.

Mr. Bell hoped that the discussion would be confined to the precise question (of postponement) before the house.

The chair requested the house so to confine itself.

Mr. Turney entertained the opinion that all discussion of this subject, at this time, was highly improper. No member could possibly vote on it understandingly, until all the facts are investigated by the committee. He would, therefore, move the previous question.

The question upon seconding the previous question was taken by yeas and nays, and decided as follows: Yeas 84, nays 86.

So there was no second to the motion.

Mr. McKennan said that the peculiar position in which he stood towards his constituents demanded that he should say a word in explanation of the vote he had given against the suspension of the rule, and state the reasons why he should vote in favor of the motion to postpone the further consideration of the subject for one week. His constituents (he said) condemned the practice of duelling in the most unqualified terms, and in that condemnation he most heartily agreed with them. He abhorred the practice from the very bottom of his soul, and would go as far as the furthest on this floor to suppress it. He said, further, he would yield to no gentleman in deploring the tragical event which had cast a melancholy gloom over the city, and which we had all been called upon to mourn. He sympathized, deeply sympathized with the relatives of the deceased, and if he could pour the oil of consolation into the bosom of his surviving partner, nothing would afford him so much consolation. [Here the speaker interposed, and said the question was on the postponement.] Mr. McKennan said he would not transgress the rules. That he would heartily go for the amendment offered by his colleague, (Mr. Morris,) which looked to legislation, and which proposed to do something to put an end to the practice, which is fraught with such lamentable consequences, and in the condemnation of which, in principle, all seem willing to unite. That the resolution of the gentleman from Maine proposed to legislation, no suppression, by law, of the evil, but an examination merely into the facts of the late dreadful catastrophe; they were already before the public, and it could lead to no useful result to hasten the investigation. If, after paying the usual honors to the memory of the deceased, it was intended to cast an imputation upon the character or conduct of the survivor, the passions ought to have time to cool; the excitement, which all feel, should be allayed; and we should approach the subject with that coolness and deliberation which are so necessary to enable the house to come to a just and impartial conclusion. Justice to the characters of all concerned demanded that the investigation should be full and fair, without prejudice and without passion. He, therefore, hoped that the motion of the gentleman from Tennessee, to postpone for a few days, would prevail.

Mr. Boon said that he had voted for the suspension, and should now vote for the resolution, upon the ground of its being a matter of privilege, involving the right of debate in this house. Upon this ground, and this ground alone, would he vote for it.

The chair suggested that the question of postponement was before the house.

Mr. Boon said he should vote against the postponement and in favor of the resolution, as a question affecting the privileges of members of that body.

Mr. Potter, of Pa., next addressed the house. He said he understood the question before the house to be whether this resolution should be acted upon at this time, or a week hence. He could not, for a moment, permit himself to think that any honorable member upon that floor would let any personal or political considerations mingle with their action upon such a question as was then presented to them for consideration. If I could think, with my colleague, (Mr. McKennan), that the resolution could reflect on the memory of the dead, or upon the character of the living, (said Mr. P.) I would be in favor of taking time for coolness and reflection; for the subject is one of the deepest importance, and is to be acted on carefully and deliberately; while its high importance imperatively demands that that action should take place at the earliest possible time. Farther delay would, necessarily, produce farther excitement.

Mr. Fairfield, in order to meet the views of gentlemen, modified his resolution so as further to instruct the proposed committee to inquire and report whether a breach of the privileges of the house had been committed.

Mr. Loomis said that this appeared to him a very plain question, and he wondered that it did not strike every member in that light. The simple matter is, whether, when one of the members of this house, one of the associates of gentlemen there, is withdrawn suddenly from among them, and from the representation of the country—

Here the chair suggested that the gentleman's remarks were quite irrelevant to the question immediately before the house.

Mr. Loomis would connect them with the question. The house should act, under such circumstances, he thought, at once. It was demanded by the character of the house that this inquiry be made without delay. It was one which could involve no question of individual character, and which could result in the passage of no judgment by the house upon the character of any of the parties concerned. Upon that point, it called for no expression of opinion. He was opposed to the proposed postponement.

Mr. Grennell had listened to the debate thus far without having been able to here any good reasons for hasty action in relation to the matter before the house, or any against the delay which had been proposed by the gentleman from Tennessee, (Mr. Bell.) Whether to inquire into the question of a breach of privilege, or into the expediency of legislation against the horrible custom of duelling, there certainly was no need of hasty action in relation to this resolution. Could the proposed inquiry be conducted with deliberation and impartiality, while every heart was swelling with emotion at what had just transpired? So soon after the performance of the funeral obsequies, the member from Maine, (Mr. Fairfield,) with the best motives—motives honorable to him alike as a man and as a member of that body—had offered a resolution proposing an investigation of the circumstances which had led to the lamentable occurrence. Should not time be given, before this shall be done, for feeling to be assuaged—not party feeling, (of which he could not believe there was any operating in relation to the subject in that body,) but honorable, sympathetic feeling, before this step be taken? It was not the force, but the misdirection of this laudable feeling, that was to be avoided; and there was nothing (as it seemed to him) in the case, to impel the house to act on the spur of the moment: nor had any reasons been given why such hasty action should be had. He was glad that the house had decided against compelling an immediate vote upon the question. Time was necessary, to enable the house to adopt a course which should operate against the custom of duelling, which had produced results so disastrous. In order to effect this object, Mr. Grennell would vote for the motion to postpone.

Mr. Bronson, when he had first heard the motion made, was favorably disposed towards it. He felt the full force of the suggestion that feeling, sympathy, and personal attachment, ought not to be allowed to mingle in the deliberations of the house upon this subject. But, upon reflection, he had come to view the question as being merely whether the house would proceed to investigate this subject, and, in order to do this, in order to take the incep-

tive step in the inquiry, that there was no good reason for delay. Were the question a final one as to the case proposed to be inquired into, that argument might apply; but it could not avail in the present position of the question.

He would venture to assert that the time the committee would take in order to investigate the causes of the late unhappy event, would be even longer than that named by the gentleman from Tennessee, (Mr. Bell,) in his motion to postpone. In the mean time, he would suggest, there would be opportunity for reflection upon the part of the house, and the same effects as had been already pointed out, as arguments in favor of postponing, would ensue, in the assuaging of feeling, and enabling members to act upon the report of the proposed committee calmly, coolly, and dispassionately. He should, therefore, go for the postponement.

Mr. Reed rejoiced that, upon a late occasion, he had had an opportunity to express his opinion upon the subject-matter involved in this question. He rejoiced, moreover, that it had been brought before the house for its action thereon. Yet he could not agree that that was the proper time to set on foot the proposed investigation. It is admitted, he argued, on all hands, that a very strong feeling does exist upon the subject; and to such an extent that, even before the funeral of the deceased, there had been some doubts expressed as to the granting funeral honors in this instance; and, considering what had taken place in relation to the matter, he deeply regretted that the gentleman from Maine (Mr. Fairfield) should have introduced such a proposition as he had done. As to the question of postponement, the gentleman from Pennsylvania, (Mr. Potter,) who had spoken against it, had said that further delay produced further excitement. Was that human nature? He believed not. On the contrary, he was of opinion that delay allayed excitement rather than produced it.

The yeas and nays having been demanded on the question of postponement, that question was decided in the affirmative by the following vote:

YEAS—Messrs. Alexander, J. W. Allen, Ay-crigg, Beirne, Bell, Biddle, Bond, Bouldin, Calhoun, W. B. Campbell, John Campbell, W. B. Carter, Chambers, Chapman, Cheatham, Childs, Corwin, Cranston, Curtis, Dawson, Dromgoole, Dunn, Everett, Ewing, J. Garland, R. Garland, J. Graham, Wm. Graham, Grennell, Griffin, Harlan, Harper, Hawes, Herod, Hoffman, Howard, R. M. T. Hunter, Jenefer, H. Johnson, W. C. Johnson, Kemble, Lawler, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, May, McKennan Menefee, Milligan, Mitchell, C. Morris, Naylor, Patton, Pearce, Peck, Pope, Rariden, Randolph, Reed, Ridgway, Robertson, Sawyer, Sergeant, A. H. Shepperd, Shields, Sibley, Southgate, Stanly, Stone, Stratton, Taliaferro, Thompson, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, Yell, Yorke—84.

NAYS—Messrs. Adams, H. Allen, Anderson, Andrews, Atherton, Beatty, Bicknell, Birdsall, Boon, Briggs, Brodhead, Bronson, Bruyn, Bynum, W. B. Calhoun, Cambreleng, Casey, Chaney, Clark, Clowney, Coles, Connor, Craig, Cushman, Davee, Davies, Deberry, DeGraff, Edwards, Elmore, Farrington, Fairfield, R. Fletcher, Isaac Fletcher, Filimore, Fry, Goode, Grandland, Grant, Gray, Haley, Hall, Hammond, Harrison, Hastings, Hawkins, Haynes, Henry, Holsey, Hubley, W. H. Hunter, Ingham, Jabez Jackson, J. Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Legare, Lewis, Lincoln, Logan, Loomis, Martin, Maxwell, McKay, Robert McClellan, A. McClellan, Mercer, Montgomery, Moore, Morgan, M. Morris, S. W. Morris, Noble, Noyes, Ogle, Owens, Palmer, Parker, Patterson, Paynter, Petrikin, Phillips, Pickens, Plumer, Potts, Potter, Pratt, Prentiss, Rencher, Rhett, Richardson, Rives, Russell, Sheffer, Shepler, Slade, Snyder, Spencer, Stuart, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington—117.

The resolution was then debated at some length by Messrs. Garland, of Lou. Bouldin, Evans, and Fairfield, when

Mr. Calhoun, of Massachusetts, moved to reconsider the vote upon postponement.

Mr. Clowney moved the previous question.

Mr. Calhoun, of Massachusetts, then moved that the whole subject lie on the table.

The yeas and nays being ordered, this motion was lost, by the following vote: Yeas 74, nays 125.

Mr. Clowney's motion was next in order, and the previous question was seconded, (by tellers)—Ayes 109, noes not counted. And the question on reconsideration being taken by yeas and nays, was lost by the following vote: Yeas 75, nays 106.

Mr. *Clawney* then moved the previous question on the resolutions, which was seconded, yeas 105, noes not counted; and on the question whether the main question should be put, the yeas and nays were ordered, and the vote was as follows: Yeas 107, nays 86.

The question was then put on agreeing to the resolutions moved by Mr. *Fairfield*, as modified by him, and decided as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Brodhead, Bronson, Bruyn, Bynum, Wm. B. Calhoun, Cambreleng, J. Campbell, Casey, Chaney, Clark, Cleveland, Clowney, Coles, Corwin, Craig, Crary, Cushman, Davee, Davies, Deberry, DeGraff, Duncan, Edwards, Evans, Everett, Farrington, Fairfield, R. Fletcher, I. Fletcher, Fillmore, Fry, Gallup, James Garland, Glascock, Goode, Grantland, Grant, Gray, Grannell, Griffin, Haley, Hall, Hummond, Harrison, Harper, Hastings, Hawkins, Haynes, Henry, Holsey, Hopkins, Howland, Hubley, Ingham, J. Jackson, Joseph Johnson, N. Jones, J. W. Jones, Kemble, Kilgore, Klingensmith, Lewis, Lincoln, Logan, Loomis, Lyon, Marvin, Martin, Maxwell, McKay, R. McClellan, A. McClellan, McKim, McKennan, Mercer, Miller, Montgomery, Moore, Morgan, M. Morris, S. W. Morris, Calvary Morris, Naylor, Noble, Noyes, Ogle, Owens, Palmer, Parker, Patterson, Paynter, Peck, Petrikin, Phillips, Pickens, Plumer, Potts, Potter, Pratt, Prenstiss, Rariden, Randolph, Reed, Rencher, Rhett, Richardson, Rives, Russell, Sheffer, A. H. Shepperd, C. Shepard, Sheplor, Sibley, Slade, Smith, Spencer, Stuart, Stratton, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, Worthington, Yell, Yorke—152.

NAYS—Messrs. Ayerigg, Bell, J. Calhoun, W. B. Campbell, W. B. Carter, Chambers, Chapman, Cheatham, Connor, Cranston, Curtis, Dawson, Dromgoole, Dunn, Ewing, R. Garland, J. Graham, William Graham, Harlan, Hawes, Hoffman, R. M. T. Hunter, Henry Johnson, W. C. Johnson, Legare, Mallory, James M. Mason, Maury, May, Milligan, Mitchell, Patton, Pearce, Pope, Ridgway, Robertson, Sawyer, Shields, Snyder, Southgate, Stanley, Stone, Taliaferro, Thompson, Underwood, A. S. White, J. White, Sherrod Williams, J. L. Williams—50.

So it was *Resolved*, That a committee consisting of seven members be appointed to investigate the causes which led to the death of the honorable Jonathan Cilley, late a member of this house, and the circumstances connected therewith; and further to inquire whether, in the case alluded to, there has not been a breach of the privileges of this house, and to report thereon to this house.

Resolved, That said committee have power to send for persons and papers, and have leave to sit during the sessions of the house.

The speaker laid before the house several communications from the executive department, among which was a translation of the Gorostiza pamphlet, called for on Mr. Adam's motion, and a list of banks and public officers having public money in their hands.

Mr. *Morris*, of Pennsylvania, by leave, moved the following resolution of instructions to the select committee just ordered, which was adopted:

Resolved, That the select committee this day ordered be instructed to inquire into the means more effectually to suppress the practice of duelling, and report a bill for this purpose as early as is practicable.

Mr. *Evans*, by leave, introduced a resolution for informing the governor of Maine of the decease of Mr. Cilley; which was agreed to.

Mr. *Jennifer* asked leave to introduce the following resolution, farther instructing the committee just ordered:

Resolved, That the committee ordered this day be instructed to inquire into the expediency of providing that if any member of this house, in debate, should so far forget the character due to himself and the house as to use language which shall be considered so personal to any other member as to call for the censure of a majority of the body, the speaker first calling him to order, such offending member shall immediately be called on by the speaker to make an apology to the house and to the member so offended, and, upon refusal to make a sufficient apology, such offending member shall be expelled his seat in the house.

Before leave was granted as requested,

On motion of Mr. *Patton*,

The house adjourned.

THURSDAY'S PROCEEDINGS.

The senate, after some unimportant business, resumed the consideration of the sub-treasury bill, when

Mr. *Davis* concluded his remarks on this subject—examining further into the design, character, tendency, and effects of this measure, and closing with an examination of the bill itself.

Mr. *Strange* having signified his desire to speak to-morrow,

The senate adjourned, after an executive session.

In the house of representatives. The following named gentlemen were announced as being appointed to compose the select committee on Mr. Fairfield's motion for an inquiry, &c. concerning the death of Mr. Cilley, viz. Mr. *Toucey*, Mr. *Potter*, Mr. *Briggs*, Mr. *Elmore*, Mr. *Bruyn*, Mr. *Harrison*, Mr. *Rariden*. Mr. *Briggs* and Mr. *Harrison* were excused, on their request, on ground of being already on other onerous committees; and two other members were ordered to be appointed in their place.

After several petitions had been presented, on motion of Mr. *Kemble*, it was

Resolved, That the secretary of war be directed to report to this house the state of the defences on the Atlantic seaboard and Gulf of Mexico, and on the northern and eastern frontiers.

Mr. *Bouldin*, from the committee for the District of Columbia, made a report upon so much of the message of the president of the United States as relates to the District of Columbia, concluding with the following resolutions:

Resolved, That this committee will, at this session, report no bill to the house in relation to the District, except those of immediate and pressing necessity; and that they will report all such to the house as speedily as possible.

Resolved, That the statute laws in force in the District of Columbia ought to be compiled and embodied in a code, and that some competent person should be employed by congress to do it immediately, with notes of such alterations as he may deem necessary.

Resolved, That a delegate ought to be immediately allowed the District, elected by the people of the District, and admitted on the floor of the house of representatives.

Mr. *Bouldin* moved to lay the report and resolutions on the table, and that they be printed.

This motion gave rise to a brief discussion between Messrs. *Adams*, *Bouldin*, *Jenifer*, and *Grannell*. Finally, a motion to recommit, made by Mr. *Jenifer*, prevailed.

Mr. *Rencher*, by leave, introduced the following resolutions:

Resolved, That the doorkeeper be required to execute strictly the thirteenth and fourteenth rules of the house relative to the privilege of the hall.

Resolved, That no person shall be allowed the privilege of the hall under the characters of stenographer, without a written permission from the speaker, specifying the part of the hall assigned to him.

[The following are the rules referred to:

"13. No person, except members of the senate, their secretary, heads of departments, treasurer, comptrollers, register, auditors, postmaster general, president's secretary, chaplains to congress, judges of the United States, foreign ministers and their secretaries, officers who, by name have received, or shall hereafter receive, the thanks of congress for their gallantry and good conduct displayed in the service of their country, the commissioners of the navy board, governor, for the time being, of any state or territory of the union, who may attend at the seat of the general government during the session of congress, and who may choose to avail himself of such privilege, such gentlemen as have been heads of departments, or members of either branch of the legislature, and, at the discretion of the speaker persons, who belong to such legislatures of foreign governments as are in amity with the United States, shall be admitted within the hall of the house of representatives."

"14. Stenographers, wishing to take down the debates, may be admitted by the speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the house."

Mr. *Elmore* would ask if the duty proposed to be assigned to the speaker was not already assigned by the existing orders of the house? The speaker would say, in reply, that he should feel much relieved if the house would take some new order upon this subject. A practice had existed, under the incumbency of his predecessor, which he had felt the inconvenience of, in the too extended construction of the rules of the house in this respect. Mr. *Rencher* said that such had been his intention in introducing the resolutions. Mr. *Hopkins* asked for a division of the question. And the question being taken on the first resolution, was decided affirmatively. The question recurring on the second,

Mr. *Thompson* offered the following amendment, which prevailed: "And that no reporter or stenographer be admitted, under the rules of the house, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report," &c. And as thus amended, the resolutions were agreed to.

Mr. *Patton* thought the existing rules of the house in regard to this matter were abundantly sufficient, if properly enforced. The second resolution passed, and the speaker stated that he would with great pleasure carry the order of the house into execution.

Mr. *Howard*, on leave, reported a bill from the committee on foreign affairs for the preservation of the neutral relations of the United States, which was read a first and second time.

A discussion arose as to the time to which the consideration of this bill should be postponed. Mr. *Howard* moved to make it the special order of the day for to-morrow, during the morning hour. Mr. *Johnson*, of Maryland, moved to postpone it until to-morrow at 1 o'clock, and then to make it the special order until 2 o'clock on each succeeding day.

Mr. *Bronson* was in favor of the earliest hour.

Mr. *Cambreleng* hoped the motion of the chairman of the committee on foreign affairs would prevail, and that, in the mean time, the bill would be printed.

[Protests from citizens of Vermont against the provisions of the bill recently before the house upon this subject were, on leave, introduced, severally, by Messrs. *Fletcher* and *Slade*, and were ordered to lie on the table and to be printed.]

The motion of Mr. *Johnson*, of Maryland, prevailed.

Mr. *Thomas*, on leave introduced the bill from the senate, providing against the abatement of suits against the United States Bank on the 4th of March, 1838.

The bill being read twice, and the question being upon ordering it to a third reading—

Mr. *Thomas* moved the previous question.

Mr. *Adams* said that this cuts off all the amendments, and all debate on the bill itself. He did hope that the house would be permitted to consider the constitutional question involved in this bill—whether congress could make a bank of the United States.

The motion for the previous question, having been seconded, prevailed, and the bill was ordered to a third reading, as follows:

An act to prevent the abatement of suits and actions now pending, to which the late Bank of the United States may be a party.

Be it enacted, &c. That no suit, action, judgment, or decree, now pending and unsatisfied, in which the late Bank of the United States is a party, plaintiff, or defendant, shall abate or be discontinued or dismissed by reason of the expiration of the two years after the expiration of the charter, limited by the 21st section of the act of incorporation of the said bank, for the use of the corporate name, style and capacity of said bank, for the purpose of suits for the final settlement and liquidation of the affairs and accounts of the corporation; but all such suits, actions, judgments, and decrees shall be allowed to proceed to final judgment, execution, satisfaction, and settlement, as if the said two years had not expired.

The bill was then read a third time, passed, and returned to the senate.

On motion of Mr. *Cambreleng*, the further consideration of the message of the president of the United States in relation to the northeastern boundary affairs was postponed till this day week.

The consideration of the bill making appropriation for the payment of pensions was resumed, on motion of Mr. *Cambreleng*, who addressing the house in reply to his colleague, (Mr. *Curtis*,) whose remarks had concluded the debate upon this bill when last under consideration.

Mr. *Curtis* followed at some length, and was succeeded by Messrs. *Atherton*, *Sibley*, *Bell*, *McKim*, and *Phillips*, when the house adjourned without taking any question, at half past 4 o'clock.

Clock work. Mr. *Rodgers*, No. 410 Broadway, New York, has invented an ingenious clock work apparatus, to strike the city hall bell on an alarm of fire. It is very simple and durable, and any one can set it so as to strike for any district, and continue an hour striking. It is also valuable for the preservation of the bells, as the hammer strikes on one spot, and equally so for all church bells, for instead of tugging at the rope the sexton has only to set the clock at work, and the bell will ring or toll the necessary time without labour. It is altogether a simple improvement, which should be adopted for the city hall and churches. [Fr. Star.

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[VOL. LIV.—WHOLE No. 1,380.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

—The present number contains Mr. Grundy's letter to the legislature of Tennessee, and Mr. Tallmadge's speech in reply to Mr. Hubbard.

BRAZIL. *Dionizio de Azevedo Pecanha* has been officially recognised by the president of the United States as consul general of Brazil for the United States of America.

PENNSYLVANIA. A convention of the friends of the general administration met at Harrisburg on Monday last and nominated general *David R. Porter*, of Huntingdon county, as their candidate for governor. The anti-masonic convention assembled at the same place on the same day, and nominated *Joseph Ritner* as their candidate for the same office.

CONNECTICUT. The democratic state convention has nominated *Seth P. Beers*, of Litchfield county, for governor, and *John Stewart*, of Middlesex county, for lieutenant governor of the state of Connecticut.

FROM THE CANADA FRONTIER. The following from the *Albany Argus* of the 6th inst. confirms the account published in a subsequent page of the disbanding of the invading forces:

"Official despatches from gen. Wool and col. Worth, from the former of the 2d inst., and the latter of the 1st, show that both on the northern and western frontiers, the disturbing forces have been dispersed, and that tranquillity has been restored in every direction.

General Wool writes that the entire force under Drs. Nelson and Cote, about 600 strong, surrendered to him at 2 o'clock, P. M. on the 1st inst. near the Canada line, about one mile north of the village of Alburgh springs, Vermont, with all their cannon, small arms and ammunition. Previous to this, general Wool had taken one piece of artillery and nine loads of ammunition prepared for artillery and muskets. Drs. Nelson and Cote were in the custody of general Wool, by whom they would be surrendered to the civil authorities. The British troops were within six or eight miles of the invading camp at the time of the surrender.

The whole frontier, from St. Albans to Watertown, is entirely tranquillized—probably not to be again disturbed.

Gen. Wool left St. Albans for Plattsburgh and Champlain yesterday morning.

Col. Worth writes that he is just informed by express from major general Brady, at the mouth of the Detroit river, dated the 26th inst., that on the morning of the 24th, the individuals under the command of McLeod, made good their foothold on an uninhabited island on the British side, and appeared to threaten an attack upon Malden. When the troops at Malden moved towards the island, the invaders fled without making any resistance. On reaching the American shore, they were disarmed by the forces under general Brady and the civil authorities, and dispersed. McLeod, at the last date, was pursued by the marshals, and it was believed would be arrested. The re-action against these proceedings is general, and it is not a little accelerated by the want of courage exhibited on this and other occasions."

The Rochester Democrat contradicts, as a libel, the statement of the N. Y. Gazette, Courier and Enquirer, and Commercial Advertiser, that lady Head, whilst on her recent route to New York, was insulted in Rochester. It has the authority of gen. Whiting, a royalist, from Canada, that he had a few days since heard of gen. Head read a letter from his lady, dated at Utica or Albany, in which she states that, so far from being insulted, she had not met with a single mark of disrespect, but, on the contrary, had been uniformly treated with the utmost kindness and attention.

Lord Gosford, late governor general of the Canadas, has arrived at Boston with his suite. He came by way of Maine. He was to embark for England, on board the *Pique* frigate. His departure has given great joy to the friends of the queen in Montreal. The "*Herald*" states, that that city presented a magnificent spectacle on Tuesday evening, (Feb. 27th.) The illumination in honor of the installation of sir John Colborne as administrator of the government of this province, Vol. LIV.—Sta. 2.

and as a rejoicing that lord Gosford no longer insulted Britons as the representative of their sovereign, was as general as the most sanguine good subject could have possibly desired.

THE BAMBERS. We learn from the New York "*Evening Post*" that governor Marcy has suspended the order for delivering up the Bangers to the British authorities, and that without question they will be discharged. Mr. Morrell, their counsel, proceeded to Albany, and laid before the governor some important testimony, in contradiction to that on which the order for arresting and delivering them up was issued. The discharge of the prisoners will take place not on account of any change of opinion as to the effect of the evidence originally presented, but on account of its being invalidated by facts subsequently proved.

FOREIGN NEWS. London papers to the 15th and Liverpool to the 16th of January have been received at New York. They are filled with speculations upon the late movements in Canada, which have also been warmly discussed in parliament.

The London Courier of the 15th of January says: "As soon as parliament meets to-morrow the ministers will lay before it the additional documents which they possess concerning the revolt in Canada, and will be prepared to state their views on this important subject. We may expect a warm debate if the Tories and radicals are not so excessively disappointed at the speedy termination of the revolt as to be unable to make a show of fight."

The newspapers contain various accounts of arrangements for increasing the British forces, and for taking out troops to America. The bounty for the ordnance service has been raised to five guineas, and the standard of height reduced from five feet five inches for the royal artillery instead of five feet eight. This corps wants 490 men to complete it. The Royal Sovereign transport, commanded by lieut. Werter, was to take out immediately two companies of royal engineers to Canada. The *Apollo*, at Portsmouth, a large 46 gun frigate, is to be prepared for a troop ship and to sail for Canada about the end of March. The *Hercules* 74 will take out 500 men. The *Inconstant* has embarked a portion of the 93d Highlanders, and the *Pique* will take the remainder. The second companies of the 11th will be landed at Bermuda until they are wanted in America.

A large number of officers have arrived at New York and proceeded to Canada. The collector of that port directed all the baggage of the British officers, who arrived in the packet ship *Cambridge*, to be passed without examination. The officers and the British consul called on the collector to express their gratification at so unexpected a civility, which relieved them from being subjected to an ordeal which, though trivial in its nature, is justly deemed the most vexatious of annoyances that the stranger can possibly encounter.

Sir George Arthur, the new governor of Upper Canada, with his suite and several military gentlemen, took passage in the New York packet *Samson*, on Friday the 5th of January, for America.

A meeting of the friends of reform had been held at the borough of Beverly, at which Messrs. Renzie and Clay had spoken in favor of temperate and conciliatory measures towards the Canadians, and a petition to that effect is expected from the people of that place.

The winter palace of the Emperor Nicholas was destroyed by fire on the 29th of December, the London Royal Exchange on the 10th of January, and the Italian Opera house at Paris on the 15th of the same month. In all these cases the endeavors to extinguish the conflagration were obstructed by the intense frost which prevailed, and rendered it difficult at first to convey the water to the flames. The weather, during the season in which these fires occurred, appears to have presented a strong contrast to the mildness of the season here.

The chamber of deputies, on the 15th, agreed on an answer to the king's speech, which is but the repetition of the speech itself.

A Berlin letter of January 7th, states that three couriers from St. Petersburg had arrived within a few days of each other. It was reported that serious disturbances had broke out in the Russian

capital, and that the Emperor Nicholas had been exposed to great personal danger.

APPOINTMENTS BY THE PRESIDENT,

By and with the advice and consent of the senate.

Peter Dixey, collector of the customs, Marblehead, Mass. from Feb. 19, 1838.

Jesse Hoyt, collector of the customs, New York, from March 29, 1838.

George Holt, collector of the customs, Cherry Stone, Virginia, from February 6, 1838.

Samuel Learned, collector of the customs, Pearl River, Mi. from January 31, 1838.

John McDannell, collector of the customs, Detroit, Mich. from 23d March, 1838.

Danforth N. Barney, collector of the customs, Sacketts Harbor, from March 3, 1838, in place of Thomas Loomis, whose commission has expired.

John Clark, register of the land office, Ionia, Michigan, vice Joseph W. Brown removed, from 6th March, 1838.

Joseph S. Lake, register of the land office, Wooster, Ohio, from March 25th, 1838.

James C. Sloo, register of the land office, Shawneetown, Illinois, from March 25th, 1838.

William A. Richmond, receiver, Ionia, Michigan, vice Allen Hutchins, removed, from 6th March, 1838.

Samuel Milroy, receiver, Crawfordsville, Indiana, vice James T. Pollock, removed, from 6th March, 1838.

John Coates, receiver, Chillicothe, Ohio, from 25th March, 1838.

John Taylor, receiver, Springfield, Illinois, from 25th March, 1838.

Charles Humphrys, receiver, Marietta, Ohio, from the 28th March, 1838, when the commission of David C. Skinner will expire.

Solomon Clark, receivers of public moneys at Pontotoc, Mi. from 5th March, 1838.

Benjamin R. Gantt, receiver of public moneys, Opelousas, Louisiana, from January 24, 1838.

Henry Smith, receiver of public moneys, Vandalia, Illinois, from January 31, 1838.

R. G. Greene, surveyor, Portland Me. from Feb. 15, 1838.

George W. Riter, surveyor, Philadelphia, from March 23, 1838.

Marcus C. Ryan, surveyor, Windsor, N. C. from Jan. 31, 1838.

John G. Mawney, surveyor and inspector of the revenue, East Greenwich, R. I. from 29th January, 1838.

Edward Palfray, surveyor for the district of Salem and Beverly, and inspector of the revenue for the port of Salem, Massachusetts from 29th January, 1838.

John Horn, naval officer, Philadelphia, from March 23, 1838.

Daniel Sherwood, naval officer, Wilmington, N. C., from Feb. 22, 1838.

Henry Simpson, appraiser, Philadelphia, from Feb. 23, 1838.

Thomas H. Hopkins, register of land office, Mi. from Feb. 23, 1838.

David V. Culley, register of land office, Indianapolis, Indiana, from March 31, 1838.

David Robb, register of land office, Zanesville, Ohio, from March 31, 1838.

Olmead Hough, register of the land office at Detroit, Mich. from 5th March, 1838.

Peter W. Gautier, jr. to be marshal for the western district of Florida, in the place of J. W. Exum, deceased.

Charles D. Hammond of Georgia, to be marshal of the United States for the district of Georgia, in the place of Peter Solomon, resigned.

James N. Barker, to be first comptroller of the treasury, from the first of March next, in the place of George Wolf, resigned.

POST OFFICE REGULATIONS.—Extract from the instructions to postmasters, p. 50, sec. 118. "In every instance in which papers that come to your office are not taken out by the person to whom they are sent, you will give immediate notice to the publisher, adding the reason, if known, why the papers are not taken out."

THE LATE DUEL AT WASHINGTON.

From the New York American.

FROM THE EDITOR.

Washington, 26th February, 1838.

I send the following statement for publication, in justice to col. J. W. Webb. It is accurate, as I know, in its essential particulars, in that which relates to the impression under which col. W. rested on the evening of Friday, 23d, and up to 10 o'clock A. M. of Saturday, that no meeting could take place on that day between Mr. Graves and Mr. Cilley.

Col. W. had evinced the most resolute purpose to prevent, at any rate, and at any hazard, the substitution of Mr. Graves for himself, in the combat, and nothing but the unusual haste with which this matter seems to have been passed to an issue, could, it is believed, have defeated the success of his interposition, and that of other friends, as well as of the law, to prevent the duel.

It is not deemed necessary to give the signatures to this paper, as it might not be agreeable to the parties to see their names in print, on such an occasion. Any gentleman, however, desiring it may see the original statement at this office.

GADSBY'S HOTEL,
Washington, Feb. 25, 1838.

Early in the morning of yesterday, col. Webb, of New York, called at my lodgings while I was yet in bed, and stated that on the evening preceding, Mr. Cilley, of Maine, had accepted a challenge from Mr. Graves of Kentucky, and that they were to fight at eighty paces with rifles. Col. Webb said that the proposed meeting grew out of a correspondence between Mr. Graves and Mr. Cilley, founded upon a letter from col. Webb to Mr. Cilley, asking for an explanation of certain language used on the floor of the house of representatives, and of which letter Mr. Graves was the bearer. He said that it was utterly impossible that any meeting could be permitted to take place between Messrs. Graves and Cilley until Mr. Cilley had first met him; that he was determined to force such meeting upon Mr. Cilley, be the consequences what they might, and that in pursuance of that determination, he had secured the services of — the evening previous, shortly after the acceptance of Mr. Graves' challenge by Mr. Cilley, and now called to ask my co-operation in the following proceeding, viz: "That col. Webb, accompanied by Mr. — and myself, properly armed, should repair to Mr. Cilley's room, when Mr. Webb should offer Mr. Cilley the choice of his duelling pistols, with the following alternatives: either then and there to settle the question, or pledge his word of honor that he would give col. Webb a meeting before Mr. Graves, at such place and time, and with such weapons, as Mr. Cilley might appoint; and in the event of doing neither, then to expect the most serious consequences on the spot." Mr. Webb then added, "should he refuse to fight me at the time, or give the pledge required, I shall have no alternative left but to shatter his right arm, and thereby prevent his meeting my friend."

I considered col. Webb bound in honor to take the course he suggested, and promptly declared my willingness to accompany him. At 10 o'clock I was informed by col. Webb, that although he had been assured on the evening previous, that Mr. Graves and Mr. Cilley would not meet for some days, he had reason to believe that he had been intentionally deceived, and that the meeting would take place on that day at 12 o'clock. At his request, I immediately took measures to ascertain whether Mr. Cilley was at his lodgings, and finding that he was not, col. Webb, Mr. — and myself, all well armed, took a carriage and repaired to Bladensburg, where it was said the meeting was to take place. Before arriving at the ground, col. Webb designated the following as the order of proceeding—to which we assented, believing it to be the only course left him, and demanded by every consideration of duty towards his chivalric friend, Mr. Graves. "On reaching the parties," said col. W., "I'll approach Mr. Cilley and tell him that this is 'my quarrel, and he must fight me, and that if he aims his rifle at my friend, I'll shoot him on the spot.' We know that upon this, Messrs. Graves and Wise will interfere, and that we will be ordered off the ground,—but I shall tell them that we have come prepared to lose our lives or prevent the meeting, that it cannot proceed without first disposing of us. From our knowledge of the parties, it is probable that some of them will then raise his weapon at me, when I shall instantly shoot Cilley, and we must proceed to defend ourselves in the best way we can."

On arriving at the usual duelling ground, we discovered that the parties were not there, and after waiting half an hour, returned to the capital, when col. Webb had a conversation with, and we under-

stood, requested general Mercer to go to the civil authorities, make a formal complaint in his (col. W.'s) name, and cause officers to be despatched in every direction to discover and apprehend the parties.

We learnt at the capitol, that the parties had only been absent about twenty minutes, and that the meeting was to take place at the old magazine. We instantly followed in pursuit; but on arriving at the place designated, understood that the parties had not been there. We were then induced to believe that the shore of the Potomac, near the arsenal at Greenleaf's point, was the place of meeting, and we followed in pursuit. But here again, we were foiled; and I have since understood that the place of meeting was changed to avoid interruption by col. W. It now being after three o'clock, P. M. we returned to Gadsby's hotel, and there awaited the result.

It is unnecessary to add what would have been the course of col. Webb, if Mr. Graves, instead of Mr. Cilley, had been injured. Suffice it to say, that his determination was sanctioned by us; and however much we deplored it, we could not doubt but the extraordinary position in which he would then have been placed, would have warranted the course determined upon.

(Signed)

The foregoing statement of Major — is correct in all that relates to myself, and to our joint proceedings—or in other words, in all its parts of which I could have any knowledge, not having been present at the time Major —'s services were sought for and secured.

(Signed)

The editors of the New York Journal of Commerce state that the names affixed to the above were Daniel Jackson, of New York, and Maj. W. H. Morrell.

The "Spy in Washington" has published the following as the letter from col. Webb to Mr. Cilley; which the latter declined receiving when presented by Mr. Graves, and we give it a place as a portion of the history of the duel.

GADSBY'S HOTEL,
Washington, Feb. 21st, 1838.

To the Hon. Jonathan Cilley:

Sir—In the Washington Globe of the 12th inst., you are reported to have said in the course of the debate which took place in the house of representatives on that day growing out of a publication made in the New York Courier and Enquirer,—"He (you) knew nothing of this editor, but if it was the same editor, who once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American congress."

I deem it my duty to apprise you, sir, that I am the editor of the paper in which the letter from the "Spy in Washington" charging a member of congress with corruption, was first published; and the object of this communication is to enquire of you, whether I am the editor to whom you alluded, and if so, to ask the explanation which the character of your remarks renders necessary.

Very respectfully, your ob't serv't.

J. WATSON WEBB.

The annexed communication from col. Webb, written at Philadelphia, was published in the Courier and Enquirer:

Philadelphia, Feb. 28, 1838.

As it is my determination never to allude editorially, to the recent melancholy affair at Washington, except under circumstances which cannot now be foreseen, there may be a propriety in briefly referring to it at this time.

Some of my contemporaries have alluded to my apparent desire to get into difficulties of this nature, but in this they do me great injustice; and I may with safety appeal to those who are familiar with the circumstances under which I have actually gone into the field, and sought to take others there, that I have never acted under, or exhibited a spirit of revenge, or been actuated by any other feelings than those which should be the guide of every gentleman.

The true secret of my repeated difficulties is to be found in the fact, that I will not subscribe to the abominable doctrine, that in becoming an editor, I ceased to be a gentleman! This insult to the press of our country, had its origin in the cowardly feelings of certain senators from Mississippi; and in consequence of their example, every political demagogue, who succeeds in obtaining a seat in congress, lays it down as an axiom that editors are not gentlemen, and may be assailed without entitling them to any claim for redress.

The prominent position of the Courier and Enquirer, and the wide dissemination of the infamous slander that I had been bribed by the Bank of the United States—a slander which had its origin in the malevolence of Churchill C. Cambreleng—has unfortunately consigned Mr. Cilley to the tomb, and attached to me the imputation of seeking notoriety, by aiming to establish the reputation of a duelist. Those who know me, are well aware that neither vindictiveness nor malice constitute any portion of my character; and that where I have sought redress, I have been actuated by a deep sense of what was due to myself and family, and not by the desire of shedding human blood. Nearly six years have now elapsed since Mr. Cambreleng's false charge was first made against me. It is known to be false by every man of ordinary intelligence in the country, and yet it is annually repeated on the floor of congress! Now I appeal to any man of proper feeling, who is himself the father of a family, whether he could calmly submit to the reflection that this foul calumny must descend to his children as perhaps the only legacy of one whom, while living, they loved and honored? I think not; and without any disrespect to the feelings of the public, I may be permitted to say, that I have long since determined to put an end to this slander at all hazards.

In pursuance of this unaltered and unalterable determination, I have endeavored to hold members of congress responsible for the repetition of what they well knew to be a slander; and when I have been met by the plea that an editor of a paper is not a gentleman, I have had the additional mortification of knowing that a portion of the press, waiting in duty to itself, unfeelingly endeavors to prejudice the public mind, both as to the object I have in view and the character of the plea by which that object is sought to be avoided.

Every man is of right, the sole judge of what is due to his own honor; and while no one can entertain greater respect for public opinion than I do, I must be permitted to say, I can never be so far controlled by it as to suffer any respectable person to circulate the slander alluded to, without chastisement of some sort. Of course I can never again ask a friend to be the bearer of a message to any member of congress. The cowardly plea which members of that body have adopted to screen themselves from punishment, will thus far prove effectual; but they must not imagine that they are therefore beyond my reach. Time may demonstrate that such a conclusion would be erroneous; and if there are those connected with the press who are prepared to censure my conduct because they are willing to submit to the decision that their profession is not consistent with the character or the feelings of a gentleman, I can only enter my protest against their acquiescence in such deep disgrace being considered binding upon me.

One word in relation to the recent duel, and I have done. Mr. Cilley, in his last interview with Mr. Graves, said all, and even more than was required of him; and this, under the impulse of his own feelings, he was ready to commit to writing. But he unfortunately fell into the hands of Benton and Duncan—men as void of character as they are of political honesty—and these ruffians believing that the life of Mr. Graves was at stake, in consequence of Mr. Cilley's wonderful accuracy in rifle shooting, persuaded him to withhold his assent to what Mr. Graves had already reduced to writing, and thereby indirectly implicate his veracity. To Mr. Cilley's weakness in listening to such dishonorable advice, and the anxiety of Messrs. Benton and Duncan for the life of Mr. Graves, is the melancholy fate of Mr. Cilley solely to be attributed. His blood is on their heads; and sooner or later the public will properly appreciate their instrumentality in this melancholy tragedy. Of my efforts to prevent it, I need not speak—the facts are fairly before the public, and in the consciousness that I have only done what my duty to myself and my family rendered imperative, I rely upon my conduct being duly appreciated by all whose good opinion it is my desire to retain.

J. WATSON WEBB.

From the "Globe" of Wednesday night.

We have been furnished with the following for publication:

Washington City, March 6, 1838.

Sir: I enclose you three printed paragraphs, cut from newspapers, having relation to the inquiry with which the committee of which you are chairman has been charged by the house of representatives. The first is taken from a letter written from Philadelphia; the second from a letter written from this city; and the third is taken from the editorial head of the New York Courier and Enquirer; and all of them attributing the death of Mr. Cilley to

my counsels and contrivances. The positiveness with which the writers of these paragraphs detail the circumstances which enable them to charge me with the death of Mr. Cilley, may present them as proper witnesses to be examined in relation to that event; and, if so, I have to request that I may be allowed to be present at their examination.

In the mean time, justice to the dead, who can no longer speak for himself, and a due regard to the object of these coincident movements from three cities, induce me to say that, so far as my name is concerned, there is not one particle of truth in the statements of these paragraphs. So far from counselling with Mr. Cilley, and preventing him from admitting the true report of his conversations with Mr. Graves, it happens to be the fact that I never saw Mr. Cilley, to know him, but once in his life, and that at the commencement of the session, when he did me the honor to call upon me in company with Mr. Pierce, of the senate; and that no communication of any kind, written or verbal, direct or indirect, personal or political, has ever taken place between us. Instead of contriving and creating this duel, it so happened that my first knowledge of it was received in my chair in the senate, on Friday, from Mr. Haight, the sergeant-at-arms, who mentioned it to me as a town talk; my next knowledge of it was from Mr. Pierce, of the senate, and at my place in the senate; so that I was in arrears of the town talk on the subject. With respect to this wonderful rifle firing, of which I am represented to have been the superintendent, and to have expressed such high admiration, it happens to be the fact that I have not seen a rifle fired in twenty years. With respect to Mr. Graves, whose death I am charged with so anxiously contriving, it so happens that I do not know the person of that gentleman; that not a word of any kind has ever passed between us; that I do not know that he has ever spent a thought upon me, and am certain that his existence even was unthought of by me at the time I am charged with planning his death. With respect to Dr. Duncan, with whom I am charged with being in consultation nearly all the week, I have no recollection of having seen him until after mid-day on Saturday, when he and others stopped at Mr. Jones's door, which is next door to mine, on their way out, and when my counsels can be stated by others more appropriately than by myself.

Reserving any further details for a more suitable occasion, I have to request you to lay this letter, with its enclosure, before the committee of which you are chairman, for such action upon it as they may think proper to have.

Respectfully, sir,

Your obedient servant,

THOMAS H. BENTON.

To the Hon. Mr. Toucey, chairman, &c.

[For the paragraph quoted here by Mr. Benton, see that portion of Mr. Webb's letter above, commencing, "One word," &c.]

Extract from a letter, dated Washington, Feb. 26, 1823, published in the New York Courier and Enquirer.

"Immediately after the conversation, Mr. Graves addressed a letter to Mr. Cilley, recapitulating the substance of the conversation, and requesting him to reduce it to writing. Hereupon a consultation took place between Mr. Cilley, Mr. Duncan of the house, Mr. Benton of the senate, and several others, the result of which was a reply late in the evening, wherein Mr. Cilley refused to recognise so much of Mr. Graves's report of their conversation as related to col. Webb, and said that he neither admitted nor denied his claims to be considered a gentleman. This was virtually questioning Mr. Graves' veracity, and he insisted upon an admission in writing of what had occurred in their personal interview. But under the advisement of Mr. Benton and others, it was refused, and we all know the melancholy termination of the affair."

Extract from the New York Courier and Enquirer.
"He [Mr. Cilley] is said to have practised on Thursday and Friday last under the superintendence of Mr. Benton, when that personage declared, either on hearing or seeing the result of his practice, that at eighty yards he could kill any man in the world. He is said to have hit eleven times—eight times within the circumference of a dollar—and the whole eleven times within the space which could be covered by a man's hand."

From the New York Evening Post of the 2nd inst.

Mr. James Watson Webb caps the climax of his most ruffian-like conduct by announcing, under his own signature, in his paper of this morning, that he is determined to inflict chastisement of some sort

upon every respectable person who shall dare to speak of his having been bribed to support the late United States Bank. It is probable this threat may silence some; but I trust there are yet more who will despise it as utterly as the wretch who proclaims it ought to be despised by every honorable man. For my own part, while the proof that this atrocious braggart's services were bought and paid for by the United States Bank exists on the enduring records of the national legislature, I, for one, shall never hesitate to speak freely my sentiments of the contemptible apostate. I am willing to acknowledge that he is, technically and etymologically, a gentleman—that is, that this father and grandfather were respectable men, and that some few gentlemen lend him their countenance in society—but as for himself, I hold him to be one of the basest and most craven braggarts that ever disgraced the human form. If every man and woman in this community should speak their true opinion of him, it would be found that but few voices would dissent from that which I have here expressed. I say this, not because I have any desire to obtrude myself personally before the community, but because, in the face of such a defiance as that thrown out in the *Courier* of this morning, I deem it the duty of those who have heretofore spoken plainly of this creature's character, to show that they are not to be intimidated by his bluster from continuing freely to express their sentiments.

WM. LEGGETT.

New York, March 2, 1838.

FRONTIER INTELLIGENCE.

Extract from a letter dated

ST. LAWRENCE CO. N. Y. Feb. 26, 1838.

The forces began to arrive at French creek on Tuesday afternoon and evening, and large quantities of arms and ammunition were received there. Van Rensselaer was there; and they did not embody men on the American soil, (acting, in this respect, under the advice of counsel) but transported their arms and ammunition to Hickory island—a small British island lying between Grindstone and Long islands—and the men began to repair hither. They had about 4,000 stand of arms, 20 barrels cartridges, 500 long pikes, (a very efficient article, manufactured for the occasion) and plenty of provisions. On the island, the only shelter was a small log house and a barn. On Wednesday, the men gathered on the island to the number of 3,000. The day was cold, and the men suffered from exposure. Mackenzie, it seems, was dissatisfied that Van Rensselaer was to command, and neither he nor Gibson attended at all. This threw a damper on the whole proceeding: the Jefferson men would not take arms. Van Rensselaer, it is said, offered to march into Canada in the ranks, with his knapsack and musket, under any command, with 100 men; but on calling for volunteers, the first time there appeared 83, from St. Lawrence and Salt Point, and all told: second, 71 appeared; and the third time only 35 would volunteer. They then concluded to disperse, and by great exertions of the leaders, enough were kept together to remove the arms, &c. to French creek; and then they fled, "every man to his tent," or rather to his own home.

Thus ends the affair, and I presume no further agitation will be kept up on this frontier. Mackenzie has showed himself equally selfish, heartless, unprincipled, and cowardly; and so great is the revulsion of feeling here, that I verily believe, if he should venture here again, he would be handed over to the tender mercies of the Canadians, without ceremony or pity.

From the New York Journal of Commerce.

The news of the plunder of the United States arsenal at Elizabethtown, Essex county, N. Y. published in our morning edition, is confirmed. The robbery took place on the night of the 25th ult. A letter from Mr. Hand, the keeper, to the state authorities at Albany, says one thousand muskets with fixed bayonets were stolen, twenty-six rifles, twenty pairs of pistols, a large quantity of knapsacks, and perhaps a quantity of cartridge boxes. Entrance was effected at the back door, by means of an iron bar. The stolen arms, says the *Albany Argus*, "are supposed to have been taken in several sleighs, and were tracked north. Messengers had been sent in every direction, but Mr. H. believes that the property is secreted within a few miles, unless it has been transported into Vermont. The guns were mostly old; but recently cleaned, polished, and oiled. Mr. H. had applied promptly to Gen. Wool for aid in the recovery of the property." This officer, according to a letter in the *Albany Journal*, has several companies of militia at his disposal, but no regulars. Another letter in the same paper states that the teams which

carried off the stolen property came from Westport and Lewis.

On the night previous to the above outrage, the state arsenal at Batavia was again broken open, and robbed of one hundred muskets and 1,000 lbs. of powder.

From the Albany Argus.

Despatches are from Gen. Wool to the 25th, inclusive, dated at head-quarters, Champlain. The early indications of quiet had given place to a revival of the Canadian war spirit; and recently persons had been actively engaged in collecting and concentrating between Champlain and Plattsburg supplies of cannon, carriages, ball, small arms and ammunition, with the avowed intention of invading Canada, the first favorable opportunity, at three points, viz: at Swanton, Vermont, Plattsburg; and at some point between Ogdensburg and Watertown. The main attack, it was believed, was intended to proceed from the Champlain frontier. These circumstances had induced Gen. Wool to call for three companies of infantry militia, and some thirty or forty mounted men. This corps had been judiciously distributed at the proper passes, with guards near the patriots' depots, with instruction to detain them the moment their removal should be attempted: and the greatest vigilance was exercised to prevent and arrest these movements, and with expected success. A material change had taken place in the public mind; so much so, that it was thought Gen. W. would be able to obtain a volunteer force sufficient to answer all present purposes.

The movement from the neighborhood of Ogdensburg, we know, has proved an entire failure; the poor creatures who composed the expedition having returned, half frozen, without setting foot on the main shore of Canada. The most valiant of them, however, did cross the line, and took possession of Hickory island—a feat which we suppose might have been accomplished by one man, as easily as by three companies. By the last accounts, General Skinner, who had been deputed by General Wool for the service, with orders to call out a battalion from General Hazleton's brigade, had reached Watertown, and would proceed forthwith to French creek, and endeavor to secure the arms, etc. belonging to the state.

PROCLAMATION.

By William L. Marcy, governor of the state of New York.

Whereas information has been communicated to me that the arsenals belonging to this state, situated at Batavia, in the county of Genesee and at Watertown, in the county of Jefferson; and at Elizabethtown, in the county of Essex, have been recently broken open and a part of the property of the state deposited in them has been stolen therefrom, I do hereby offer a reward of \$250, in addition to a like sum offered by the keeper of the state arsenal at Batavia, to any person who will furnish information that shall lead to the detection and conviction of the offenders. I do further offer the sum of \$300 to any person who shall give information that shall lead to the detention and conviction of the persons who broke open the arsenal at Elizabethtown and stole property of the state therefrom; which said rewards is to be paid on the conviction of the offenders. And I do furthermore offer the sum of \$250, in addition to a like sum offered by the keeper of the arsenal at Watertown, to any one who will give such information as shall lead to the discovery and conviction of the persons who broke open the arsenal at that place and stole the property of the people of this state therefrom; the said sum to be paid on conviction of the offenders. And whereas, also, several pieces of ordnance belonging to the people of this state have been stolen and carried away from those who had possession thereof on behalf of this state, I do hereby offer the sum of \$100 as a reward to any person who will give information which shall lead to the apprehension and conviction of the persons guilty of forcibly and feloniously taking and carrying away any piece of ordnance or cannon, the property of this state, from any gun-house, or from the persons having possession thereof; and I do hereby call upon all magistrates, sheriffs, and civil officers, to be vigilant and active in their efforts to bring to justice the persons who have committed any of the aforesaid offences.

Given under my hand and the privy seal of New York, the first day of March, one thousand eight hundred and thirty-eight.

W. L. MARCY.

JOHN A. DIX, Secretary of state.

The "*Globe*" of Tuesday night contains the following:

A report has been received from Colonel Worth, at Buffalo, stating that the arms, ammunition, and

artillery, stolen from the state arsenal at Batavia, have been recovered. They were found in the possession of about seventy men, who were encamped several miles higher up the lake, and about three miles from either shore. The men were ordered to disperse and return to our shore, where many arrests were made by the district attorney; of whom *five*, including *Burnham* and *Holmes*, first and second in command, were conducted to Buffalo, and are now undergoing examination with the most abundant testimony, having been caught in the fact. In the course of the preliminary examination, it was clearly established that the final movement was to be made on the night of the 27th, before which some six or eight hundred men were waiting in the immediate neighborhood to join.

From the Buffalo Com. Advertiser, March 1.

Early this morning we received by express, the following intelligence, which, as it comes officially, may be depended upon as correct.

Gen. Scott arrived at Monroe, Michigan, on the 25th ult. On the 24th, a party of patriots took possession of a small island in the Detroit river, on the Canada side, and the next day were dislodged by the British batteries, and escaped to the American shore.

There were about 150 in number, and were immediately disarmed by brig. gen. Brady, and suffered to disperse.

A deputy marshal is in pursuit of the leader, the patriot adjutant gen. McLeod.

No other expedition has attempted to cross the frontier in that region. This is the fourth Navy island expedition.

The Kingston Chronicle gives further particulars of the threatened invasion of Canada. A despatch was received at that place, stating that the patriots were concentrating their forces with an intention of making an attack upon Kingston or Gananoque, on the night of the 22d of February. The militia, under major Fitzgerald, were fully prepared to receive them, and mustered to the number of 1600 bayonets. The patriots are stated to have been about 200 strong. An account of what transpired on our own frontier at the same time is given by the Ogdensburg Republican. Mackenzie had been visiting that vicinity some weeks since, and had addressed our citizens at that place and at Canton. On his return to Plattsburg, a convention was held somewhere in St. Lawrence county or in Jefferson, and a plan of operations concerted. The passing and repassing of many strangers induced the belief that a general rising was about to take place on the frontier, and an attack made upon Kingston on the 22d. Three thousand men, with arms, ammunition, and provisions, poured into French creek like a torrent. Fearing a visit from the United States' authorities, they removed to Hickory island, on the Canada side, 24 miles from Kingston. The next step was to call for volunteers from among this chivalric host, when *eighty-six* responded to the appeal. This was a damper. The lookers-on bore the same portion to the actors as in other farces, and activity became the order of the day. The play was ended, and the audience retired.

HON. FELIX GRUNDY'S LETTER, On the Tennessee resolutions of instruction.

WASHINGTON CITY, Feb. 6, 1838.

To the members of the general assembly of the state of Tennessee who voted for the following resolution:

"Resolved, therefore, by the general assembly of the state of Tennessee, That our senators be instructed, and our representatives in congress be requested, to vote against any law which may propose to enforce the sub-treasury system of finance, recommended by the president of the United States in his message to congress of the 4th day of September, 1837."

Gentlemen: I received, last evening, the foregoing instructions from the legislature of the state I, in part, have the honor to represent in the senate of the United States, and hasten to inform you of the course I shall feel it my duty to pursue.

I have always been an advocate for the right of instruction, and holding that right as belonging to the immediate constituency of the representative; I also hold that it is the duty of the representative to obey; that is the state legislature possesses the right to instruct the senators from their state in congress, as to any particular measure, and the people possess the right to instruct their immediate representatives.

You have instructed me to vote *against* a particular measure. To vote against it will involve no

infraction of the constitution; nor am I required, by a compliance with your instructions, to inflict a direct and vital injury upon my country. You, by your instructions, have taken upon yourselves the responsibility of the vote I am required to give, and I am relieved from it. The people will look to you as the principal, and to me merely as the agent, in performing an act expressly required by those in whom I recognise the power to instruct.

I therefore shall obey, in good faith, your instructions as expressed in your resolution, and shall vote against the bill, in all its stages, precisely in the same way I should do were I opposed to it myself, and not follow the example of those senators of the opposition who have felt at liberty to disobey the instructions of their state legislatures.

If my political principles would allow me to do so, perhaps a case cannot be imagined where stronger circumstances could exist in justification of a course different from the one I have adopted. You were elected as members of the legislature in August last. Before that time, nothing had been said publicly among the people of the state in regard to the collection, safe-keeping, and disbursement of the public revenue. Consequently, your election furnishes no indication of public opinion on this subject, because the question was not then considered, and was not before the people.

The president's message, at the special session in September, first disclosed the views of the administration upon this subject. This document could not have been seen by many of your constituents before you left home for the seat of government, where you convened on the first Monday in October. Therefore, most of you could not have had an opportunity of ascertaining the sentiments of your constituents before you met in October. I am also constrained to believe that such was the fact, as to your means of knowing the views of your constituents on this measure, from the obvious consideration that had you really known that their opinions were against it, your respect for those opinions must have led you to immediate and prompt action on the subject. How, otherwise, can you justify your conduct in delaying to act till the 18th day of January, 1838.

Neither have I heard of any memorials or remonstrances, indicating the public sentiment, that have been sent to you, requiring you to interpose between me and my vote on this subject.

You met on the first Monday in October last, and have continued in session ever since. I cannot, therefore, but think it improbable, if not impossible, that the people have impelled you to this measure; because, but few of you, since the commencement of your session, have visited your constituents, and I have not understood that any of you before your election or since, have been instructed by them.

I have noticed in the newspapers one political meeting having been held in Nashville, to instruct the Davidson members on other subjects; but this measure, on which you instruct me, was not named.

Further. If it were for the public interest for you to act in this matter, why did you not act more promptly upon the president's message, which appeared in September last; and the bill introduced by the finance committee at the special session? For three months and a half after you met, and knew what measures were recommended by the executive branch of the government, you remained silent, permitting your senators to exercise their own judgments; and not till a few days past did I hear that you were earnestly engaged, in one branch of the legislature, in passing your instructions.

It cannot be supposed that you were waiting to know what measures would be proposed, for you had the last message of the president early in December, in which he adhered to his former recommendation.

As to the bill which might be brought forward by the finance committee in reference to the measure recommended in the message, you did not see it before you adopted your resolutions, at least in one branch of the general assembly.

The bill reported by the finance committee, known as the sub-treasury bill, and which you could not have considered when you instructed me, differs in several important particulars from the bill of the special session, and, with proper modifications, I feel confident that some of you, as well as myself would pronounce it a measure of great public utility. Yet without knowing any of the provisions of the bill, or how it might be amended or changed in the senate, you have instructed me to vote against it.

You thus see, that if I were disposed to depart from, or evade, the principles I have long professed, you have furnished as fair an opportunity as I could desire; because, in the first place, there

is no evidence that your instructions are in accordance with the will of the people of Tennessee, with whom rests the paramount right or power to instruct; and, in the next place, because you instruct me to vote against a bill, of the contents of which you were wholly ignorant, never having seen it.

But, sirs, the abuse of a right does not prove that it does not exist, and it is better to adhere to sound principles, although sometimes errors may be committed in the application of those principles by men who have the management of public affairs, than to abandon any of those fundamental doctrines on which the people must rely to carry out, in practice, the representative principle itself.

I therefore waive all exceptions to your proceedings, and shall vote upon this measure, when it comes before me, according to your instructions. In doing this, I act upon a great principle, which I deem essential in a free representative government, and hope you will not suppose, for a moment, that I am influenced, in the slightest degree, by a desire to conciliate your favor, beyond the simple discharge of my duty.

Having thus explicitly stated the course I shall pursue, I should consider myself altogether inexcusable, were I to omit bringing to your notice some important considerations connected with this subject.

You instruct me to vote against a particular measure. You are obeyed. What am I next to do? You, at least some of you, as I know, have been vehement in your complaints against those who administer the government and their friends, for *not* doing something to relieve the embarrassments of the times.

A distinct recommendation is made by the president, and the subject is brought before congress for its decisive action. You say that the measure recommended by the president will not do; and tell me to vote against it. This instructs me *negatively* as to what I am *not* to do, but gives me no light whatever as to what I *am* to do, affirmatively. If you had only vouchsafed to have told what *would* answer the purpose and meet the exigency, you would have relieved the public as well as myself from great anxiety, and from the *negative* position in which you have placed me, of being obliged to prevent, (so far as my vote may go,) anything being done to relieve the country.

You say the patient is very sick, and will die, unless immediate relief be afforded. The president of the United States, who is admitted by all parties to possess talents of the highest order, as well as great experience, has given his opinion as to the appropriate remedy. You condemn it; declare it will kill the patient if applied; and yet you leave the patient in his suffering condition, and will not disclose the panacea that, in your opinion, would effect a cure. Now this, it seems to me, is precisely the condition in which you have placed yourselves.

I am aware that the leaders of the opposition, in other parts of the country, say that a *bank of the United States* would afford a remedy for existing evils; but this I am constrained to believe is not your opinion, from the following evidence. A proposition to instruct the Tennessee senators in congress to vote for a bank of the United States, was brought forward at an early period in your session. You failed to act upon it, and no such instructions were adopted. From this fact, but one inference can be drawn, which is, that you did not desire the establishment of such an institution. Therefore, if I were inclined to vote for a United States bank, as the remedy, (which I am not,) you have thrown an obstacle in the way by your conduct, which implies that you would disapprove of such a course; and more especially, as, according to my recollection, there stands on the journals of former sessions of the general assembly or Tennessee, legislative condemnations of a national bank in almost every form; and these you have not rescinded or revoked. It is true, I have heard it suggested that the opinions and situation of my colleague in the senate prevented your acting as you otherwise would have done on the subject of a national bank, against which he stands committed.

I will give no credence to an intimation so disreputable to the majority of the legislature of my own state. It cannot be that members of the general assembly of Tennessee would forego what they deemed a great public benefit, to favor any individual whatever. They would indeed be to change the good old maxim of "*measures not men*," into *men*, not measures, which I am sure, none of you will venture to avow, before those who have honored you with their confidence.

I think, therefore, I may fairly conclude that you are not only opposed to the particular measures you instruct me to vote against, but also opposed to

United States bank. You will perceive that I am confirmed in this conclusion by the fact that you are an *instructing legislature*. In some states they never instruct their senators. They say that they are opposed to the practice, if not being founded on principle; and such is understood to be the creed of a large party in the country. But this is not the case with you. You instruct where you wish to do so, to insure a vote against a specific measure; and you refuse to instruct where the instruction proposed to be given is contrary to your opinions and wishes.

This is shown in the proceedings of the majority of the legislature at your recent session. Resolutions were before you for instructing your senators to vote *against* one measure, and to vote *for* another. You adopted the resolutions instructing the senators to vote against the sub-treasury system of finance, and did *not* adopt those instructing them to vote for a United States bank. Hence, the conclusion is irresistible that you were in favor of the first instruction, and against the last.

Thus the treasury bill, for the collecting, safe-keeping, and disbursing the revenue, which is the remedy proposed by the friends of the administration, and a United States bank, which is the great panacea of the opposition, being both rejected and negatived by you, what remains?

Nothing, that I can think of, but the *present deposit system*. This, no doubt, three-fourths of you have often censured and condemned; in fact, the very preamble to your present resolutions contains an unequivocal condemnation of it. I am, therefore, left to my belief that you are opposed to the continuance of that system. But if you are not so, and do really think favorable of it, how easily could you have said so, in your instructing resolutions, and then I should have known that, in laboring to amend and rectify that system, and render it safe, I was fulfilling the wishes of my instructors.

We, who are here, see daily developed the plan of the opposition, which is to embarrass the administration by thwarting its measures, and, at the same time, to propose no measure themselves to extricate the country and the public revenue and credit from existing difficulties. I will not, however, permit myself for a moment to believe that you are acting under any sort of dictation or instructions, emanating from this quarter. Common courtesy, and the relation I bear towards you, forbid such an idea, although I cannot deny the fact that there is (accidentally, no doubt) a remarkable coincidence between your course and that of the opposition here.

Perhaps you have not distinctly understood my sentiments in relation to the collection, safe-keeping, and disbursement of the public money.

The principle, for the establishment of which I have felt anxious, is that a *separation between the government and all banks* should take place, so as to prevent the public money, (which ought to be collected only to pay the expenses and for support of the general government,) from being used for banking purposes; or in other words, from being *banked* or *discounted*; or which must involve the public credit in all the hazards and losses of private business transactions. All beyond this is matter of detail, about which I have never felt any great solicitude, provided this great object should be attained, and the money be forthcoming, when wanted to meet the exigencies of the government, without being so mixed up with banks and business concerns, as, in times of great embarrassment or excessive trade, to leave the government without its means, in order to enable those who have used those means, through the banks, to return them at their convenience.

I consider such a separation as I have named as very desirable, both for the banks and for the government; and until it shall be accomplished, the community will be periodically afflicted by those expansions and contractions of bank issues which are incident to, and produced by, the deposit and withdrawal of the public money from the possession of banks who hold it with permission to loan it.

Besides all these weighty considerations, at this moment, in a time of profound peace and great national prosperity, we find the banks all over the country (including the late United States bank, under its state charter) with their vaults closed, and the banks that were used for receiving deposits to be loaned refusing to pay to the government the money which has been placed with them on deposit. The consequence is, that while the money of the government has been invested by these banks in doubtful or deferred loans to the trading community, it has been obliged to resort to an issue of treasury notes to pay the public expenditures. This has produced considerable inconvenience; but should such an occurrence take place (as it

would be almost certain to do) in time of war, disgrace and ruin, and national bankruptcy and dishonor, would be its inevitable consequences.

Such a disaster, too, would be quite as likely to happen from *inability* on the part of the banks, as from design; to either or both of which the government must be subjected; and it would be more likely to occur where one bank had the custody of all the public treasure than where it should be in the custody of many banks; because a single bank could act with more direct concert in thwarting the government, or in withholding its means, to effect any favorite object of its own, or of a political party.

I presume that none of you would hazard the opinion that the bills of non-specie paying banks should be received in payment of the public dues. If, however, such an opinion should be entertained by any of you, you must perceive, on reflection, that no just discrimination could be made between banks that may ultimately be found solvent, and those whose notes are not worth six cents in the dollar. Would you undertake to maintain that the government shall be compelled to receive and collect its debts in bank paper, which no individual can be compelled to receive for a debt due to him? No man in the community can be compelled to take any thing for debts due him but gold and silver; then why should the government be coerced to take depreciated paper?

So far from the friends of the administration attempting, as is unjustly charged upon them, to make one currency for the people and another for the government, their effort is to place the government precisely on the same footing, in this respect, as that which every individual in the United States now occupies. Besides, can any thing be clearer than that congress, by authorizing any thing but gold and silver, or their certain equivalent, to be received in collecting the public revenue, would violate that provision in the constitution which declares that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over the ports of another?" Now, if the notes of non-specie paying banks are to be received for customs, and the notes of the banks in New Orleans and Charleston should be fifteen per cent. below specie, while the notes of the banks of New York and Philadelphia were only two and a half per cent. below specie, and the notes of all these banks are receivable, would there not be a plain and palpable advantage, and preference given, "by a regulation of revenue," to the ports of New Orleans and Charleston over the ports of New York and Philadelphia? This is certainly forbidden by the constitution.

It has been urged against the democratic party, of which I am a member, that we are hostile to state banks. This is unfounded so far as I understand the sentiments of the party, and I know it to be unjust so far as it relates to myself. My only wish is, so far as any action of congress is concerned, that the banks shall not be permitted to trade upon, or on any pretence to loan or use, the public money. In this there is no hostility to the banks, unless it can be shown that, in addition to the other privileges conferred on them by their charters, these corporations have a *right to claim* the possession and use of the money belonging to the people of the United States, and collected for the lawful purposes of government. No such right exists; and the banks have no more cause of complaint against the government, on this account, than they would have against an individual who would not let them have his money to loan out and trade upon. As to the state banks, I would say, the states have created them, and whatever control should be exercised over them, ought to proceed from the state governments respectively, and not from congress, which has no power either to establish or abolish them.

Equally unfounded is the misrepresentation made by the opposition respecting an exclusive metallic currency for all purposes. It is certainly desirable that all banking institutions should so establish and secure their metallic basis, as that the paper circulation founded upon it may be rendered safe, and convertible, in times of depression as well as prosperity, into gold and silver, at the will of the holder; and that this convertibility shall be substantial, and not merely theoretical. It would also be highly beneficial to banish all small bills from circulation, as this would introduce specie into common use for the ordinary transactions of life, and would also be a protection to the industrious classes, who always suffer most in any bank failure, because they hold the greatest portion of the small bills in circulation.

But for the accomplishment of these objects, the people must look mainly to their state authorities, and not to the general government.

As to a United States bank, my opinion is unchanged and confirmed. Waiving all constitutional difficulties, I should look upon an act chartering such an institution, as creating a power dangerous to the liberties of the people; a power that would not merely control the currency and the rise and fall of property, but would control the government itself. It would hold in its hands the means to make war or peace, and to dictate all the policy and measures of the government.

It is all a delusion to suppose that congress, by its enactments, could fetter and bind down such an institution, with a large capital, and to which all the other banking institutions in the country must be subservient. Place around it what legislative guards you please, it is still an unshorn Sampson, that will, at pleasure, snap asunder all the ligaments with which you may seek to bind it. The late bank of the United States has disregarded the very law of its creation, whenever it became its interest to do so, as in the case of the investigating committee appointed by congress, its exclusion of the government directors, &c. and no reason exists to authorize a belief that another bank would not conduct in a similar manner. If it should oppose the government, it would be stronger than the government. If it should unite with the government, it would make the government stronger than the people.

In conclusion, I would remark, that you have exercised a right which you possessed in instructing me, and I have only discharged a duty which you have imposed on me, in making this address to you as declarative of my views. We are co-agents for the people of Tennessee, in our different positions. Your instructions do not at all conclusively prove that I either had done wrong in that respect, or should have done wrong, had they not been given. They only show a difference of opinion between you and myself, which, in this case, no doubt does really exist. But as I understand and shall practice upon the right of instruction, it is not based on any supposed superiority of the instructing members of the legislature over the senators of the state; nor is it founded upon the idea that the particular or individual opinions and feelings of those members who vote to instruct, create any binding obligation upon the instructed senator, because these opinions and feelings may not be the result of a careful consideration of the subject, or a knowledge of the will of the people, but may be produced by party prejudices or partialities, stimulated from other sources than the people themselves to effect party purposes. On none of these is the right of instruction founded; but it is founded upon the presumption that the members of the legislature, from their great number, their mode of selection from all parts of the state, and their supposed converseance with the people are the safest exponents of the public will.

But the great common arbiter, the people themselves, have a right to decide all questions between their agents, and they may be of opinion that my instructors have instructed me either too much or too little; and to them, so far as I am concerned, the whole matter is respectfully submitted.

Your fellow-citizen,

FELIX GRUNDY.

NEW YORK AND THE SUB-TREASURY.

The following preamble and resolutions have passed the lower branch of the legislature of New York and been transmitted to the senators and representatives from that state in congress:

IN ASSEMBLY, February 14, 1838.

Whereas, his excellency the governor of this state, in his late annual message to the senate and assembly, held the following language:

"If the view I have taken of the origin of the difficulties in which the country has been involved is correct, they are in a great degree attributable to the accumulation of a large surplus revenue by the United States, and the use of it by the banks. It is the duty of congress to guard against evils from this source, and it is gratifying to perceive that the president of the United States has promptly directed their attention to the subject, and suggested important changes in the existing mode of collecting, keeping, and disbursing the public moneys. There can be no question, that it is both the right and the duty of the general government, to collect the public dues in the legal currency or its equivalent, and so to keep its funds that they will be safe while they remain with the government, and be at its command whenever wanted for disbursement. Fully concurring in the necessity of attaining these results, I am confident that the measures necessary to produce them, may be of such a character as will not affect injuriously the business concerns or the banking institutions of the country. One of these measures, and the most desirable among

them, is the discontinuance of the use of the banks as the fiscal agents of the general government, or such a modification of their agency as will effectually prevent them from using, for any purpose whatsoever, the public moneys that may be committed to them for safe-keeping. This discontinuance or essential modification of their agency will, I have no doubt, prove mutually beneficial to all parties and to all interests. The subject is now before congress, and if acted on by that body in the same conciliatory spirit with which it had been presented to them by the president, and with the same sincere desire he has evinced to arrive at a right conclusion, I have scarcely a doubt they will speedily dispose of it, in such a manner as will be safe for the government, satisfactory to the great body of their constituents, and conducive to the general welfare."

And whereas, it is notorious to the assembly, and to the country, that the "important changes in the existing mode of collecting, keeping, and disbursing the public money," suggested by the president of the United States, and above alluded to by his excellency, have been proposed for adoption in the senate of the United States in the form of a bill "to impose additional duties, as depositories, upon certain public officers, to appoint receivers general of the public money, and to regulate the safe-keeping, transfer and disbursement of the public money of the United States: therefore,

Resolved, That this assembly does solemnly and earnestly protest against the passage of the said bill, and against the adoption of any scheme on the part of the government of the United States, whereby the revenues of that government shall be required to be collected in specie alone, or in any other medium than the common currency of the country, or whereby the custody of the said revenues shall be committed to the hands of any officers or agents, other than those appointed by the representatives of the people:—

Because such a scheme will require the creation of a multitude of new officers, and a large and needless expenditure for its establishment and maintenance.

Because it will render the public moneys insecure—will expose them to embezzlement and peculation, and will be used for partisan and corrupt purposes.

Because it will augment to a dangerous extent the patronage and influence of the federal government by placing the control of the whole treasure of the nation in executive hands, through the power of appointment to, and removal from office.

Because it is an alarming and "untried expedient" in finance, combining in itself the odious features of all the disastrous "experiments" which have preceded it, and tending directly to the establishment of a dangerous engine of despotism, under the form of a *treasury bank*.

Because, by requiring specie alone in payment of all debts to the government, it will place at its command a large portion of the coin of the country, thereby enabling it to control at pleasure, and to destroy the currency created by the states.

Because its necessary effect will be, even if honestly and faithfully administered, to weaken and destroy the state banks, by removing from their vaults the metallic bases of their circulation.

Because it will withdraw from the trade, commerce and industry of the country, many millions of money, to be locked up, and remain for long periods unproductive in the chests or vaults of receivers general and other officers, and thereby must injuriously affect the business of the people.

Because it will practically establish one currency for the government, and another, and inferior currency for the people.

And, finally, because it is recommended by nothing in experience or in theory—is in direct hostility to the fundamental maxims of free governments which refuses to the executive branch all control over the public moneys—is pregnant with dangers to the business, the credit, the prosperity and the liberties of the country:

Resolved, That in the opinion of this assembly, the reiterated recommendation of the aforesaid scheme by the president of the United States, seconded by the approval of his excellency, the governor and the persevering effort made to procure its adoption, have deeply alarmed the people of this state; and furnish, at this time, a prominent obstruction to the revival of credit and business, and a return to specie payments by the banks; and that the senators and representatives from this state in congress, will best conform their acts and votes to the wishes of their constituents, by steadily and faithfully opposing its adoption.

Resolved, That the speaker of the assembly be requested to transmit to each of our senators and

representatives in congress, a copy of the foregoing preamble and resolutions, with a request to present the same to both houses.

L. BRADISH,
Speaker

J. N. LAKE, Clerk.

RESUMPTION OF SPECIE PAYMENTS.

From the New York Evening Post.

At a meeting of the officers of the banks of the city of New York, held on the 25th of February, 1838, the committee on "the resumption of specie payments" submitted the following report, in part, viz.

In contemplation of the resumption of specie payments by the banks of the city of New York on, or before the 10th of May next, and under the uncertain contingency of a simultaneous or early resumption by the banks of some of the other great commercial cities, it is incumbent on those of New York to adopt all the measures within the limits of their resources, which may enable them, not only to resume, but also to maintain specie payments.

Much already has been done in that respect, the result, as well of causes not under the control of the banks, as of positive action on their part.

1. It appears, by the annual returns of the bank commissioners, that, exclusively of the dry dock bank, which is not included in the returns of this year, the gross amount of all the liabilities of the city banks, payable on demand, deducting therefrom the notes and checks of other banks held by them, and the balances due to them by other banks amounted

On the 1st January, 1836, to -	\$26,918,105
Do. do. 1837, to -	25,485,287
Do. do. 1838, to -	12,920,694

making a diminution in the liabilities of more than twelve millions and a half during the year 1837.

2. The detailed statements for the 1st January, 1838, rendered by the several city banks to their standing committee, show a balance to their credit of more than four millions due to them by the banks out of the state, and of more than two millions in account with all the banks out of the city. Ample means, as also appears by those statements, have been provided by the country banks of the state for the redemption of their notes which circulate in the city.

On a view of the whole subject, we may confidently say that the relative strength of the banks is, and at the time of the resumption will be, greater than it was during the last two years, and probably at any former time.

The fall in the rate of foreign exchanges, now considerably below par in our city paper, renders it absolutely certain that no exportation of specie can take place, and more than probable that a considerable influx may be expected. This fact, now indisputable, must have an effect on public opinion, and ought to remove the apprehensions of those who may have believed our efforts for an early resumption premature. Secure, as all the banks in the United States now are, against foreign demands, we are justified in expecting their co-operation. If this is obtained, we do not perceive any obstacle to an early, easy, and safe resumption of specie payments.

A continued suspension, on the part of some of the other great commercial cities can alone render the resumption on our part difficult, and may prevent a free application of the legitimate resources of New York. Yet such is the favorable relative state of the balances between this and the other parts of the union, that, for the present at least, but little difficulty need be apprehended from the effect of natural causes. Of deliberate acts of hostility, as there could be no motive for such, there should be no apprehension of them on our part. We trust that, supported by the community of this city and by the state, the banks will be able to surmount all obstacles, and, on or before the tenth of May, to resume and maintain specie payments.

The preparatory measures on their part appear to be: 1. a reduction of their liabilities out of the state, and drawing in their foreign funds; 2. an equalization of the balances due from and to each other, and a mutual return of notes, which may enable all to resume on an equal footing, and with equal safety; 3. a sufficient increase of their specie. On those points the committee will submit a separate report.

ALBERT GALLATIN,
PETER STAGG,
GEO. NEWBOLD,
CORNELIUS HEYER,
JOHN J. PALMER,
C. W. LAWRENCE,
F. W. EDMONDS.

Whereupon the report was unanimously adopted by the meeting.

On motion,

Resolved, That the same be published.

BENJ'N M. BROWN, Chairman.

W. W. VERMILYE, Secretary.

DEFERRED ARTICLES.

SALT MANUFACTURE IN NEW YORK. The Commercial Advertiser makes the following synopsis of the annual report of the superintendent and inspector of salt in Onondaga county. It appears that the quantity of salt manufactured during the year was 2,161,288 bushels; of which 1,124,672 bushels were made at Salina; 356,287 bushels at Syracuse; 406,097 at Liverpool, and 272,232 bushels at Geddes. The number of manufactories in the county is 139, of which 78 are at Salina, 19 at Syracuse, 28 at Liverpool, and 16 at Geddes. During the year three new manufactories were erected at Salina, three at Syracuse, two at Geddes, and one at Liverpool, containing altogether 350 kettles. During the year \$129,677 26 for duties were collected, of which \$115,081 83 were paid into the state treasury.

The following table shows the amount of salt inspected annually from 1826 to 1837, and the annual increase of the same.

		increase.
1826	827,508	
1827	983,410	155,902
1828	1,160,888	177,478
1829	1,289,280	130,392
1830	1,435,446	144,166
1831	1,514,037	78,591
1832	1,652,985	138,948
1833	1,838,646	185,661
1834	1,943,252	104,606
1835	2,200,867	266,615
1836	1,912,858	
1837	2,161,287	248,429

AGRICULTURAL WEALTH OF OHIO. From the tables attached to the report of the board of public works, politely forwarded us by Mr. Foot, we compile an exhibit of some of the principal products of Ohio, in 1837, cleared at the several collectors offices on the Ohio and Miami canals.

Barrels of flour	283,479
Bushels of wheat	733,799
Pounds bacon and pork	3,879,274
" bulk pork	2,953,218
Barrels pork and beef	82,183
Pounds of lard	2,468,340
Kegs of lard	84,954
Bushels of corn	358,973
" of oats	99,599
Barrels of whiskey	34,319
Pounds of butter	544,706
" cheese and grease	619,598
" of feathers	18,121
" of dried fruit	99,807
Bushels " "	1,742
" Apples and seeds	20,470
Dozens of brooms	3,607
Pounds of brooms and handles	80,208

[Albany Argus.]

ARMY STATISTICS. The Baltimore Sun says—"Through the politeness of capt Miles, of the U. S. A., we are put in possession of the following authentic information relative to resignations, casualties, &c., in the army, during the year 1837.

Resignations—1 lieutenant colonel, 13 captains, 11 1st lieutenants, 17 2nd do. 1 brevet 2nd do. 4 in the staff.

Deaths—1 lieutenant, 1 major, 2 brevet do. 3 captains, 2 brevet do. 7 1st lieutenants, 3 2d do. 3 assistant surgeons.

Declined—1 2nd lieutenant.

Dropped—1 1st lieutenant, 1 lieutenant colonel, 2 captains, 1 1st lieutenant, and 1 2nd lieutenant.

There are now 18 vacancies in the army in the grade of 2nd lieutenant.

*Killed in action with the Indians in Florida."

PORK TRADE. Cincinnati, Feb. 3. Mr. Coleman, has given me the exact number of hogs slaughtered in this city the present winter, (the business is now over.) The number is 118,950. At Covington opposite Cincinnati, the number is 13,923. About 6,000 only, I am told, of those slaughtered in Covington, have been brought over and packed in Cincinnati. The number of "wagon hogs," those slaughtered in the country, and brought into our market on wagons, &c. is not ascertained,—supposed to be about 7,000. There have all been packed in this city,—making altogether 132,000 packed in Cincinnati. Three years ago,

the number of hogs packed in this city, was 162,000—two years ago, 123,000—and last year 103,000—so say the "pork men."

In weight there is not more packed this year than last, owing to the lightness of the hogs generally;—they fall short, at least *one fifth*,—and the spoiled meat, (owing to the warm weather,) the amount, at least, will be *ten per cent*.

RAFT OF THE ST. FRANCIS. About three hundred miles up the St. Francis, from its discharge into the Mississippi, commence the rafts of timber by which its navigation is obstructed. These rafts are three in number the most extensive not exceeding one mile. They commence at the head of the back water on the St. Francis, from the overflow of the Mississippi; and it once properly removed, they would not probably again obstruct the channel. Like all other obstacles of a similar character on the western rivers, these rafts are formed of immense masses of heavy timber, piled up and driven compactly together; and in some portions, by the deposit of alluvion, and the decay of vegetation, a soil of some depth has been found upon them, supporting living trees, under brush and herbage. In some places a person may cross the St. Francis without beholding any indication of the stream, or being conscious that he is in its vicinity. The river enters above, flows beneath the raft, and again issues below, as if it had just risen from the ground. Some of the rafts rise and fall with the variations of the stream, like a floating bridge. The principal obstruction is opposite the lower extremity of West Prairie; but there are several smaller ones lower upon the stream, and on its various tributaries. In the vicinity of this raft, lies an extensive swamp, some eighty miles in length, which, it is thought, may be reclaimed by a canal, which would cost \$250,000. A short distance below the raft, an extent of country fifty miles in length, and about thirty in breadth, was sunk to the depth of one hundred feet, perpendicular, by the earthquakes of 1811 and 1812. The effect of this was completely to destroy the channel of the St. Francis for thirty miles, its waters being divided into a number of small streams none of sufficient depth, for navigation. By filling up all those channels excepting one, and cutting that deeper, a good navigation might be obtained, it is thought, most of the year for steamboats. The expense of this undertaking is estimated at \$50,000.

There is said to be something remarkable in the vast inundation between the St. Francis and the Mississippi. Prior to the earthquake of 1811 and '12, these bottoms were not flooded; but by that event, this whole section of country was so shaken and depressed that the freshets of the St. Francis found their way across the interval to the Mississippi; yet, as a general thing, the banks of the latter stream exceed those of the former in height, by sixteen feet—a levee of a few feet altitude would therefore, be amply sufficient, for every variation of the waters. The eastern bank of the St. Francis, it is believed, should also be leveed, for a distance of one hundred miles from its mouth, to prevent the back water of the Mississippi from the overflowing the bottoms, that lie between the streams, in time of flood. The probable expense of removing the rafts and other obstructions to the navigation of the St. Francis, as well as of constructing the necessary levee, is estimated at less than \$200,000, and the value of the territory redeemed at nearly *eight millions*! When the St. Francis is once cleared from obstructions to its navigation, it will present one of the noblest streams in the western valley—navigable for a distance of four or five hundred miles, through lands of unrivalled fertility. The redemption of this extensive tract—three hundred miles in length, and upwards of thirty in breadth, is a subject of deep interest to the State of Missouri. All her southern countries would be profited: a navigable stream would flow past every farm—the health of the region would be improved—the agricultural interests would be advanced, and 30,000 new families could be settled on lands, now deemed worse than valueless. This subject, we repeat, is one of vital importance to the southern section of Missouri, and we trust that her representatives at Washington, will duly consider those measures, which may be introduced before our national councils, most conducive to her interest.

A CURIOSITY. We have on our table a curious specimen of the freaks which old Neptune, in his coral caves, plays upon the treasures, which have, from time to time, been snatched by him, with the aid of *Æolus*, from the clutches of man. 'Tis nothing more nor less, than four *silver dollars*, so rare in these "suspension-specie times"—locked together in a close embrace, but as unnatural as the *Siamese*

connexion, and covered with little shells, and stones thrown upon them, we presume, at the beck of Neptune, by the nymphs of the sea, in their fantastic gambols, when issuing for a frolic, from their grottoes. Some of these shells are beautiful, and must have been the result of these nymphs' curious searches in "the deep bosom of the ocean" where they were buried. But to the narrative.

A Spanish ship was lost on the Borlings, coast of Portugal, about 55 years ago, bound from a port in Peru to a port in Spain. When wrecked she had fifteen millions of specie (so says our informant) on board. Two English captains, capt. H. Abbinette, and brother, last year obtained permission from the owner in Lisbon, to fish for the money, and with india-rubber dresses dived into six fathom water, and obtained some days £1500—\$3,000,000 had been previously fished up.

Captain —, of the —, to whom this curiosity was presented, while at St. Ubes, by these *fishers of dollars*, saw some doubloons which they succeeded in getting up a few days previous to his leaving that port, just as bright as when they came out of the mint.

These money fishers are the same who blew up the royal William at Spithead. The curiosity can be seen at our reading room.

[*Savannah Georgian.*]

RESUMPTION. Nine of the banks of the state of Maine, held a meeting at Augusta on the 6th ult., and came to the following resolution:

"Resolved, As the sense of this meeting, that an early resumption of specie payments is desirable and practicable, and that it is hoped that the convention of banks, which is adjourned to meet on the second Wednesday of April next, in the city of New York, will name an early day after said meeting, for a general resumption of specie payments by the banks; and that it be recommended to the several banks in this state, to express to the delegation from the state, in said convention, their earnest wish that they should vote for an early day after said meeting for the general resumption of specie payments by the banks." [*Jour. of Com.*]

WASHINGTON'S LIFE-GUARD. There is a man now living in this county, named Valentine Gruber, who was attached to Washington's life-guard, and who is, most probably, the last man living who belonged to it. We do not know the particulars of his services, but in consequence of them he now receives a pension from government of \$96 per annum. He is a very old man now, and cannot long survive those of his compatriots who have gone before him. We were never more strongly impressed with the truth, that "*Republics are sometimes ungrateful*," than we were upon learning the decision of congress this winter, upon an application made by this man. He was placed on the pension list about the year 1820, under the law of 1818, and was stricken off under the law of 1820, which allowed pensions to *indigent* persons only. He was quite a poor man and really within the provisions of the act, but upon representations made to the war department which were not according to fact, his name was stricken off. He toiled on in poverty until about 1832, when, upon full proof of the facts, he was reinstated upon the list. Conceiving that he had a claim upon his country for the pension unjustly withheld from him, as he believed, from the time he was stricken off, until he was restored to the pension list, he made application to the present congress for the passage of an act authorizing the payment of the pension so suspended; but although all the facts, we believe, were made out by good proof, this justice was denied him—his claim was rejected. Millions of the people's money can be squandered with impunity, but the just claim of an old soldier for a few hundreds, cannot be recognized or paid!

There was one other member of the life-guard, resided formerly near this place, named John Britt, of whom the following anecdote is told:—General Washington, when visiting Bedford at the time of the whiskey insurrection in 1794, it is said, stopped at the house of one of the citizens, Mr. David Epsy, we believe, and while sitting at a front window, observed a person passing up the street whose face he instantly recognized. He ran to the door, and called out several times "John Britt," when the person thus addressed turned around, and perceiving who was calling him, flew with all imaginable speed to meet once again his revered general. The meeting was cordial and mutually gratifying; and it is said, the constables and other officers of the law, who used before to plague the old man with unwelcome visits, never more troubled him after his interview with general Washington.

[*Bedford, Pa. Inquirer.*]

EXEMPLARY VERDICT.—In the case of *A. S. Garr*, against B. H. Day, editor and proprietor of the penny paper called the Sun, for libel, the jury gave a verdict yesterday morning for the plaintiff with \$3,000 damages. The great majority of the jury, as we hear, were for even heavier damages.

The *gravamen* of the offence was that after having published the libel, which might have been done inadvertently, the defendant refused to publish a correction unless paid for it. He was very justly mulcted therefore in heavy damages.

[*N. Y. Amer.*]

REMINISCENCE. A friend, who is curious in the preservation of local facts connected with the early history of this island, has furnished us with the particulars of a remarkable occurrence in the year 1669, which we do not recollect to have seen recorded in any of the historical publications respecting this place. At any rate, in the absence of more interesting matter, it may afford a moment's gratification to those readers who have a taste for antiquarian details of this nature.

Martha's Vineyard, it will be remembered, was settled by white inhabitants some years prior to the settlement of Nantucket; and the people of the latter were occasionally wont to visit the former, in order to procure such articles as might be needed, from time to time, for agricultural or domestic purposes. In the year above mentioned, John Barnard and wife, a newly married couple, together with Eleazer Folger, brother of the latter, Isaac Coleman, and an Indian, proceeded to the Vineyard in a boat, in order to obtain the requisite materials wherewith to commence house-keeping. While on their return, June 6, 1669, the boat was overturned by a sudden squall of wind, near the island of Muskeget. Barnard, his wife, Coleman, and the Indian were immediately drowned; but Folger clung to the boat, which was soon carried by the tide to those shoals or flats called Swile island, lying two or three miles northeast of Muskeget. On finding he could reach the bottom, he arrested the progress of the boat and turned it over. But nothing of the contents remained excepting a ploughshare, which had been tied to one of the thwarts—and with this he succeeded in throwing out the water. After long continued exertions he became much exhausted, and entered the boat in a truly helpless condition, without sail, oar, paddle, food, or drink. He laid himself down in the boat, fell asleep, and remained so until the boat, drifted by the current, landed on Cape Cod, near Morris island.—*Nantucket Inquirer.*

MISSISSIPPI BANKS. The bank commissioners reported to the legislature of Mississippi the result of their investigation. They give it as their opinion that the banks of that state will not be able to resume before August, 1839. There were several bills pending before the legislature for the charter of additional banks.

FRANKLIN BANK OF BOSTON. We learn from the Boston papers that the grand jury, sitting in that city, on Wednesday last found bills of indictment against Josiah Dunham, Thos. G. Dunham, Eb'zer Stevens, Ebenezer Hayward, and Samuel S. Ridgway, directors of the Franklin bank, for official misdemeanor and criminal neglect of duty in certifying a false return made by Hathorne, cashier of that bank, to the legislature. They were arrested and gave bail in \$2000 each, with sufficient sureties for their appearance from day to day.

REMARKS OF MR. TALLMADGE,
In defence of the people of New York against the charge of bank influence, in the result of their election. Delivered in the senate of the United States, February 8, 1838, in reply to Mr. Hubbard, of New Hampshire; the sub-treasury bill being under consideration.

"Out, dam'd spot! out I say!"

Mr. President: The senator from New Hampshire (Mr. Hubbard) who has just taken his seat, introduced, in the course of his remarks, the subject of the late elections. He read, with approbation, that portion of the president's message which charged the result of those elections to the interference or the influence of the banks; and he undertook, by this means, to explain the result in New York. Sir, I am not in the habit of interfering with the concerns of other states, or of attempting to explain the causes of political movements in them. But, when I find one "poaching upon my manor," and endeavoring to account for matters which he can but ill comprehend, I feel it my duty to interfere.

I rise, therefore, not to enter upon the immediate merits of this sub-treasury scheme, but for the sole purpose of setting the gentleman and country right,

upon this allegation of bank interference or bank influence in the recent election of the state of New York.

Sir, I saw with pain this charge in the president's message. I felt humiliated that it should emanate from him. I felt that the honor of my native state was wounded, and that the wound was inflicted by one of her own sons. Had any other man occupied the executive chair, I would have lost no time, after the delivery of the message, containing that unwelcome and unmerited aspersion, in repelling it in a manner and with a spirit becoming the occasion. But, sir, the relations which have always existed between the president and myself, rendered the task one of reluctance and of delicacy; and but for the introduction of it into this debate, by the senator from New Hampshire, I might have submitted to the mortification of the charge, from my unwillingness to encounter it from such a source. As it has been thus introduced, I will endeavor to show that it has been made without the slightest possible foundation, and wholly unjustifiable, let it come from what quarter it may, or let its endorsers be whom they may. In saying this, I speak from my own personal knowledge and observation, to a great extent, and from an intimate acquaintance with the concerns of the state, and the causes which influence the minds of her citizens in political matters. Previous to the extra session of congress, when the *Globe*, the reputed organ of the administration, put forth Gouge's sub-treasury scheme, with his money drawers and hydrostatic balance, and all the other paraphernalia which accompanied it, and seriously recommended it to the public consideration, it was received and treated as a mere matter of burlesque—as the dream of a visionary. No one, for a single moment, supposed that it would ever be brought forward by the president for the consideration of congress. The whole country was astounded, when the executive, at the extra session, did recommend it. The people then perceived, that the "untried expedient" from the banks of the St. Lawrence had been put forth in the official organ, as a mere feeler. And with the characteristic boldness of all experimenters, it was determined if it did not conform to the public pulse, the public pulse should be made to conform to it. To accomplish this, there must be no apparent force nor unnecessary rashness. Hence, the executive, with great meekness and humility, expressed his entire willingness to co-operate in any other measure, if this should not meet the approbation of congress. This declaration was received with great satisfaction by those who foresaw, from their knowledge of the business wants of the country, that such a measure would be destructive of its best interests. They hoped to be able to demonstrate its utter impracticability and inapplicability to the state of the times, and that then the president would cheerfully unite with them in some plan which would afford relief to a suffering and almost desperate community. It was, however, soon perceived, from the pertinacity with which this unexpected measure was urged forward by its advocates, that the whole power of executive influence was brought into requisition in order to force it through in the shortest possible period, and before the people had time to deliberate upon it, or to send their remonstrances against a project so fatal to their interests and so destructive to their hopes. I will not detain the senate with a history of its progress. It is familiar to us all. Suffice it to say, that the bill passed the senate, and was laid on the table in the other house by a decisive vote. This was deemed equivalent to a rejection of the bill. It could not have been called up again at this session if it had been desired. Many voted against the state bank deposit system, which was offered as an amendment, for the express purpose of killing the bill in its original shape. After all this, the president, in his next message, seems to think that congress, at its extra session, made an expression against a national bank; against the state banks; but not against the sub-treasury project! And as the late elections were carried by bank influence, he deems those overwhelming expressions of the popular will as no evidence that the people are against this wild and visionary scheme! He considers his election as evidence that a majority of the people of the United States are against a national bank, because he had expressed himself decidedly hostile to such an institution. I am free to admit that his inference is as fair as can be drawn from a popular election where a thousand other considerations enter into the canvass. But it cannot be disguised that many electors, who were in favor of a national bank, always voted for gen. Jackson, notwithstanding his avowed hostility to it. He had personal popularity which scarcely any man before him possessed, and which I hope to see no man hereafter enjoy. Often have I heard

it said by many, that although they disapproved of his measures, they would still support him, because they believed him honest, and would not suffer him to be abused for the honest exercise of his opinions, though they led to the adoption of bad measures. Sir, this feeling was extended to the present executive in his election. He was known to be the favorite candidate of the late president, and many electors supported him on account of their ancient prepossessions in favor of general Jackson. I say, then, that the success of a candidate for office, who is for or against a particular measure, is not conclusive evidence that the people accord with his views on that measure.

The state elections, in my judgment, were more conclusive against the sub-treasury, than the president's election was against a national bank. There were, undoubtedly, other causes which mingled in the contest. But still, the expression of the popular will, in every state where an election was held after this project was first recommended by the executive, was such as ought to have commanded his respect, and prevent him again urging a measure so odious to the people, and, if carried out, so fatal to their prosperity.

But, Mr. President, this *hard money* policy must be persisted in. The executive had embarked in it, and he seemed determined that no obstacles should impede his progress. He, therefore, charged all this outbursting of the people to the influence of the banks, and considered it as no evidence of an honest opinion against this ill-fated measure. Notwithstanding the decisive vote against it in the house of representatives—notwithstanding his declared willingness to adopt any substitute for it, it is again brought forward with the same expressed deference to public opinion, and again urged with the same open contempt of it.

Sir, this charge, though general in its terms, seems peculiarly intended for the state of New York. As a representative of the people of that state, I repel it as unworthy of the chief magistrate, as it is undescribed by them. In the lawful exercise of the elective franchise, they have seen fit to rebuke the administration for its destructive policy, and their action is attributed to the influence of the banks! They saw industry paralysed, the energies of a whole population frozen up, business of all kinds at a stand, the wives and children of a portion of them famishing for want of bread, and suffering for want of clothes to cover them, and they resorted to the ballot box as the only means in their power to express their disapprobation, and that expression, thus made is charged to the influence of the banks! Sir, the president has forgotten the character of the people of his own state. He treats them as mere slaves—as men born to obey the executive mandate, and not to think or act for themselves. Sir, let me tell you, that the people of New York "know their rights, and knowing dare maintain them"—and as long as I remain here, they shall not want a representative to assert them on this floor. No man, be he high or low, shall go behind the ballot box to canvass the motives of my constituents, without being rebuked for his presumption. I care not what the result of an election may have been; when the people have spoken, their voice is to be respected and obeyed—and they shall not be called to an account, with my consent, by an officer of the general government for their conduct in their local elections. No matter what party succeeds, such a charge is an indignity to the whole people. I am utterly astonished to hear it from such a quarter. I knew that the official organ here, and other loco-foco prints, had, in this way, attempted to account for this overwhelming result in New York—but I also knew that this charge, from such sources, had been indignantly repelled by the democratic press of the state—and, notwithstanding all this, the president, as in the case of the sub-treasury, adopts the repudiated explanation of the *Globe*, and ushers it forth to the world.

Sir, I have said that there was no pretence of foundation for this charge. I will demonstrate, by statistics and by figures, as clear as any proposition in Euclid, the truth of my assertion. New York has fifty-six counties—all, except thirteen, have one or more banks,—of those thirteen, five are opposition, and eight are administration counties. These eight counties gave the administration a majority at the presidential election in 1836, of 6,781. In 1837 they gave 2,617—making an opposition gain of 4,164 in a net vote of less than 18,000. These are counties where there are no banks. It is another remarkable fact that the opposition gain in these eight counties is nearly double what the other counties in the state averaged in their gains. Now, sir, if the banks influenced the results of the election, why do we find the administration losing more, in proportion, in counties where there are no banks, than in those where there are banks? The

truth is, the influence of the banks, as such, was exerted on neither side—but, so far as there was an influence exerted by their officers or those connected with them it was greater on the part of the administration than the other. There never was a charge made which is so entirely destitute of any one circumstance to justify it, and which so entirely fails. Coming from such a source, it is an assault upon our free institutions. It is impeaching the principle of self-government. What becomes of our boasted liberty, if the petty incorporations of the states can so far influence the exercise of the elective franchise, that the expression of the ballot box is not to be taken for what it is intended to represent? What will be our character abroad? The eyes of all Europe are turned to our experiment of self-government, and are confidently expecting a failure of the system, which we have predicted would regenerate the civilized world. What will they now think, when they have the authority of the chief magistrate of this nation, that in the great state of New York, the "empire state," the influence of her local banks has controlled her elections, so that their results cannot be relied on as any evidence of the popular will? Sir, under such an imputation as this, a citizen of the United States in a foreign land, would blush for his country. And should he repel it, he would be confronted with the president's message, as conclusive evidence in support of the charge. As to my own state, so far as my action will go, I will endeavor to wipe out the blot from the fair escutcheon of her fame.

Mr. President, having shown that the election in New York was in no way controlled by the interference or influence of the banks, it may not be amiss to inquire what causes produced those results which were so astounding to the whole union? Sir, it was the principles *understood* to be entertained by the administration and its prominent friends, and the measures which they were pursuing to carry out those principles. What are they? They are to be found in the creed of a faction which had its origin in the city of New York in 1829. I do not say they embraced the whole creed, but I do say they were a part of it. And if any man, at that day, had predicted that a democratic republican administration would have countenanced any portion of the principles of this faction, he would have gained no more credence, nor as much, as he now would, if he predicted that, in an equal period, the administration would adopt the other part of the same creed.

Sir, it will hardly be believed by the people of other states that any portion of those doctrines have been adopted by the administration and its prominent friends. I do not say that they have been—but I say their course of measures has been such as to impress upon the people the belief of their adoption. I will not undertake to go into the documentary evidence at this time, as the ground of that belief, although I may deem it not inappropriate on some other occasion. This faction was the origin of that party which is now termed *loco-foco*, and which, in the pure days of the democratic republican party, was turned out of Tammany hall, and held their meetings in the open air, whenever it was necessary to take measures to reduce the price of flour, or carry out any other great principle in political economy! After their principles received the countenance of the administration, they again returned to the old *wigwag*, displaced the ancient sachems, and there they now illustrate their ideas of freedom of speech and free discussion, by violent inroads and forcible interruption of the assemblages of orderly citizens, who happen to entertain opinions on matters of public policy, contrary to their own. They are now the leaders of the party, and the prominent candidates for executive favor.

The leading feature of their creed was THE DESTRUCTION OF THE WHOLE BANKING SYSTEM OF THE COUNTRY—THE REPEAL OF CHARTERS AND THE ABROGATION OF VESTED RIGHTS. This was a part of their doctrines, and was understood by the people to be the policy of the administration.

Why was it so understood? I will endeavor to answer the question.

After the war on the Bank of the United States had ceased, a more ruthless and unrelenting warfare commenced and carried on against the state banks. The success which had attended the former emboldened the assailants, and they supposed they could make an easy conquest of the latter. It never occurred to them that they might not be able to bring the same force into the field in the one case as in the other. They never stopped to inquire whether the people entertained any different views in regard to the state institutions and a national bank. They seemed to have forgotten that during the progress of the first war, they had per-

sualed the people that there were monstrous evils connected with the one, and equal benefits to be enjoyed with the others. They left out of view all their promises of a sound currency, and an equalization of the domestic exchanges of the country by means of the state banks. They forgot the oft repeated pledges and assurances that the state institutions could perform, equally well, all the duties the Bank of the United States had performed for the government. In short, they had no recollection that those institutions were to give even a "better currency" than we had enjoyed under a national bank.

But, sir, although they had overlooked all these things, the people had not forgotten them. Those who opposed the re-charter of the Bank of the United States were honest in their opposition. The present generation has principally grown up and come on to the political stage since the incorporation of the Bank of the United States in 1816. They have enjoyed its benefits—and that it possessed great benefits no rational man ever denied—but they were not able fully to appreciate them, whilst in the full fruition of them. They could see what seemed to them to be its dangerous powers, and with the assurance that the state banks could perform all its duties to the government, and confer all its benefits on the people, without possessing those powers, they were content that it should go down, and that the state banks should be substituted in its place. Another consideration which influenced their action was the popularity of general Jackson, who led the forces in this contest. Many believed in his sagacity in this matter, and pinned their faith upon him; and others, although they doubted the policy of the measure, still believed in his honesty of purpose, and therefore went with him "right or wrong." But they had no idea of breaking down the state institutions, so intimately connected, as they believed them to be, with the business wants of the whole country; and when these attacks were made on those institutions the people began to suspect that they had been used as the instruments in assailing the national bank, with a view of destroying the others in their turn—such they thought they discovered to be the policy of the administration.

How did they discover it? By the principles which seemed to be maintained by the administration and its leading friends. By the manner in which they repudiated the state bank deposit system after they had suspended specie payments—a suspension brought about by causes beyond their control, and which certain measures of the executive had essentially contributed to produce—and the subsequent introduction of an "untried expedient," in the shape of the sub-treasury scheme—a scheme fraught with more mischief to the community, with more hazard to the public funds, with a more dangerous augmentation and concentration of executive power, than has ever been suggested in the history of this or any other government. And here, sir, permit me to say, that when the friends of this abominable measure, for I can characterize it by no milder term, present the alternative of it or a national bank, rest assured that there are thousands and thousands who have been opposed to such an institution, who will, without hesitation, give it their preference. But, sir, that alternative is not yet presented. Gentlemen are attempting to make up a false issue. They vainly imagine that they can conjure up the ghost of the old Bank of the United States to frighten men, as they would frighten children. Sir, that day has gone by. The people are looking for relief amidst the disasters which surround them. They see in the sub-treasury scheme nought but ruin—they look with horror upon its adoption as a consummation of ruin—they look to the state bank deposit system as the means of present, and if the anticipation of its friends be realized, of permanent relief. Some of the friends of a national bank have proposed plans for state institutions, which they think will supersede the necessity of a bank of the United States. At all events, those who are in favor of a national bank know that it cannot be had, if it be had at all, for some time to come; and they know that something must be done for the relief of the country. There is no other plan which can be adopted but the one proposed by the senator from Virginia. If it answers his expectations, it may satisfy the country—if it does not, the public mind will then be settled down as to what the remedy should be. As to the sub-treasury, I say with the senator from Massachusetts, give me any thing, or give me nothing, in preference to it.

What farther evidence had the people that the destruction of the state banks was a part of the policy of the administration? Meetings were held by the *loco-focos*, at New York, Philadelphia, Cincinnati and other places, where resolutions were

adopted against the whole banking system, and in favor of an exclusive metallic currency. These proceedings were responded to by men in high official stations, and their responses were perfectly satisfactory. Being thus sanctioned by men in authority, these wild and visionary doctrines began to spread. Many who had viewed them as destructive of the best interests of society, began to renounce former opinions, and adopt this radical creed, because they believed it met the approbation of those who held the reins of party discipline, and who had the power of party dispensation.

The next evidence of the prevalence of this radical spirit was the manner in which the subject of the suspension of specie payments was treated. By the law of New York, when a bank neglects or refuses to redeem its notes in specie for ten days, the chancellor is directed to issue his injunction, close its doors, appoint a receiver to take charge of its concerns, whose duty it is to proceed to collect the amount due to the bank, to pay the amount owing by it, and finally, under the direction of the chancellor, to distribute to the stockholders the residue of its effects, according to their respective interests. There was due to the banks, at this time, by the people of the state, about *seventy millions of dollars*. A false collection of this amount, by receivers, would have spread ruin and desolation throughout the whole state. The most valuable estates would have been sold to satisfy these demands. There would have been no competition at the sales—for very few indeed could have commanded the means to become the purchasers. The result would have been, that the most desirable property must have been sacrificed, and bought in by some miserly *hard money* man, who had hoarded this vile trash for the purpose of preying upon the misfortunes of his fellow citizens, or by the receivers for the benefit of the stockholders. In either event, the community would have been the sufferers, and the hope of present business or of future prosperity would have been utterly blighted. Every rational man foresaw this result. The legislature was then in session, and a law was forthwith passed, by an almost unanimous vote, to suspend the forfeiture of the charters of the banks for one year. This act of the legislature was openly denounced by public meetings in the city of New York, composed of those claiming to be the exclusive friends of the administration. And this denunciation was reiterated by the official organ of the government here, claiming to speak the sentiments of the administration on all important public matters. Why was this act thus denounced? Because, if there had been no such interference, the banks would have been all prostrated, as I have already shown, and we should have been at once brought to the "golden age" which has been so long desired. It is true, the great interests of the community would have been sacrificed. But, what of that? We should have had the "constitutional currency"—"a hard money government"—"a successful experiment"—and let me add, a prostrate country and a ruined people! Sir, the people were saved from this awful calamity by the patriotism of the legislature. The suspension act was not a boon to the bank; it was a favor to the people. Whilst it saved the bank charters from forfeiture, it saved the people from destruction. Other states passed similar laws, and thus were frustrated the designs of those who deemed the suspension of specie payments the proper occasion to carry out their favorite plan of breaking down the whole banking system of the states. I will not say that the president entertained this design. But the people judged him by the effect of his measures. On his call, congress assembled at the extra session to take into consideration the "great and weighty matters" which he was to submit to them. The message was delivered, and the people no longer doubted that the president and the administration intended to destroy the banks. At all events, they could not doubt that such would be the effect of the measures recommended by him. They could only infer the intent from the result which must inevitably follow.

By the constitution, it is made the duty of the president, from time to time, to give to congress information of the state of the union, and recommend to their consideration such measures as he shall judge *necessary and expedient*. He can recommend no others—and if he deems such as he does recommend, both *necessary and expedient*, he of course desires that congress shall adopt them, and that they shall be carried into full execution. He had already seen that, by the intervention of the state legislatures, the bank charters of the different states had been saved from forfeiture, and that the designs of those who wished to destroy them, had been frustrated by these acts. Well now, sir, what were his recommendations, and what their inevitable results? He recommended a "*uniform law*

concerning bankruptcies of corporations, and other bankers," as a measure "*fully authorized by the constitution*." Such a law, under his oath of office, he must have deemed "*necessary and expedient*." And he must, too, have desired its enactment by congress, otherwise he would not have recommended it. What would have been its effect, its practical operation, if congress had concurred in the views of the president, and passed a bankrupt law, as recommended by him? Why, sir, every bank in the union would have been forthwith handed over to commissioners to be appointed by the executive, under such a law, and their concerns closed up—for they had all suspended specie payments, and of course would have come within its provisions. This would have accomplished what was prevented by the action of the legislatures, namely, a forfeiture of their charters and a consequent destruction of the banks themselves. Sir, I do not state this case too strongly—such would have been the inevitable result throughout the union—there is no escape from it. The president could not but have foreseen it. It was the unavoidable consequence of his recommendation. He must have made it with his eyes open, and seen its effects, unless he was blinded and bewildered by this *ignis fatuus* of loco-focoism. What would have been the effect upon the business and credit of the country? Utter ruin and destruction from one extremity of the union to the other. Sir, "war, pestilence and famine" could not more effectually have done their dreadful work.

Fortunately for the country, congress did not adopt this recommendation of the president, although it was urged with great power by one of the most prominent friends of the administration, (Mr. Benton.)

Sir, there is another feature of this measure which deserves consideration. This subject was not new to the president. It had received his careful examination and full deliberation on a former occasion. In 1826, when he stood upon this floor, as a senator from the state of New York, he maintained on this subject the same principles which I am now endeavoring to maintain. He then represented all the great interests of the state, as I am now attempting to represent them. The banking interest was one of the most important, because it gave life to commerce, stimulated agriculture, aided the mechanic and manufacturing industry of the country, and produced a healthy action in the whole body politic. This was a period anterior to the origin of the faction in New York, whose doctrines have since been adopted. Mr. Van Buren, on the discussion of the BANKRUPT BILL, at that time before the senate, opposed its application to banking incorporations, "*as an odious exercise of power not granted by the constitution*." In 1826, senator Van Buren opposes a bankrupt law in reference to our banking institutions, "*as an odious exercise of power not granted by the constitution*," and in 1837, president Van Buren proposes "*a uniform law concerning bankruptcies of corporations, and other bankers*," as a measure "*fully authorized by the constitution*." Now, sir, permit me to ask if such a measure was unconstitutional in 1826, can the recommendation of the president make it constitutional in 1837? I should think not, unless the constitution changes as the party changes! But, whether it does or not, is immaterial to the present question. The president recommended a bankrupt law in reference to bank incorporations. He must have reviewed his former opinions on that subject. He must have deemed the crisis so important as to overcome his old constitutional scruples, and that it was now "*necessary and expedient*" that such a law should pass, and thereby bid the country of the curse of paper money, and thus restore the "constitutional currency" of gold and silver.

Mr. President, I have said that the people believed the design of the administration, and its prominent friends was to destroy the banking institutions of the states. They foresaw what would have been the effect of the adoption of the bankrupt law. They also saw, and still see, the effect of the sub-treasury scheme. They know that both are equally fatal. They saw the manner in which the sub-treasury was urged at the extra session. They saw, by the official organ, that, after it was defeated in the house, it was again to be forced upon congress at the present session, and they see clearly now that its adoption, at this time, will be as fatal to the banks as a bankrupt law would have been before. Its adoption would have prevented the resumption of specie payments. Or if the banks should resume, it would compel them to stop again. Or if they continued to pay specie, it would be merely a nominal thing, and they could do no business. If this were the proper occasion, I would undertake to demonstrate these propositions to the satisfaction of every rational man. But, I did not

rise for that purpose. Suffice it to say, that if a deliberate plan had been formed for the total destruction of the banking system of the whole country, it could not have been more skillfully devised. What was the process by which it was to be accomplished? 1st. By inducing the legislature not to interfere. 2d. By a bankrupt law. 3d. By the sub-treasury scheme, which is the only proposition now under consideration. Under it, the banks cannot resume; and if the legislature grants no farther indulgence, their concerns must be closed up. If they do resume, they will be compelled to stop again, and they will be in the same situation as if they had not attempted it. If they do not stop, it will be because their circulation is all called in, and they continue because they do no business. In this event the stockholders will wind them up, for the reason that they cannot afford to have an investment which produces no income. In either case, the result is the same—the destruction of the banks. I have already shown the disastrous consequences to the whole community from such a state of things—and I will add, in the same language which I employed at the last session, "that it would even be better for the country that a tornado or an earthquake should spread its desolation around, than that we should have this scheme inflicted upon us."

Mr. President, these were some of the causes which produced the results of the late elections in New York. There was another. The people saw the treatment which those received, who opposed these measures. They saw some of their representatives here, pursuing the straight forward track of principle, and maintaining the ancient and honored creed of the party; they saw them turning neither to the right nor to the left to gratify the ambition of any man, or to court the favor of any faction; they saw them maintaining the same principles which the whole party maintained but a short period before, and refusing to turn about at the word of command; they saw them opposing the measure which the whole party, with general Jackson at their head, opposed in 1834, and which the official organ of the administration then pronounced "*disorganizing and revolutionary*," and manfully resisting the executive mandate to swallow the sub treasury scheme now, which they all repudiated then; they saw them standing in their places, and with that moral courage and undaunted firmness, which should ever characterize the representatives of a free people, resisting the encroachments of executive power; they saw them, with an independence worthy of the better days of the republic, combating the heresies and interpolations which were attempted to be introduced amongst the ancient canons of their political faith; they saw them endeavoring to revive the drooping energies of the country, to resuscitate its trade and commerce, to stimulate its industry, to invigorate its enterprise, to give hope and animation and life to its benumbed and palsied faculties, and to pour consolation into the wounded and broken spirits of the mercantile community. They saw all this; and they also saw, that for all this, their representatives were **DENOUNCED AND PROSCRIBED** by the official organ of the administration! They saw the despotism which had been introduced by the discipline of party. They saw that neither party men, nor the party press, dare speak their sentiments on any political subject, until they knew the executive will. They saw the manner in which the machinery of party was brought into requisition to manufacture public opinion to sustain that will when it was once made known. They saw that there was no independence of thought or of action within the sphere of executive influence. They saw, in short, established at the seat of government the most perfect despotism on earth. **THE DESPOTISM OF OPINION!**

Sir, this system of dictation, of proscription and denunciation commenced during the second term of general Jackson's administration. He would not tolerate a difference of opinion on any subject in which his feelings were enlisted. I hope it was the infirmity of age. I might instance the distribution bill, the specie circular and the currency bill. In all these measures, the great body of his friends in both houses were opposed to him. Still, the official organ did not hesitate to maintain the executive will, and to denounce the action and opinions of those who constituted the legislative branch of the government.

The present executive, on entering upon the duties of his high station, promised to "follow in the footsteps of his illustrious predecessor." This sub-treasury scheme is the darling project of the late president; and, I presume, in pursuance of the above pledge, it has been brought forward for our consideration. To my mind, this is its only merit—and no one would be more desirous than myself of gratifying the feelings of that illustrious man,

and of smoothing the path of his declining years, by the adoption of his favorite measure, if my judgment did not tell me it would be at the expense of the great and paramount interests of the country. If he himself were here, in the zenith of his power, he, perhaps, might see his way more clearly. But, when his successor attempts to imitate his giant strides, he will follow him, as Iulus followed *Æneas* from the flames of Troy, *hæud passibus æquis*.

Sir, my colleague (Mr. Wright) has spoken of that portion of the friends of the administration, who oppose the sub-treasury scheme, as a small party, and, with seeming reproach, has kindly extended to them his charity; and more than intimates that they ought to give up their opinions to the majority of their friends. Sir, that small party are maintaining the same principles which the whole party maintained but a short time since; and the difference between them, being a matter of principle, cannot be compromised. It is, indeed, a small party, and should on that account have been protected from the apparent sneer of the senator from New Hampshire, when he said they had assumed the name of "*conservatives*." Whether that name has been assumed by them, or has been given to them, I will not stop to inquire. This much, however, I will venture to affirm, that we shall be as well satisfied with that appellation, as the gentleman and his friends will be with the name of "*subservatives*," with which they have been honored, and with how much justice I leave to themselves to determine. Sir, this small party has been, not inappropriately, called "*A SPARTAN BAND*"—and let me tell those gentlemen who have reproached them with the peculiarity of their position, and the paucity of their numbers, that when they are asked to lay down their arms they will give the Spartan answer—"Come and take them." Sir, my colleague, from the peculiarity of his own position, should have seen the indelicacy of commenting upon ours. The time has been when he has been left in a smaller minority of his political friends than we are now; but, I will do him the justice to say, that his opinions, in all matters in difference, have always coincided with the executive. And, had the executive seen fit to recommend the resuscitation of the state bank deposit system, instead of the sub-treasury, we should have seen my colleague, with my friend from Virginia and myself by his side, leading on his faithful troops, and instead of the golden banner under which he is now fighting against the institutions of the states, and the rights of the states, he would have raised aloft the stars and stripes of his country, the emblem of those rights, and under that sign he would have conquered. And the man who should have had the rashness to introduce the sub-treasury scheme, in opposition to the executive recommendation, would have found himself without even a corporal's guard.

Mr. President, the constitution guarantees the liberty of speech and of the press—but, under the present system of party discipline, and executive intimidation, there is virtually an abrogation of both. The executive department has become too powerful for the legislative branch of the government. The great apprehension of the framers of the constitution were from the legislative power. They little dreamed that in the short space of half a century, short in the lifetime of a nation, the executive department would become so formidable as to overawe the legislative branch, and dictate to them the measures which he himself was to execute. Sir, the very theory of the constitution has been reversed. The legislative has become the weaker power, and the executive arm is already strengthened beyond what the fathers of the constitution deemed consistent with the safety and freedom of the government. Add to that strength the powers of a treasury bank, which are contained in this bill, and you have given all that can define a despot.

Mr. President, I have spoken with some feeling on this subject. I have reason so to speak. I have seen the distress of the country—I have seen the embarrassments of my fellow-citizens. I have seen them imploring this government in vain for that relief, which they are entitled to ask, and which the government is bound to give. I have seen the government impairing public confidence in the institutions of the states, withdrawing itself upon its own resources, and leaving the people, unaided and alone, to buffet the storms of adversity which it has aided to bring upon them. I have seen the executive enter upon a system of experiments, destructive of our dearest interests, and subversive of our brightest hopes. I have seen him persist in those experiments after a decisive negative by the legislative branch of the government, and after his wild and visionary schemes have been most signally rebuked through the ballot box. I have seen

him turn a deaf ear to all the remonstrances which have been made in every part of the country, and with a cold and dogged indifference, set at naught all these demonstrations of the popular will. Sir, I aver, in the face of the American people, that there is no cause for the continuance of the distress under which the country now labors. It is in the power of the administration to remove it by its simple fiat. This war upon the banks has dried up the sources of sustenance to the people, as well as of revenue to the government. Let the executive abandon this sub-treasury scheme—a scheme unworthy of the age in which we live—let him, in good faith, resolve to revive the state bank system, and forthwith, as fast as the joyous news could travel, hope, and life, and activity, and confidence would spring up on every side to gladden it on its way. I would say then to the people of this country, if I could flatter myself that my voice would reach them, rouse from your lethargy; burst the Lilliputian ties that bind you; walk forth in the dignity of freemen; and teach your public servants that you will not silently submit to have your credit destroyed, your property sacrificed, and your wives and children deprived of their bread, to minister to the partisan ambition or unwholy caprice of any man or set of men, whom your misplaced confidence may have elected to stations beyond their deserts. And let me tell you, sir, if the voice which New York has already uttered be disregarded, and these destructive measures persisted in, I warn you to beware of the **INES OF NOVEMBER**; for her voice will then be heard from the Atlantic to the lakes, louder than the mighty cataract which thunders on her western border.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

March 1. Mr. McKean presented a memorial numerous signed by citizens of the borough and county of Erie, in the state of Pennsylvania, complaining that the medical board appointed under authority of the act of the 3d of March last, by the President of the United States, to select suitable sites for marine hospitals on the Mississippi and Ohio rivers and Lake Erie, for the benefit of sick and disabled seamen, boatmen, and other navigators on the western rivers and lakes, have, in discharging that duty, confined their examination exclusively to one or two places on Lake Erie; while the claims of all other places, many of them containing in a high degree all the requisites for such an establishment, have been overlooked and neglected; and praying congress to order a new examination by a competent, impartial, and unprejudiced board.

Mr. McKean, after some remarks upon the manner in which "*poor Pennsylvania*" had been neglected, moved to refer the memorial to the committee on commerce; which was referred accordingly.

Mr. Buchanan presented the following memorial:

To the senate and house of representatives of the United States in congress assembled:

The undersigned, delegates of the people of Pennsylvania to a convention now in session at the city of Philadelphia to reform the constitution of the state, respectfully represent:

That in the present crisis of public affairs, the undersigned deem it their solemn duty, as well as their unquestionable right, to counteract by memorial and remonstrance the false impression which may be made to congress as to the will of the people of this state concerning their deranged monetary interests, of which will and interests the undersigned believe they enjoy as good means of being well informed as any other representatives of the people of this state.

The people, at every election since the Bank of the United States, first, and afterwards various state banks, have, by violent and improper efforts, been struggling to compel the community to submit to banking control, contrary to the constitution, and the well understood public interest and will: the people have at every election chosen representatives instructed to put an end to such bank control and restore the authority of the people; but to many of those representatives have been misled to sacrifice the will and interests of the people to those of the banks.

Your memorialists have reason to believe that there are very few, whether of the people or their representatives, not unduly influenced by banks who do not now desire that an entire separation should be realized between government and all banks, and as speedy a restoration, as may consist with the general welfare, of the hard money which the banks have driven out of circulation; and these two fundamental principles, viz. first, the total separation of government from all banking opera-

Mr. Buchanan explained that it was not general Macomb's bill that he wished to speak on, but the subject of brevet pay, which he understood was involved in it, on which he wished to say a few

But, sir, my purpose is confined to a single particular object. It is to prohibit and suppress a practice here, which, if not stopped, must ultimately, in addition to other deplorable consequences of a private and social nature, put an end to all freedom of debate and action, in your halls of legislation, banish from them all just and rightful authority.

Mr. D. wished to add, that from information derived from this and other sources, he was convinced that the system of light-houses in this country was greatly inferior to those of France and of England. This subject was important and necessary to the public safety and interest. It was important in this, that many of our light-houses emitted but a feeble light, which could be seen only a few miles, in consequence of imperfection in the reflectors; whereas, in France such improvements had been made that they could be seen as far as the figure of the earth would allow. They had been seen at the distance of thirty miles. This document proved that some of our light-houses were in a very unsatisfactory condition. In one case a vessel with a cargo worth \$300,000 had been lost, because the light could be seen but a short distance. Such lights, if depended on at all, were worse than none. The committee on commerce had, last year, inserted a clause improving the light-house bill. Some light-houses had been so badly located that they had never been lighted; others were found to be of very little utility; and it was required by that bill that an examination should be made, under direction of the navy commissioners, of every spot on which it was proposed to erect a light-house. The consequences had been, that there was now upwards of \$200,000 of the appropriations for this purpose remaining unexpended, because the proposed sites were deemed to be bad. But the great object in this document did not relate so much to the location as to the improved character of the light. Mr. D. hoped the committee would look in-

to the subject, and report to the senate if any improvements could be made.

The document was referred to the committee on commerce, and ordered to be printed.

The bills for the relief of Thomas J. Lawler and S. M. Niles; of P. M. Bohanan; of Francis Gardiner; of Benjamin Moore; of Eli Horton; of John M. Oliver; of the heirs of general William Eaton; and the bill to provide for the uniform payment for horses lost in the military service of the United States, were severally read a third time and passed.

The bills for the relief of Jonathan Davis, of Mary A. Patrick, and of Philip Revere and his legal representatives were severally considered, and ordered to be engrossed for a third reading.

Various private bills from the other house were read twice, and referred.

The senate resumed the consideration of the sub-treasury bill.

Mr. *Strange* concluded his remarks on this subject in favor of the bill.

Mr. *Merrick* having expressed his desire to speak on the subject on Monday,

The senate adjourned, after an executive session.

March 5. The following among other memorials, &c. were presented this day.

By Mr. *Clay*: from Jonathan Thomson, of New York, stating that he had been for many years collector of that port, more than \$100,000,000 of the public money having passed through his hands; that he had fulfilled all his engagements to the last cent; and praying the surrender of the various bonds he had given. Referred, on the suggestion of Mr. *Wright*, to the committee on the judiciary.

By Mr. *Wright*: from William Wells and other citizens of Buffalo, praying congress to pass a law to indemnify him for the loss of the steamboat *Caroline*.

By Mr. *Clay*: a memorial from citizens of Hampshire county, Virginia, remonstrating against the exaction of specie by the post office department, and stating that Stockton and Stokes, the mail contractors, whilst they were receiving specie, were issuing their small notes to an unknown amount. Mr. *Clay* moved that this memorial be referred to the committee on the post office and post roads.

Mr. *Grundy* objected, regarding it as a matter of finance. Mr. *Clay* was satisfied that to whichever committee it might go, there would be no remedy provided. But if the shin-plasters mentioned in the memorial were to be suppressed, it was the appropriate business of the post office committee.

Mr. *Grundy* disclaimed such jurisdiction for that committee, and the memorial was referred to the committee on finance.

Mr. *Wright*, from the committee on finance, made an unfavorable report on the act of the legislative council of Wisconsin, chartering the State bank of Wisconsin and Prairie du Chien, together with a joint resolution annulling that act. Read, ordered to a second reading, and the report ordered to be printed.

Mr. *Buchanan*, from the committee on foreign relations, reported the bill referred to them, providing for the maintenance of our frontier neutrality, with various amendments, restricting the seizures to "arms and munitions of war," and limiting to ships at sea the proviso, that the action under the bill shall not interfere with any trade carried on according to existing treaties and the law of nations, thus excluding the frontier continuous trade from an appeal, under the bill, to said law and treaties; also, limiting the bill to two years, from apprehended practical imperfections. The other amendments were slight.

The amendments were concurred in, and the bill was ordered to be engrossed for a third reading; subsequently read a third time and passed, and returned to the other house for concurrence in the amendments.

[See the bill in the proceedings of the house on Friday last.]

The following resolutions were offered and agreed to:

By Mr. *Webster*: calling on the secretaries of the war, navy, and treasury departments, for the names of all persons, in and since the year 1832, appointed as pension agents; the authority under which the appointments were made; copies of the instructions given them; the forms of commission; the sums advanced to them, and the times of those advances; the amount paid at each office: the average balances remaining; and the average balance remaining in the hands of each agent at a time named; together with copies of all letters from pension agents asking advances, or other compensation.

By Mr. *Linn*: instructing the committee on the public lands to inquire into the expediency of granting to a company in Wisconsin certain pre-emption rights, to enable them to construct a canal between

the Wisconsin and Fox rivers, together with a copy of the charter of said company.

By Mr. *King*: instructing the committee on finance to inquire into the expediency of paying to merchants of Mobile the costs incurred by them in renewing their duty bonds, which, Mr. *K.* stated, sometimes equalled half the whole amount of the bonds, and had in no case been less than one-fourth; a loss which they would not have incurred if they had not believed that the act of congress would relieve, instead of thus oppressing them, in its effect.

By Mr. *Wright*: referring to the committee on finance so much of the report of the secretary of war to the president as relates to the safe-keeping, &c. of money appropriated for Indian tribes and individual Indians.

By Mr. *Young*: calling on the secretary of war for a copy of a recent report of a survey with reference to improvements in the Illinois and Kaskaskias rivers, with an estimate of the expenses necessary to remove the various obstructions to navigation.

The house bill making appropriations for revolutionary and other pensioners for 1838, was read twice and referred.

The bills for the relief of Jonathan Davis, of David A. Patrick, and of Philip Revere and his legal representatives, were severally read a third time, and passed.

The senate resumed the consideration of the sub-treasury bill.

Mr. *Merrick* spoke in opposition to the bill till half past 3 o'clock, resting his objections on various particulars, and arguing especially against an exclusive metallic currency.

Mr. *Norrell* having obtained the floor for to-morrow, the senate held an executive session; after which,

The bill for the relief of Peter Barge, and the bill to establish an additional land office in Michigan, were severally considered, and ordered to be engrossed for a third reading.

The senate considered, at much length, the bill to create a surveyor general's office for the state of Illinois.

Mr. *Davis* called for the yeas and nays on the question of its engrossment, which were ordered, and there appeared—yeas 16, nays 10. This number not being a quorum, the senate adjourned.

March 6. Among the petitions presented to-day were the following:

By Mr. *Linn*: from a company in Wisconsin, praying a grant of land for the construction of a canal near Milwaukee.

By Mr. *Clay*, of Kentucky: from Mr. Watson, of New York, a scheme for a national internal improvement and loan company, as a regulator of the currency, and fiscal agent of the government.

By Mr. *Smith*, of Indiana: a joint resolution of the general assembly of the state of Indiana, instructing her senators and requesting her representatives to use their best endeavors to procure the passage of a law providing that notes of all the state banks that may redeem their notes in specie on demand, shall be received in payment of the public lands.

Mr. *S.* said he was very happy to find that his colleague and himself had not been mistaken in supposing that such was the opinion of the state. He entirely concurred with the legislature on this particular point. He had already given his views at large on the whole subject, and he would not detain the senate, at this time, further than merely to say that it would afford him great pleasure to aid in the object of the resolution. The resolution spoke of public lands alone for which the paper of a specie-paying banks should be received. Mr. *S.* went the whole on that point; he would extend the principle to all government dues, as embraced by the amendment of the senator from Virginia to the sub-treasury bill, and he would go for that amendment as the only plan submitted, or likely to be, to carry into effect that principle at the present session.

On motion of Mr. *S.* the resolution was laid upon the table, and ordered to be printed.

A message was received from the president of the United States, through Mr. A. Van Buren, his private secretary.

Mr. *Clayton*, from the committee on the judiciary, reported the bill referred to them to prevent the giving or accepting of challenges to duels in the District of Columbia, with amendments, the principal one of which was the substituting for the penalty of death, from ten to twenty years' confinement in the penitentiary.

The amendments were read, and the bill was made the special order for Monday next.

After several other bills of minor importance had been reported,

Mr. *Niles* offered the following, which being objected to, lies over one day:

Resolved, That the secretary of the treasury and the postmaster general be directed to communicate to the senate copies of any correspondence between their respective departments and the Metropolis bank of this district, with a statement of facts touching the conduct of that bank as a public depository and fiscal agent, and particularly in relation to the conduct of that bank in attempting to retain the public money in its possession, to pay pretended claims not allowed by competent authority.

The senate resumed the consideration of the bill to create a surveyor general's office for the state of Illinois.

Mr. *Prentiss* moved to amend the bill by striking out the salary of \$2,000 and inserting 1,200.

After a protracted conversation by Messrs. *Clay*, of Alabama, *Smith*, of Indiana, *Young*, *Walker*, and others, the amendment was carried—yeas 20, nays 18; and,

On motion of Mr. *Clay*, of Kentucky, the bill was, for the present, laid on the table—yeas 29, nays 15.

The bills to create an additional land office in Michigan, and for other purposes; and for the relief of Peter Barge, were severally read a third time and passed.

The senate resumed the consideration of the sub-treasury bill, and the substitute for it offered by Mr. *Rives*. Mr. *Norrell* spoke two hours in favor of the bill. No other senator rising to speak on the question—Mr. *Tallmadge* remarked that several senators were at present absent, he therefore moved to postpone the bill until to-morrow morning, with the understanding that the vote should be taken on Mr. *Rives*'s substitute. Mr. *Wright* would consent to the delay, but preferred that the bill should be passed informally, that it might not lose its place in point of precedence. Mr. *Buchanan* then rose, and said he had been waiting some time for an occasion on which it would be proper for him, in obedience to the instructions which he had received from the legislature of Pennsylvania, to move to postpone this bill till the next session of congress. Mr. *B.*'s colleague (Mr. *McKean*) had told him that he thought the period for this motion had arrived several days ago. Mr. *B.* now moved that the bill be postponed until the next session of congress, with the understanding that the vote should be taken on this question to-morrow morning, prior to the vote on Mr. *Rives*'s substitute; and Mr. *B.* called for the yeas and nays on this motion, which were ordered.

The bill was then informally passed over.

The bill to maintain our neutrality on the frontier was received from the house, taken up by the senate, and on account of the supposed impotence of the senate's amendment, in which the house had non-concurred, (the amendment excluding the frontier continuous trade from an appeal to treaties and the law of nations,) the bill was, for the present, laid on the table.

On motion of Mr. *Walker*,

The bill to create a surveyor general's office in the state of Illinois, was taken up, and after a brief conversation, and on motion of Mr. *Clay*, of Ky., was again laid on the table. Yeas 20, noes not counted.

The senate proceeded to the consideration of the bill supplementary to the "Act to amend the judiciary system of the United States." After some conversation of a legal character,

On motion of Mr. *Webster*, the bill was laid upon the table.

Mr. *Buchanan* stated that he had consulted the committee on finance in relation to the amendment of the senate, non-concurred in by the house, to the bill to maintain our frontier neutrality; and they had expressed the opinion that the senate ought to insist on their amendment on account of its importance. He, therefore, moved that the bill be taken up, that the senate do insist, and appoint on their part, a committee of conference, in case the house should insist on its non-concurrence.

These motions were severally and successively agreed to.

The senate adjourned after an executive session.

March 7. We are indebted to the "Globe" for the following abstract of this day's proceedings. They will be recorded in detail in our next.

In the senate to-day, the presentation by Mr. *Tallmadge* of the memorial of certain citizens of New York against the independent treasury scheme, gave rise to a debate of the most interesting character, in which Messrs. *Tallmadge*, *Webster*, and *Wright*, took part. After the discharge of some business of little general interest, the question came up, on the motion of Mr. *Buchanan*, to postpone the consideration of the independent

reasury bill until the next session of congress. A few remarks were made by Messrs. *Culhoun*, *Webster*, *Morris*, and *Preston*, when the question was taken on the motion to postpone, and it was decided in the negative by the following vote:

YEAS—Messrs. Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, and White—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Moulton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, and Young—29.

An amendment to Mr. *Rives's* substitute was then moved by Mr. *Preston*. After remarks by Messrs. *Preston*, *Rives*, *Clay*, and *Buchanan*, the senate, at a late hour in the afternoon, went into executive business.

HOUSE OF REPRESENTATIVES.

Friday, March 2. Mr. *Grennell*, of Massachusetts, and Mr. *Grantland*, of Georgia, were announced as being appointed by the chair to fill the vacancies occasioned by the resignation of Mr. *Briggs* and Mr. *Harrison*, on the select committee to investigate the causes of the deaths of the late Gen. *Jonathan Cilley*.

In the place of Mr. *Muhlenberg*, Mr. *Craig*, of Virginia, is now chairman of the committee on revolutionary claims, and Mr. *Potter* was appointed to fill up the vacancy on said committee.

Mr. *Adams* asked the consent of the house to submit a motion to grant the use of the hall on Tuesday evening next to Mr. *Buckingham*, to deliver a public introductory lecture on the subject of Egypt.

Objection being made, Mr. *A.* moved a suspension of the rule; when the vote being 78 to 41, no quorum.

Mr. *Boon* called for the yeas and nays; which were—yeas 92, nays 60.

Reports of committees were then called for. After several had been received, the house passed to the special order, being the neutrality bill, reported by the committee on foreign affairs yesterday, the senate bill having been laid on the table this morning. This important bill was as follows:

A bill to amend an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the several collectors, naval officers, surveyors, inspectors of customs, the marshals and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the president of the United States, shall be, and they are hereby, respectively authorised and required to seize and detain any vessel or other means or materials which may be provided or prepared for any military expedition or enterprise, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and to retain possession of the same until the decision of the president be had thereon, or until the same shall be released as hereinafter directed.

Sec. 2. And be it further enacted, That the several officers mentioned in the foregoing section shall be and they are hereby, respectively authorised and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign state or colony contiguous with the United States, where the character of the vessel or vehicle and the quantity of arms and munitions, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war, are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privy, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or state, or any colony, district, or people, contiguous with the United States, and with whom the United States are at peace, and detain the same until the decision of the president be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction: *Provided*, That nothing in

this act contained be so construed as to extend to, or interfere with, any trade with or by the citizens of the United States to or with any parties engaged in war: which trade is now authorised either by treaty or the laws of nations,

Sec. 3. And be it further enacted, That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made for a warrant to justify the detention of the property so seized, which warrant shall be granted only on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act: and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the president shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

Sec. 4. And be it further enacted, That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States in the district where such seizure was made, setting forth the facts in the case; and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorised by this act: and the circuit and district courts shall have jurisdiction and are hereby vested with full power and authority, to try and determine all cases which may arise under this act; and all issues in fact arising under it, shall be decided by a jury in the manner now provided by law.

Sec. 5. And be it further enacted, That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized, shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and obtained, with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property, when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons, with his or their privy, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or state, or any colony, district, or people, contiguous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, that such restoration shall not prevent seizure from being again made in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

Sec. 6. And be it further enacted, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

Sec. 7. And be it further enacted, That whenever the president of the United States shall have reason to believe that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

Sec. 8. And be it further enacted, That it shall be lawful for the president of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of

the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

Mr. *Howard* explained that this bill had been reported by the committee on foreign affairs, in consequence of the difficulty of amending the senate's bill in such manner as to meet the views of the members of the house. He trusted that this bill would be more acceptable, and hoped that the clerk would read it by sections, so that the amendments, if any, might be proposed in regular order to the bill.

The first section being read,

Mr. *Underwood* moved to strike out the words which authorized the president to release goods which may be taken in certain cases.

Mr. *U.* stated the reason why he moved this amendment to be, to prohibit the president from acting in a judicial capacity.

Mr. *Howard* stated that this provision was introduced, because it was considered that the president was the most competent judge in these cases. He was fully acquainted with our relations with foreign countries, which made him more competent to judge in such cases than the judges of courts. If the matter was referred to the courts, there might be difference of opinion between the judges in consequence of the information which was in their possession; but the president, having all the information could decide more understandingly and properly. It was a mere power to relieve property that had been seized, and might be assimilated to the pardoning power. He trusted, therefore, that the amendment proposed by the gentleman from Kentucky would not prevail.

Mr. *Underwood* replied, that if it was proposed to give this power to the president in consequence of its being merely a pardoning power, there was no necessity for it, as he now had that power under the constitution and laws without further legislation. His objection to the clause which he had moved to strike out, was, that it invested the executive with judicial powers, and powers which belonged exclusively to the judiciary department; because it enabled him to determine whether or not an offence had been committed. He apprehended it would not do in this country to vest judicial powers in the executive.

Mr. *McKay* considered that it would be entirely improper to strike out this clause. It simply gave power to the executive, in cases where property had been seized, to release it. The law provided for the seizure of property, but not for its forfeiture; therefore, it was proper that the president should have the power to release it, under certain circumstances. In case this amendment prevailed, and the clause was struck out, goods could only be restored by the judgment of courts; and where they had been seized in consequence of a violation of the law, there must be great delay and loss to the citizens in certain cases.

The motion to strike out was then disagreed to.

The second section being read,

Mr. *Fillmore* moved to strike out that part of the section which made the bill applicable only to contiguous territories. Mr. *F.* remarked that it might be said that there was very little danger of getting into any difficulty with countries which did not lie contiguous to the United States; but he thought our legislation ought to be uniform. He had an objection to having a law passed by congress which subjected his constituents to a rule which was not general, and for this reason he hoped his amendment might prevail.

Mr. *Howard* remarked that it was necessary to shape our legislation to the circumstances in which we were placed. We already had laws which were applicable to expeditions fitted out for service at sea, and against foreign countries, and it now became necessary to pass laws to preserve our neutrality with contiguous countries, and this law had been introduced to effect that object. He hoped the amendments would not prevail.

Mr. *Holsey* contended that this bill was about to place us in the same relation to contiguous countries which it did to other foreign countries, if it passed, and urged upon the gentleman from New York to withdraw his proposition to amend.

Mr. *Fillmore* sustained his amendment on the ground that the bill created invidious distinctions which ought never to exist in the legislation of any country.

Mr. *Peck* called for the yeas and nays on this amendment; but the house refused to order them, and the amendment of Mr. *Fillmore* was disagreed to.

Mr. *Everett* moved to strike out that clause which provided that the law should not interfere with the trade authorized to be carried on by the laws of nations: lost.

Mr. *Robertson* moved to strike out all after the enacting clause to line sixteen, and insert an amendment which he sent to the chair, providing that in all cases of seizures, affidavits should first be made, and a warrant issued.

Mr. *R.* urged his amendment on the house, on the ground of the unconstitutionality of making seizures without due course of law, as was proposed to be done by the bill.

Mr. *Patton* replied to Mr. *R.* pointing to the third section of the bill, which provided that immediately after the seizure, a warrant should be obtained in due form from some judicial officer, for the purpose of holding the property seized. This he contended was all that was necessary to guard against the abuse of power, and he argued that if a warrant under oath was to be obtained before seizure, that the law would be wholly ineffectual, as it would in almost every instance, if not in every one, be evaded.

Mr. *Menifee* then addressed the house at some length, in opposition to the bill, on the ground of its unconstitutionality.

The debate was further continued by Messrs. *Legare*, *Menifee*, *Maxwell*, and *Underwood*; when,

Mr. *Cushman* said, that wishing to bring the house to a direct vote on the question, he moved the previous question; which was seconded—83 to 41, and the main question ordered without a division.

Mr. *Petrik* asked for the yeas and nays on the main question, on the engrossment of the bill; which were ordered, and were as follows:

YEAS—Messrs. Adams, H. Allen, J. W. Allen, Anderson, Atherton, Ayer, Beatty, Beirne, Bell, Bicknell, Briggs, Brodhead, Bronson, Bruyn, Byrum, Cambreleng, John Campbell, Wm. B. Carter, Chapman, Coles, Connor, Corwin, Cranston, Curtis, Cushman, Darlington, Davies, Deberry, DeGraff, Droomgoole, Duncan, Elnore, Evans, Farrington, R. Fletcher, Foster, Fry, Gallup, J. Garland, Gray, Grennell, Griffin, Haley, Hall, Hammond, Harrison, Hastings, Hawes, Hawkins, Henry, Hoffman, Holsey, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Jenifer, Henry Johnson, Joseph Johnson, Wm. C. Johnson, J. W. Jones, Kemble, Kilgore, Klingensmith, Lawler, Legare, Leadbetter, Lewis, Lincoln, Logan, Lyon, James M. Mason, Sampson Mason, Martin, Maxwell, McKay, Robert McClellan, Abraham McClellan, McKim, McKennan, Mercer, Miller, Moore, Morgan, S. W. Morris, Noble, Noyes, Palmer, Parker, Patton, Pearce, Phillips, Pickens, Potts, Potter, Pratt, Prentiss, Rariden, Randolph, Reed, Rencher, Rhett, Richardson, Ridgway, Rives, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shepler, Spencer, Stuart, Stone, Stratton, Taliaferro, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Wagener, Webster, A. S. White, J. White, Elisha Whittlesey, T. T. Whittlesey, L. Williams, J. W. Williams, J. L. Williams—130.

NAYS—Messrs. Alexander, Bond, William B. Calhoun, Wm. B. Campbell, Casey, Chambers, Dawson, Davee, Dunn, Everett, Ewing, Fillmore, Rice Garland, Goode, James Graham, William Graham, Herod, J. Jackson, Nathaniel Jones, Malory, Marvin, Maury, Menifee, Mitchell, Montgomery, Calvary Morris, Naylor, Patterson, Peck, Petrik, Plumer, Pope, Robertson, Russell, Shields, Sibley, Slade, Snyder, Southgate, Thompson, Underwood, Sherrod Williams, Wise, Yell, Yorke—45.

So the bill was ordered to its third reading.

The bill having been engrossed was read a third time, passed, and sent to the senate.

The bill reported this morning for the relief of Potter and Cassidy, of Wilmington, North Carolina, was read a third time and passed.

The bill directing the commissioner of the general land office to ascertain the quantity of land covered by grants made to Anthony Shane and Lewis Godfrey, in section 16, township 14, range 2 east, in Lima district Ohio, was read a third time and passed.

The bill supplementary to the act for the relief of Paine and Arnold, was also read a third time and passed.

Sundry bills and a joint resolution from the senate were taken up, read twice, and referred to their appropriate standing committees.

Mr. *Alans* asked leave to submit a resolution calling upon the secretaries of the treasury, war, and navy, for a return of the names of pension agents, agencies, &c. but it was objected to.

On motion of Mr. *Hopkins*,

The house adjourned.

Saturday, March 3. A report of the committee for the District of Columbia, in relation to the reorganization of the orphans' court, was again taken

up, and its further consideration postponed until Tuesday next, and to be printed.

Mr. *Thomas*, from the committee on the judiciary, reported, with an amendment, senate bill (No. 113.) respecting counterfeiting copper, gold, silver, and other coins of the United States.

Some business of more importance having been disposed of,

The *Speaker* laid before the house a letter from the secretary of war, stating that since the answer of the department of the 6th of February to the resolution of the house of the 11th of October, 1837, it had been found, on examining it, that copies of a considerable portion of the correspondence with general Jesup called for by the resolution were accidentally omitted to be furnished, and transmitting said copies.

He also laid before the house a letter from the secretary of war, transmitting the testimony taken under an order of the house of the 3d of July, 1836, in relation to the claims of John Jones and others for work done on the Pea Patch island.

Mr. *Johnson*, of Maryland, proceeded in support of his resolution, as modified by himself, until the expiration of the morning hour, when he gave way.

Mr. *Cambreleng* moved to suspend the rule appropriating this day to the discussion of private bills, for the purpose of taking up the appropriation bill: and upon this motion he demanded the yeas and nays, which were ordered; and the motion to suspend prevailed by the following vote, (requiring two-thirds)—Yeas 121, nays 36.

On motion of Mr. *Cambreleng*, the pension appropriation bill was taken up, the question being on the engrossment and third reading of the bill, an animated discussion took place between Messrs. *Curtis*, *Chandler*, *Cambreleng*, *Cushman*, *Haynes*, and *Marvin*. Finally Mr. *Taylor* demanded the previous question.

On seconding the call for the previous question the vote (by tellers) stood—65 ayes, 63 noes. So there was a second.

The question being, "shall the main question be now put?" Mr. *Reed* demanded the yeas and nays. On this demand, (requiring one-fifth of the members present,) the division was 26 to 105.

Mr. *Adams* said that as the division was so close, he would prefer another count.

Mr. *Robertson* moved that the house adjourn.

Mr. *Lewis* demanded the yeas and nays; 12 members only rising, the yeas and nays were not ordered.

The question on adjournment (by tellers) resulting in the following division—Ayes 71, noes 70, the chair voted in the negative, and the motion was lost.

Another count was then had on the call for the yeas and nays, the result of which was—Ayes 26, noes 112; and they were not ordered.

The main question was then put; and the bill ordered to be engrossed and read a third time this day, without a division.

It was then read the third time and passed.

On motion of Mr. *McKim*, the house adjourned.

[The remarks of Messrs. *Curtis*, *Chandler*, &c. shall have a place hereafter.]

Monday, March 5. This being the day set apart by the rules for the presentation of resolutions, the states were called in order, and one hundred and sixteen were presented, chiefly of a local or private character. The following were among the most important:

On motion of Mr. *Jones*, of Wisconsin,

Resolved, That the committee on the territories be instructed to inquire into the expediency of authorizing the territory of Wisconsin to take the census, and adopt a constitution preparatory to being admitted into the union.

On motion of Mr. *Downing*,

Resolved, That the committee on the territories be instructed to inquire into the expediency of reorganizing the legislative council of Florida territory, so as to give another branch to said council, to be called a senate.

Mr. *Lawler* submitted the following, which lies one day under the rule:

Resolved, That it is inexpedient to discontinue the receipt of the notes of specie-paying banks of the states, under proper regulations and restrictions by the treasury department, in the collection of the public revenues, and that to do so would be highly injurious to the interests of the citizens generally.

On motion of Mr. *Montgomery*,

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of revising the rates of postage on newspapers and other printed matter conveyed by mail.

On motion of Mr. *Legare*,

Resolved, That the committee on revolutionary pensions be instructed to inquire into the expedi-

ency of granting suitable compensation to Mrs. Brown, only daughter of the gallant sergeant Jasper, of South Carolina, who fell at the battle of Savannah, after the most distinguished services at the attack upon fort Moultrie, and other memorable occasions.

On motion of Mr. *Sawyer*,

Resolved, That the secretary of the treasury report to this house the cost of erecting and establishing the principal mint and its branches, including buildings, fixtures, and apparatus, the salaries and expenses of the different officers, the amount expended in the purchase of bullion, the loss arising from wastage, and other expenses, and the average length of time it requires to coin at the principal mint all the bullion with which it can be furnished; and, further, what amount of coin has been struck at the several branch mints since their organization.

Mr. *Carter* offered the following preamble and resolution, which lie over under the rule:

"Whereas purity in the administration of a free government can only be maintained by the observance of strict economy in the public expenditures; and

"Whereas extravagance and prodigality in the management and disbursements of the public revenue are the sure indications of an unjust and corrupt government; and whereas a free government cannot exist where public officers and agents are multiplied beyond the demands of the public service, merely to gratify the increasing desire for public employment, and where the public administration relies for its support more upon the interest and attachment of dependents, and the amount of patronage under its control, than upon the impartial discernment of an enlightened community; and

"Whereas public officers and employments have increased of late in a degree unprecedented at any former period of the government; and

"Whereas the public expenditures have increased, within the last nine years, from thirteen millions of dollars, that being near the average of the annual expenditures in time of peace up to the year 1829, to upwards of thirty-two millions since that time; and

Whereas these facts clearly indicate a great degree of laxity and weakness in the public administration, or a wilful abuse of the powers of government, and a determination to rule by the use of patronage; therefore

Resolved, That a select committee be appointed to inquire into and report to this house the causes which have led to the late extraordinary increase of public officers and agents, and the alarming increase of public expenditure within the last nine years, and that they have power to send for persons and papers."

Mr. *Menifee* submitted the following resolution, which lies over under the rule.

Resolved, That the president of the U. States be, and he is hereby, requested to communicate to this house, if not incompatible with the public interest such information as he may possess relative to the seizure of the steamboat *Caroline*, acquired since the date of his late message on that subject, the measures which this government have adopted to obtain from the government of Great Britain an explanation of said seizure, and the ground which the diplomatic representative here and the provincial authorities of Upper Canada have assumed in relation thereto.

On motion of Mr. *Graham*, of N. C.

Resolved, That the committee of elections be instructed to inquire into the expediency of passing a law of the following import, constituting the committee of elections:

"That on the third day of the session of each congress, the name of that member from each state who has received the greatest majority of votes for congress among his own delegation, shall be deposited in box number one.

"That the names of all the other members of congress then in attendance shall be severally put in box number two.

"That a boy under ten years old shall forthwith proceed to draw out of box number two the names of ten members, which names, so drawn, shall be placed in box number one.

"That box number one, then containing thirty-six ballots or names, shall be revolved or turned three times round, to mix the ballots; and immediately a boy under ten years old shall, after each successive revolution of the box, draw out one ballot, until the names of twelve members of congress be so drawn, which twelve persons shall constitute the committee of elections.

"That said committee shall thereupon be sworn by the speaker to hear, investigate, and report truly, all such contested elections as may be committed to their charge, according to the constitu-

tion of the United States and the laws of the state in which the contest may or shall originate.

*That said committee shall immediately retire to their committee room and elect their own chairman.

"That, in case of a vacancy in said committee by death, resignation, or otherwise, such vacancy shall be filled by drawing one or more names from box number one, until the committee be again filled."

On motion of Mr. Garland, of Va.

Resolved, That the secretary of the treasury be requested to lay before this house, as early as practicable, copies of all letters written by him to collectors and receivers between the 1st January, 1834, and the present time, having relation to delinquencies, omissions to comply with the laws and regulations established for their government, and other irregularities. Also, copies of all reports made by persons appointed to examine and report on the state of the land offices within the same period.

Mr. Mallory submitted the following resolution:

Resolved, That a select committee of — be appointed to investigate the cause of delay in the sailing of the exploring expedition, and to ascertain why the resolutions of this house have failed to extract a satisfactory explanation from the navy department.

Mr. Rencher moved to amend this resolution by adding thereto the following:

"And that the said committee inquire into the expediency of abandoning the said expedition."

Debate arising, the resolution and amendment were laid over.

On motion of Mr. Craig,

Resolved, That the committee of accounts ascertain as nearly as they can, and report to this house, the annual expense incurred in supplying members of congress with the various articles covered by the general denomination of *stationery*, and that they report their opinion upon the expediency of allowing a fixed sum of money to each member, at each session of congress, in lieu of the *ad libitum* supply of stationery now allowed.

By Mr. Morgan:

Resolved by the senate and house of representatives of the U. States of America in congress assembled, (two-thirds of both houses concurring,) That the following amendment to the constitution of the U. States be proposed to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the states, shall be valid to all intents and purposes as part of the constitution: "Congress shall have power to provide by law that no person shall be capable of holding or being elected to any post of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of these United States, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner aid or assist in such duel, or shall be knowingly the bearer of such challenge or acceptance; but no person shall be so disqualified by reason of his having, prior to the passage of such law, fought such duel, or sent or accepted such challenge, or been a second in such duel, or bearer of such challenge or acceptance."

On motion of Mr. Mercer,

Resolved, That the president of the United States be requested to lay before this house any recent information which may be received from the seat of war in Florida, which he may deem it expedient to communicate, touching the present state of the campaign in that quarter, and especially such intimation, if any, as he may have received of the disposition of the hostile Indians to treat for peace, and the terms on which they propose to negotiate.

On motion of Mr. Robertson,

Resolved, That the secretary of the treasury report to this house a statement of the disbursements and appropriations for fortifications, light-houses, revolutionary and other pensions, and internal improvements, including piers, breakwaters, preservation of ports and harbors, removing obstructions in rivers and creeks, &c. and the support of light-houses, including all incidental expenses; and showing, as far as practicable, the amount disbursed in each state in each year since the period embraced in his report on the same subjects of the 17th of January, 1835.

On motion of Mr. Jenifer,

Resolved, That the president of the United States be requested to communicate to this house what steps have been taken, under the resolution of the 21st February, 1837, in relation to the high duties and restrictions on tobacco imported into foreign countries from the United States; the number and names of agents appointed under said resolution,

and the government to which they are accredited; together with such information as he may have received from our ministers and other agents abroad in relation to the same. Also, whether any specific instructions have been, or are intended to be, given to the minister lately appointed to Austria to negotiate in behalf of the tobacco trade between the United States and the Austrian dominion.

Mr. Thomas moved the following as an amendment to the 20th rule, which lies over one day.

"And, on the first Friday of each month, the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of: private bills from the senate having a preference over private bills of the house."

Mr. Davis submitted the following resolution:

Resolved, That the senate and house of representatives of the United States, in congress assembled, will adjourn and close the present session on Monday, the fourteenth day of May next.

Mr. Mercer raised the question of consideration, which was decided in the negative. So the house refused to consider the resolution.

On motion of Mr. Peck,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of providing by law for the introduction of foreign seeds and plants through our consuls, public ships and merchant vessels, and of establishing an office at the seat of government, to be under the direction and management of the commissioner of the patent office, for the reception and distribution of such seeds and plants as would tend to the advancement of the agricultural interests of the country.

On motion of Mr. Grant,

Resolved, That the postmaster general be instructed to report to this house the amount of postages received on paid and unpaid letters sent by the express mail to the city of New York, from Philadelphia, Mobile and New Orleans, and the amount of postages received at New York on letters sent to the other offices named by the express mail between the 15th November, 1836, and the 30th September, 1837. Also, the amount of postage received at the post office in the city of New York on letters, both paid and unpaid, sent during the same period by the regular or usual mail to, and received from, the offices above mentioned. Also, the amount of postage received at the post office in New Orleans on paid and unpaid letters, sent by the express mail from Mobile, Philadelphia, and New York, and the amount of postage received at the office on letters sent to the said other offices by the express mail during the above mentioned period. Also, the amount of postage received at the post office in the city of New Orleans on paid and unpaid letters, during the period above stated, sent by the regular or usual mail from that office to Mobile, Philadelphia and New York, and on letters received at the New Orleans post office from the said other post offices.

Resolved, That the postmaster general be instructed to report to this house a list embracing all the contracts for carrying the regular mails on the several routes on which the express mail is carried, the name of each contractor or contractors for each route, the length of the route by measurement or estimate, the sum paid for the mail transportation on each route, and the speed with which each mail is carried under each of the contracts; and whether any vehicles or carriages for the conveyance of passengers are used or employed on any of these mail routes that travel faster than the one in which the regular mail is carried.

On motion of Mr. Hoffman,

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of creating the rank of admiral in the navy of the United States.

On motion of Mr. DeGraff,

Resolved, That the committee on revolutionary pensions be instructed to inquire into the expediency of so amending the laws now in operation granting pensions to widows or their children, as to extend the benefits of the same, under the usual restrictions, to the widows or children of all those who died in consequence of wounds or injuries received while in the service of the United States previous to 1818.

On motion of Mr. Loomis,

Resolved, That the committee on the judiciary be instructed to inquire into the power of the United States government to compel the application of the assets and effects of the late Bank of the United States to the payment of its outstanding debts and liabilities, and, if satisfied that such power exists, that they report to the house the proper measures to be taken for that purpose.

On motion of Mr. Childs,

Resolved, That the president be requested to com-

municate to this house (if the same can be done without prejudice to the public service) all the documents and information in his possession relative to the prosecution of the claim to the Smithsonian bequest; also, what duty had been performed, and remains to be performed, by the agent employed at London, in reference to said claim, and how the money heretofore appropriated by congress had been applied.

On motion of Mr. Taylor,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the law now in force for printing and distributing the acts of congress, so as to give to them a more uniform and general circulation.

On motion of Mr. Lincoln,

Resolved, That the committee on militia be instructed to report, as soon as may be, a bill for the reorganization, arming, disciplining, and governing the militia, upon such principles, and with such provisions, as are adapted to the present state of the population, and will better conform the required service to the probable occasions of the country, and which will relieve the people from unnecessary burdens; render more equal the duties to be performed, and give greater efficiency to the organized force of the nation, in preserving the public peace, maintaining the supremacy of the laws, and repelling hostile invasions.

On motion of Mr. Adams,

Resolved, That the secretaries of the treasury, of war, and of the navy, be directed to report to this house the names of all persons appointed as agents for the payment of pensions from the first attempt to transfer the payment of pensions from the late Bank of the United States to other agents for said payments to the present time; specifying the authority by which such appointments have been made, the forms of the commissions issued to such agents; the sums of public money advanced or otherwise paid to such agents for said payments, and the dates of all such advances and payments, and the balances remaining credited to each of them at the end of each quarter; the compensation, if any, allowed to said agents for such services, the banks with which they have been respectively connected; the officers, whether under authority of the United States, or of the separate states, held by such agents; at the same time, when charged with the pension agency, and the compensation which they have received therefor.

When the state of Massachusetts was called, Mr. Adams presented the following:

Resolved, That the letter and petition of John V. Brown and twelve others, from Rocky Mount, Franklin county, Virginia, praying, for reasons therein assigned, for the arraignment at the bar of the house, and expulsion, of John Quincy Adams, a member of this house, be printed, with the names of the signers thereto, and referred to a committee of nine members to consider and report thereon, with liberty to send for persons and papers.

Mr. A. was about to address the chair in support of the resolution, when the speaker reminded him that, under the order of the house, if any resolution was likely to cause debate, it must be laid over. Mr. Adams said that as the resolution referred to a question of privilege, he presumed that part of the rule did not apply to this resolution. The *chair*, having considered the resolution, decided that, as a question of privilege, its consideration would be in order. Mr. Rencher of North Carolina, moved the preliminary question of consideration, viz. whether the house would consider the resolution? The *chair* said that the question of reconsideration would take precedence of all others. Mr. Adams said that the resolution concerned his own privilege as a member of the house, and of the house also. Mr. Rencher said he would withdraw his motion for the question of consideration.

Mr. Adams then called for the reading of the letter and memorial to which the resolution referred. And they were read as follows:

ROCKY MOUNT, Franklin county,
Virginia, Feb. 26th, 1835.

Mr. Adams: As the representative of the interests and wishes of the people of the whole United States, and defending in theory so ably, and in practice so fully, the hallowed right of petition from your countrymen, we, whose names are heretofore subscribed, respectfully ask you to present the following humble and needful petition to the congress of the United States for immediate action:

To the congress of the United States of America:

Whereas, for a long time we have seen with deep regret the course pursued by our distinguished fellow-citizen, the hon. John Quincy Adams, of Massachusetts, upon the deeply interesting question of the abolition of slavery in the District of Columbia, and acknowledging as we do the rights of petition, and the duty of congress to attend to all

petitions coming from the freemen of the United States, and as it is clearly and fully conceded by all that you have the constitutional power to keep order in your body, and to preserve harmony in the country, by all proper means, we respectfully and humbly pray that, as the aforesaid John Quincy Adams has pursued and is pursuing a course upon the aforesaid subject, in our opinions morally and politically wrong, and calculated, certainly, to stir up the deadliest strife between the north and south, and finally to involve our beloved country in the horrors of a civil war, and to lead to a dissolution of the union, you do arraign him at the bar of the house, and formally and forever expel him from your most honorable body, if sufficient evidence appear to justify your adopting such a measure. Your petitioners deem it unnecessary to lay before congress any labored argument in favor of this important measure, and will content themselves simply by stating that no feelings, but motives of patriotism, and a deep desire to silence the discussion of this most absorbing and dangerous question, here induce them to appeal to you, in their popular right, to exercise this constitutional power, clearly vested in you by the very instrument itself.

They humbly and most earnestly pray that this their petition will be attended to by your very honorable body; and, with great reverence and respect, sign themselves your most obedient servants.

Mr. Stuart, of Virginia, said that the memorial appeared to have come from his own district, but he had never heard any thing of it: he wished to hear the names of the signers.

[They were read by the clerk.]

Mr. Stuart then said that he was satisfied the names were all fictitious, and moved that the resolution be laid on the table; which was agreed to, and the resolution was laid on the table accordingly.

The states having been called through for resolutions, the speaker called the states, in order, commencing at Wisconsin, for petitions and memorials. Among others,

Mr. Lawler presented certain resolutions of the legislature of Alabama, in reference to the reception of Texas into the union, which he moved should be laid on the table and printed.

Mr. Adams called for the reading of the resolutions, and they were read at length.

Mr. A. then observed, that as the resolutions contained a lengthy argument in favor of the admission of Texas, and that professedly on the ground that such admission was intended to change and destroy the balance of power which had heretofore existed between the states in different portions of the union—

The chair here interposed, and said that a motion to lay on the table precluded debate. Mr. Adams said he should not debate the question, but move the reference of the resolutions to a select committee. The chair said that the motion to lay the resolutions on the table then took precedence. On this motion Mr. Adams then demanded the yeas and nays, and the house ordered them to be taken; they resulted as follows: yeas 109, nays 40.

So the resolutions were laid on the table.

Mr. Ewing presented certain resolutions of the legislature of Indiana, on the subject of the treasury circular, which, giving rise to debate, were laid over.

A number of petitions and memorials were presented and disposed of. After which,

The house adjourned.

Tuesday, March 6. As soon as the journal was read,

Mr. Adams rose, and asked leave to present a petition from citizens of Newark, in New Jersey, praying that congress would investigate the circumstances of the late duel. Objection being made, Mr. A. moved the suspension of the rule, and asked the yeas and nays, which being ordered, the motion (requiring a vote of two thirds) prevailed. Yeas 113, nays 43.

A similar memorial from other citizens of the same place was presented by Mr. Farfield: the rule having been suspended, on his motion, both memorials were referred to the select committee on that subject.

Mr. Chambers, of Kentucky, asked leave to offer a resolution fixing the daily hour of meeting at 10 o'clock, A. M. during the remainder of the session; objected to. The motion to suspend the rule for the purpose of offering this resolution, was negatived.

Mr. Chambers gave notice that he should renew this motion on every morning until the house acted on it.

Among the bills reported was the following:

By Mr. Cambreleng: from the committee of ways and means, made a report at length upon the memorials relating to the currency and a national

bank, and relating to the collection and safe-keeping of the public money.

[This report shall have a place in the next "REGISTER."]

When the committee on foreign relations was in order, Mr. Howard asked and obtained leave to take up and consider the amendments of the senate to the bill for the preservation of neutral relations. Mr. Howard said that the number of these amendments was six, and were as follows:

1. To limit the operation of the first section to "arms and munitions of war," instead of the "means and materials" provided for a military expedition.

2. To limit the section also to "conterminous countries" with whom the United States are at peace.

3. To make the seizing officer apply a warrant within "ten days."

4. To authorize the president to send the judge, &c. to the district where "this act" as well as the "act hereby amended" is likely to be violated.

5. To limit the duration of the act to "two years."

6. To strike out the proviso which permits all trade recognized by "treaties or the law of nations," and to substitute one which permits trade in munitions of war in "vessels by sea." If the senate's amendment had been concurred in, all trade "by land" with conterminous countries, in arms and munitions of war, would have been forbidden.

The first, second, third, and fourth, were agreed to without a division.

The fifth being read,

Mr. Mason of Ohio, said that if this law were desirable at all, it should be enacted for a longer term than two years. It carried upon the face of it an admission that it has reference to one particular foreign power alone. But, if there were any occasion for the passage of the law to meet the present emergency, there was also reason for making it the permanent law of the land. He was not in favor of occasional legislation, out of respect to any individual power; it seemed too much like making a concession to one which the government was unwilling to make to another power. It was a peace-offering; its object was to preserve neutrality. If in any way, he hoped this bill would be passed in a permanent form, rather than in this temporary way, at the invocation of a foreign government. The law of 1818 was a permanent law, and this ought to be so too.

Mr. Adams moved to strike from the proposed amendment the word "two," and insert the word "four," and to add the words "to the then next session of congress."

[Upon this amendment, which was ultimately rejected, and upon another proposed by the committee, (to non-concur with the senate in the 6th of the above amendments,) a debate arose. The amendment proposed by the committee was adopted, and the bill returned to the senate.]

On motion of Mr. Cambreleng, the house resolved itself into committee of the whole (Mr. Casey in the chair) and resumed the consideration of the civil and diplomatic bill for the year 1838—and after some time spent thereon, without coming to a final decision on the bill, on motion, the committee rose, and the house adjourned.

Wednesday, March 7. Mr. Adams asked leave to present two petitions from certain clergymen and others of his state, on the subject of the late duel, but the leave was refused; and a motion to suspend the rules failed: yeas 86, nays 55, (not two-thirds.)

Mr. Chambers repeated his motion to allow the hour of meeting to be 10 o'clock; but the house refused the yeas and nays, and rejected the motion.

A number of bills for the relief of individuals, and of local interests, were reported.

Mr. Bronson, from the committee on the territories, reported the senate bill to authorize the president of the United States to cause the southern boundary line of the territory of Wisconsin to be ascertained and marked, with amendments thereto.

Mr. Bell, in pursuance of previous notice, asked for and obtained leave to bring in a bill to secure the freedom of elections.

Also, a statement showing the names and grades of all officers in the line and several departments of the staff of the army, holding brevets, and receiving by reason thereof a greater amount of pay and emoluments than they would be entitled to from their lineal commissions.

The senate bill, entitled "An act to change the times of holding the circuit courts of the United States in the seventh circuit," was read the third time, and passed.

Mr. Howard, from the committee on foreign affairs, moved that the house do insist on its disagreement to the senate's third amendment to the neutrality bill, (confining trade in arms and munitions of war to vessels by sea,) and appoint a committee of conference on their part. The motion was agreed to, and Messrs. Howard, Patton, and Corwin were appointed conferees on the part of this house.

The house then passed to the orders of the day.

On motion of Mr. Cushman, the house went into committee of the whole, Mr. Lincoln in the chair, on the bill to continue in force an act of the legislature of Maryland; which, after a brief conversation between Messrs. Cushman, Reed, and Howard, was ordered to be engrossed and read a third time this day, and was then read a third time and passed.

The joint resolution reported by Mr. Lincoln, and ordered to be engrossed this morning, authorizing the taking down of the walls of the old post office, was taken up and passed.

On motion of Mr. Cambreleng, from the committee of ways and means, the house then went into committee of the whole on the state of the union, (Mr. Casey in the chair,) and resumed the consideration of the appropriation bill for the civil and diplomatic service for the year 1838.

It gave rise to considerable discussion, during which several questions of order were raised. Before a final decision upon the bill, the committee rose and reported progress.

Mr. Bell obtained the printing of an amendment he intended to offer.

Mr. Reed, on leave, submitted a resolution calling upon the secretary of the treasury for a report of the amount of additional compensation received by revenue officers in 1837, under the provisions equalizing the same to what they would have received if the bill of 1832 had not passed; which was concurred in.

Mr. Henry, of Pennsylvania, and Mr. Halsted, of New Jersey, presented resolutions of their respective legislatures on the subject of a national armory; which were referred to the committee on military affairs.

And then the house adjourned.

THURSDAY'S PROCEEDINGS.

In the senate—Mr. Buchanan, from the committee of conference on the disagreeing votes of the two houses in relation to the proviso of the house in the neutrality bill, denying an appeal to treaties and the law of nations against the operations of the bill, reported that the committee had agreed on a certain form for this part of the bill. The amendments agreed upon were read, but were inaudible to the reporter.

Mr. B. stated that by this agreement of the committee the senate would secure the trade which they wished to secure, (by sea,) and that, in effect they had adopted the proviso of the house.

The senate agreed to this report of the committee of conference.

After some business, which will be noticed in our next, the senate resumed the consideration of the sub-treasury bill.

Mr. Davis argued at some length, against one of the suggested propositions of Mr. Preston, that the notes of non-specie-paying banks should be received temporarily by the government, as a dangerous precedent; and as probable not practically better than the provisions of the substitute that such bills should be received when the banks should resume.

Mr. Niles spoke chiefly in reply to Mr. Davis, especially characterizing the banks as trading companies, with which the government have nothing to do, and denying emphatically that the country was suffering distress or embarrassment.

Mr. Davis having briefly responded—

Mr. Preston said the proposed amendment, last discussed, was not before the senate, but had been merely suggested. He hoped the question would now be taken on the amendment which he had actually offered in relation to the selection of the twenty-five deposit banks proposed by the substitute.

In accordance with the suggestions of Mr. Rives, and from information which he had obtained that most states own stock in one or more of their respective banks, Mr. P. withdrew the latter part of this amendment; so as to make it merely require that the deposit banks should be selected from those banks the stock of which is owned in whole or in part by the respective states in which they are situated.

Mr. Hubbard was understood to object to the withdrawal of the latter branch of the amendment; but Mr. Preston claimed the right of doing so; and the vote being taken on the amendment as modified, it was negatived, as follows:

YEAS—Messrs. Bayard, Clay, of Kentucky, Crittenden, Davis, Knight, Merrick, Niebois, Prentiss, Preston, Rives, Robbins, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—19.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Clayton, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, Young—32.

The question now recurring on the substitute, as offered by Mr. Rives,

Mr. Bayard spoke on the subject at large, and in opposition to the original bill. Before he had concluded, he yielded the floor to a motion to adjourn; and about 5 o'clock.

The senate adjourned.

In the house no business of importance was transacted. Some time was spent in considering the bill in relation to the northeastern boundary, which was ultimately referred to the committee on foreign affairs.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

Our pigeon-holes are crowded, and our table and desk literally covered with articles which claim a place in our pages, and would be most acceptable to our readers; but we are constrained by what we deem to be a high duty at this peculiar crisis in our affairs, to devote a large portion of our pages to the proceedings of congress—and thus to defer the agreeable for the useful. We would cheerfully dispose of this vast accumulation of articles by the aid of *supplemental sheets*, but do not feel justified in incurring the expense at this period of general embarrassment and distress.

The present sheet contains Mr. Rives' speech in support of his substitute for the sub-treasury bill reported by the committee of finance. In our next we will give Mr. Calhoun's speech in opposition to the substitute, and in support of the sub-treasury bill.

The hon. Timothy J. Carter, a member of congress from the state of Maine, died at his lodgings in this city on Wednesday evening last, after a severe illness. In consequence of this melancholy event both houses of congress adjourned at an early hour on Thursday morning to meet this day at 12 o'clock to attend the funeral of the deceased. Mr. Carter's death was announced to the senate by Mr. Ruggles, and to the house by Mr. Evans, both of whom paid eloquent tributes to his private and public virtues.

The hon. John L. Murray, who has been seriously indisposed for some time past, has, we are pleased to learn, sufficiently recovered to be able to take his seat in the house of representatives.

FROM FLORIDA. We learn from Gen. Hernandez, who passed through here on Tuesday last, says the Wilmington (N. C.) Advertiser, on his way to Washington, and who came direct from Florida, that the operations against the Seminoles must soon close for the season, but that there is no prospect of the war's ending with the present campaign, unless, of which, however, the hope is slight, the distractions among themselves may induce a voluntary submission. No hostile movements had recently taken place.

The last number of the "Frederick (Md.) Herald" contains the following letter from Fort Pierce to a gentleman in that city.

Fort Pierce, Indian River, }
February 15th, 1838. }

Dear Sir.—I have seized a few moments during the suspension of hostilities, to give you a little camp news. You have probably seen in the papers an account of col. Taylor's fight, in which he lost so many valuable officers. Since that engagement our own division, under general Eastis, met the enemy at Jupiter Inlet. They were under the command of Tuskegee. The engagement lasted about an hour—we lost seven killed and thirty wounded—four have since died. After the fight the army marched for Jupiter and there established a fort. Two-thirds of the command were literally without shoes or stockings, after accomplishing a march (most of the time in mud and water to their waists) of 270 miles. The army remained some days at Jupiter to recruit and await supplies from fort Pierce. It is impossible to conceive the deplorable situation of the troops without being an eye witness. Teams broken down, without forage, and even officers on short allowance. And yet, under all these difficulties, every individual seems to be in fine spirits, although all hopes of finishing the war this campaign are at an end. After having received supplies from fort Pierce the army moved in pursuit of the enemy, whose trail, as had been previously ascertained, ran south, and came up with him about twenty-five miles from Jupiter. Instead of attacking the enemy, as every one expected, a white flag was sent to them to treat, which they very politely acknowledged with Tuskegee's compliments to the commander-in-chief. The terms of the truce were:—arms to be held sacred, and the hostilities were to come into Jupiter after a period of ten days, and await the will of their Great Father. If he said they must leave the country, go they would, but they petitioned to have but a slip of the vast territory they once called their own. Even

the barren wastes, the Everglades, would suffice their few wants. They say you have captured our cattle and horses, destroyed our villages, and overrun even the graves of our people. And for what? For a land where white men can never inhabit, and into which none but a native can penetrate.

I am disposed to think they are playing the same game they were so successful in last year. The more I see of the Seminole character, the more I am convinced of their indomitable and unyielding determination to fight or die in the land of their fathers.

We are in a state of *statu quo*, awaiting for the will of the president, who, as many think, will make a treaty with them.

I nevertheless anticipate another campaign, for it is finished to all intents and purposes for this year. The army cannot operate after this month, in this latitude, (25.) During the month of March the country becomes inundated and impassable.

FROM THE FRONTIER. The Vermont and St. Lawrence portion of our Canada frontiers seems to have been perfectly tranquilized by the well directed and vigorous efforts of gen. Wool. Col. Worth has in like manner pacified the Niagara quarter, and the accounts from the N. W. or Michigan portion, under Gen. Brady, represent all as quiet, except the few straggling parties of patriots who escaped from the British in the late action at Fighting Island, (Port au Plait,) near the mouth of Detroit river. Letters from Sandusky city, (Ohio), to March 6th, state that the commander-in-chief, gen. Scott, and snite, had arrived there, and the last accounts left him with his four-horse wagon in close pursuit of the patriot adj. gen. McLeod, and some says he had in fact captured him. The patriots lost in the fight at Port au Plait some fifteen killed and twenty wounded, and the British, they say, as many. Sleigh loads of the wounded patriots had reached Sandusky.

[N. Y. Courier.]

The Cleveland (O.) Herald of the 7th inst. says general Scott arrived in this city from the west, this morning. A general dispersion of the 'patriots', on the frontier above us, we presume, renders his presence in that quarter no longer necessary. We confidently hope our border troubles are now over. General Scott is entitled to much credit for promptitude and perseverance in his efforts to maintain the neutrality. He left in the stage this afternoon for Buffalo.

THE NEUTRALITY BILL. We learn from the "Globe" that the neutrality was approved by the president on Saturday last, and instructions immediately forwarded from the several departments to the civil and military officers on the Canada frontier, to enforce the execution of it by all the means in their power. It is expected, says the "Globe", that our fellow-citizens in that part or the country will, at once, submit to the law, and return peaceably to their homes.

We have this bill in type and will publish it in the next number of the "Register".

SPECIE PAYMENTS. At a very numerous meeting held at the New York Exchange on Thursday the 8th instant, of which James Boorman, esquire, was chairman, and James Lee and Jonathan Sturgis, secretaries,

The following resolutions, offered by Pelatiah Perit, esq., and seconded by Samuel Ward, esq., were read and unanimously adopted:

Resolved, That this meeting hail with great satisfaction the declaration on the part of the New York city banks of their purpose to resume specie payments on or before the 10th of May next.

Resolved, That we have entire confidence in the solidity of our banks, and in their ability to resume and maintain specie payments, and that in this measure we will give them our cordial and active co-operation.

Resolved, That, independently of moral obligation and legislative enactment, the favorable state of foreign exchanges and the diminished liabilities both of banks and individuals calls for a prompt resumption of specie payments, and we consider such a course the surest means of equalizing ultimately our internal exchanges and of restoring general prosperity.

Resolved, That, in contemplating the resumption of specie payments, we can perceive no reason to apprehend that it will occasion any farther contraction on the part of the banks; but, on the contrary, that the restoration of confidence which must necessarily grow out of that measure, will lead to a gradual increase of their issues, and enable them to extend greater facilities to the community.

Resolved, That, regarding the general resumption of specie payments by the banks throughout the United States as essential to our national credit abroad, and as calculated to regulate our internal exchanges, we respectfully invite the institutions of other states to a simultaneous effort to accomplish this most desirable object.

MARYLAND. At the last session of the legislature several important amendments were made to the constitution of this state, which, having been confirmed by the present legislature, will soon go into operation. Among the amendments is one which provides that the governor shall be elected by the people, in regular succession from one of the three districts into which the state has been divided—the order of districts to be designated by the drawing of ballots by the president of the senate. The following is the result of the allotment.

First District.—Includes all the counties on the Eastern Shore—Cecil, Kent, Queen Anne's, Caroline, Talbot, Dorchester, Somerset, and Worcester.

Second District.—Baltimore, Hartford, Carroll, Frederick, Washington and Alleghany counties.

Third District.—St. Mary's, Charles, Calvert, Prince George's, Anne Arundel and Montgomery counties, and Baltimore and Annapolis cities.

THE MANDAMUS CASE.

The supreme court of the United States adjourned on Monday last, having, in a session of sixty-four days, disposed of sixty-one cases, leaving only twenty-one cases on the calendar. Among the cases decided was that of Amos Kendall, postmaster general United States *vs.* W. B. Stokes, *et. al.* in error to the circuit court of the United States for the District of Columbia. The decision affirms the judgment of the circuit court, with costs, and remands the case to that court for further proceedings. We are indebted to the "Intelligencer" for the following synopsis of the opinion of the court.

SUPREME COURT, MONDAY, MARCH 12.

Amos Kendall, Postmaster General,

vs.

United States *ex relatione* Stockton, Stokes, and others.

ABSTRACT OF THE OPINION OF THE COURT

The questions are, first, Does the record present a proper case for a mandamus? 2d. Does the circuit court of this district possess jurisdiction in the case?

The court think that the act required to be performed by the postmaster general is a mere ministerial act, in which the president has no authority to interfere. It would be an alarming doctrine to maintain that, in the performance of such duties as are enjoined by law upon any public officer the president has any right to interfere. In this case there is no conflict between the judicial and executive authority.

The claims originally were against the United States through the United States. The United States could not be sued without their consent. They submitted the claims to the solicitor for his examination and award, and the postmaster general was directed to credit the amount of the award. The decision of the solicitor, under the act, was final; no appeal was allowed—no supervising power given to the postmaster general or to any other party.

It may well be questioned whether the parties, under the act of congress, did not possess a clear vested right. But, whether the legislature could have revised this decision or not, it has not done so. So far as concerns one branch of the legislature, the action of the senate amounts to a recognition of the binding authority of the award. The unanimous opinion of the senate precluded the necessity of going to the other house.

The right thus ascertained, the means of enforcing it is by the judicial authority.

The authority of the president to forbid or to control the execution of the law is at variance with every principle of the government.

In fact, the president has not acted in the case, so as to bring these departments into conflict. He has refused to interfere to prevent the execution of the law.

The right of the relators, under the act of congress for their relief, is now absolute and irreversible.

How is it to be enforced? The act to be done is purely ministerial. The officer directed to perform it has no discretion. Is the remedy by mandamus a fit and appropriate remedy?

The common law of Maryland is the law of this district. The common law provides this writ as the peculiar remedy in such cases. The remedies suggested at the bar, were, an application to the president; or to congress; or a civil suit. These are not such remedies as the law requires.

A case of mandamus is a case within the constitution. It possesses all the qualities of such a case.

2. Has the circuit court of the district jurisdiction of this case? It has been decided that the circuit courts of the United States have not jurisdiction. Has the circuit court of this district larger powers in this particular?

The terms of the constitution are broad enough to warrant congress in vesting such a jurisdiction in the circuit or other inferior courts of the United States.

No objection can prevail derived from the official character of the party to whom the writ is directed, or the character of the act which he is called upon to perform.

The cases decided in this court have settled that the power to issue such a writ is within the judicial power as conferred by the constitution; and that those courts could not exercise the power, because congress had not conferred upon them all the power which it constitutionally might do.

By the constitution and acts of cession, congress possesses exclusive legislative authority over this district. So far as regards cases in which individual rights are concerned, the judicial authority should be co-extensive with the legislative.

In Maryland, prior to the cession of this district, the writ of mandamus was recognised as an appropriate remedy in cases where, upon the principles of the common law, it would lie.

The circuit court is the only court in this district which possesses that original jurisdiction which can be thus exercised.

Under the 1st section of the act of 27th February, 1801, continuing the laws of Maryland, it would seem that this remedy is continued. The 3d and 5th sections of the same law confirm the same conclusion.

The court affirms the decision of the circuit court for the District of Columbia, with costs, and remands the case to that court for further proceedings.

The chief justice, for himself and judge Barbour, and judge Catron, dissented from the opinion of the court. The chief justice concurred with the majority of the court in the opinion that the judicial power, as indicated by the constitution, authorized congress to confer jurisdiction upon any of the circuit courts to issue writs of mandamus; and also that this was a fit case for a mandamus, as, in his judgment, it was the bounden duty of the postmaster general to enter the credit for the full amount awarded by the solicitor as soon as that award was notified to him. The only ground of dissent was, that he did not concur in that part of the opinion which considered the circuit court of the district as possessing larger powers in this particular than the other circuit courts of the United States.

VERY LATE FROM EUROPE.

The packet ships are coming into New York in rapid succession. The latest are the Independence, from Liverpool January 24th, and the Oxford, from Liverpool February 1, inclusive. We copy from the Commercial Advertiser the following:

The parliamentary proceedings on Canadian affairs were of high interest. The earl of Durham has been appointed governor general of all the British provinces in North America, and was to sail for Quebec in season for the opening of the St. Lawrence. It affords us great pleasure to state that the earl will come out clothed with full powers to grant a general amnesty.

So intense was the anxiety caused by the affairs of Canada, that steamboats are stationed off Holy Head to receive the letter bags from the packet ships. The London press have their agents stationed at every port to receive and forward the latest accounts from North America. The London Times has sent out a special correspondent; this gentleman arrived in the Oxford.

Our London correspondent writes us as follows:—

"It is currently reported in the clubs, this even-

ing, that the reason of the adjournment of the house of commons to Friday, (Feb. 2d,) is a split in the ministry; and that the duke of Wellington has been applied to on the subject."

Parliament met on the 16th January, pursuant to adjournment. In the house of lords, the papers relating to the state of Canada were laid on the table by lord Glenelg, who submitted it to the house whether the discussion of the proposed measures should be commenced at once, or whether he should give notice for an address to the throne, to be moved the next day but one.

The duke of Wellington desired to know, in the first place, what sort of measures were proposed. He thought it the duty of her majesty and the government to speak out, and let the country know what ground they meant to take. It was indispensable, he thought, that the measures taken should be such as would bring this unfortunate business to a speedy conclusion. It must be remembered, said the duke, that a great country like this cannot have a little war. If any thing is undertaken, it must be on such a scale as to make it quite certain that the operations will succeed, and that at the very earliest possible period.

Lord Melbourne assured the duke that the ministers were prepared both to speak and act with energy.

In the house of commons lord John Russell said it was his duty to propose, first, that an address be sent to the queen, pledging the house to assist her majesty in restoring tranquillity to Lower Canada; and, second, to move to bring in a bill by which, for a certain time, the calling of an assembly in that province may be suspended, and authority provided to meet the emergency and provide for the future government of the province.

Lord John Russell then went at great length into a history of the administration of the province, contending that there had been no injustice or oppression in the course of the mother country, and condemning with great severity the disloyal sentiments that had been uttered in that house by certain members. His lordship then proceeded as follows:—

I come now to a question which has been argued in a very different temper—it is a question whether it is for our interest to abandon Lower Canada, altogether. I say, at once, I cannot bring my mind to the conclusion that it would be so. I say, at once, that the single motive of the attachment of a considerable portion of the population to the British constitution, and the situation in which they would be left if we abandoned the province to the French party, that motive alone would be sufficient reason with me for emphatically saying "No" to such a proposition. [Cheers.] But if the reasons I have mentioned were sufficient, there are other considerations which would induce the government to oppose any project of abandonment. Supposing the St. Lawrence under the command of the United States, and a Canadian republic established at Quebec, does any one believe that the other provinces, the provinces of Nova Scotia, and New Brunswick, could be kept under control? No sir, I am convinced, if such a state of things should by any mischance come round, the question would arise whether we should not try to regain Lower Canada, or abandon North America altogether. Was England prepared for such an alternative? I do believe that the possession of our colonies tends materially to the prosperity of this empire. On the preservation of our colonies depends the continuance of our commercial marine, and on our commercial marine mainly depends our naval power, and on our naval power mainly depend the strength and supremacy of our arms. I think, then, I may say, without arguing the question any farther, that it is our policy, as well as but fairness and justice to our fellow subjects, that we should not think of abandoning these provinces. [Hear, hear, hear.]

I say, likewise, if I could find that it is not the interest both of this country and the colony itself that Canada should continue to be a part of the British empire, I should be prepared to counsel a separation; but coming as I do to a most decided conviction on both these questions, I am quite prepared to come to the farther question, namely, what is the course we should adopt upon the present occasion? I conceive there can be no doubt that the first duty of the country and of the house, if they concur in the view of the question which we take, is to put down insurrection. With respect to force it will be, I think absolutely necessary that a very sufficient force should be in the St. Lawrence in the spring, to be landed in Canada as soon as the navigation opens. [Hear.] For my own part, I say I entertain no apprehensions as to what may have hitherto been done by these insurgents, abandoned as they seem to have been by the great body of the British, and even French Canadians.

But it is obvious, at the same time, that, an insurrection having once broken out, a temptation is by the very circumstance presented, to many a temptation not to be resisted, to endeavor to shake the British power in Canada. Let me be understood as not meaning to say that any treaties or friendships with this country are likely to be forgotten on the present occasion, either by the great powers of Europe or by America. I have no intention of even insinuating the possibility of such an occurrence, and the conduct of the United States government since the commencement of the disturbances in Canada, strongly tends to convince us that from the United States the Canadian rebels will meet with neither sympathy nor assistance. [Cheers.]

But at the same time it is impossible not to see that both in Europe and America there are many whom the want of employment at home, and the hope of a participation in those splendid spoils so temptingly held out by the abettors of the rebellion, will induce to flock to the scene; and for this reason, even though circumstances may in the end prove that the precaution is unnecessary, I think it will be quite necessary that we should be prepared for action by the next spring, and have in the St. Lawrence ready for disembarkation, a force sufficient to put down every vestige of the insurrection. Then comes the question with respect to the civil government. It is obviously quite impossible that we should think of convening the assembly, or of asking them to pass laws, or do any act properly belonging to their jurisdiction.

After some further remarks by lord John Russell, who was followed by other members, the address was agreed to, and lord John Russell moved for leave to bring in his bill for the temporary government of Lower Canada.

On the 17th lord John Russell read the queen's answer to the address, which was to the following effect:

Her majesty thanked her faithful commons for the assurance given to support her efforts for the restoration of the tranquillity of Lower Canada.

The unfortunate events that had taken place there had given her the deepest concern; and her majesty looked forward with anxiety to the period when the re-establishment of order would enable her to lay the foundation of lasting peace.

The spirit of concord manifested, and the exertions made by the North American provinces, in support of her authority, demanded her warmest acknowledgments.

The bill introduced by lord John Russell, relative to a provisional government in Canada, proposes the appointment of a governor general and a council selected from the two provinces, to do the duties of the defunct assembly. The said new government to organise a new constitution, subject to the approval of parliament. The bill was passed on the 27th by the house of commons. On the same day it was brought up to the house of lords, read once, and ordered to its second reading on the 3d of February.

The latest advices from New York were to the 2d January, at which time the Navy Island folly was in full tide of operation. We are glad, on many accounts, to perceive that the tone of the papers is discreet and moderate towards this country, and that of the speakers in parliament still more so.

SPEECH OF MR. RIVES, OF VIRGINIA,

In opposition to the Sub-Treasury Bill, and in support of his Substitute. Delivered in the Senate of the United States, February 6, 7, 1838.

Mr. President: It would have been very gratifying to me if I had found the measure now under consideration such an one as I could conscientiously support. The question is one which every interest of the nation requires should be settled promptly, but wisely settled. It is time that the country were relieved from those anxieties and apprehensions in regard to the future, which, added to the embarrassments of the present, weigh like an incubus upon the national enterprise and palsy all its faculties. I should have been most happy, therefore, if I could have seen in the measure recommended by the committee of finance, any of those healing and salutary tendencies which the circumstances of the times and the situation of the country so imperiously demand. I had hoped, indeed, at one time, that such a measure would have been presented to us. The president, in his message to congress at the commencement of the present session, while renewing the expression of his own opinions in favor of the financial project of the late called session, very properly invited the consideration of congress to the manifestations of public

sentiment which had, since then, taken place; and recognizing "the national will as the supreme law of the republic," plainly intimated that a measure which had proved unacceptable to the people ought not to be again pressed on their adoption. I had hoped, that the committee of finance, concurring in this republican sentiment of the chief magistrate, and in the presence of the manifestations which the recent elections in the north and the south, the east and the west, had afforded of the national repugnance to the measure of the late session, would, in the resources of their wisdom and acknowledged abilities, have presented us some other, on which we might have rallied with more harmonious opinions. I am sorry to say that, in the examination of the bill on your table, I have found nothing to justify or sustain this hope. It is, in every essential respect, a reproduction of the condemned measure of the late session, with some superadded features, which only seem to aggravate its deformity and increase its dangers. It commits, as that did, the millions of public treasure to the hazardous and demoralizing possession of executive agents—it levies that treasure from the pockets of the people, after a short period, in gold and silver only—it then disposes these collections in masses at a few important commercial points, to serve as a basis of operations, which must inevitably terminate in a great government bank—and to take charge of and manage this machinery, it institutes a new corps of executive officers, whose very name, (receivers-general,) calls up by an indissoluble association, the extravagance, the speculation, the clumsy magnificence of that bloated and unwieldy system of French finance, which is the acknowledged prototype of this new scheme.

I propose, Mr. President, in as brief and rapid a manner as possible, to pass in review the principal points of this new financial project. Its fundamental and vital principle is to collect the public revenue in gold and silver only, out of a circulation consisting exclusively now, and mainly at all times, of bank paper for the common use of the people. Of this invidious discrimination between the money of the government and the money of the people, and its anti-republican and injurious tendencies, I had an opportunity of stating my views very fully during the late session of congress. It was the subject of very thorough discussion on both sides, at that time; and for one I am perfectly content to abide the verdict of public opinion on the arguments, on the one side and the other, then presented. It was shown, in my judgment, most conclusively that the effect of this principle would be permanently to create two currencies in the country—one and that the "better" one for the government, another and inferior one for the people—that it would thus separate the interests of the governors from those of the governed, destroying that bond of sympathy and common feeling between them which is the best, if not the only, security for a sound administration of public affairs—that it would indefinitely protract the present derangement of the currency and deliver it over finally to a state of hopeless and irremediable disorder—and that its operation upon the institutions of the states would be of the most hostile and destructive character. I should not now recur to these topics, having heretofore discussed them fully, but that the senator from New York, (Mr. Wright,) has thought proper again to argue them, and I must say, with all his ingenuity, has failed, in my estimation, to shake a single position maintained by the opponents of his bill. It has been fashionable to denounce these objections as mere *ad captandam* arguments; but, sir, have they been answered? Can they be answered, otherwise than by returning epithets for arguments?

That measure would establish a distinction, an odious distinction, between the currency of the government and the currency of the people, cannot be denied, for such is the positive provision of the bill. It expressly requires that, after a certain time, the government shall receive, in discharge of the public dues, and pay to its officers and other creditors, nothing but gold and silver or its own paper, while the common currency, in which the people transact their dealings, would still remain bank paper. The fact, then, is undeniable. But it is intimated there is nothing wrong in this; and we, who oppose it are asked if we would have the government in the present condition of things, for example, to receive its revenue in the various spurious substitutes for money, which now form so large a portion of the actual circulation of the country. The answer, sir, costs me no embarrassment. I say, no; but this is precisely a case in which the corruption proves the rule. The present is a temporary and accidental state of things; and the refusal of the government, under existing circumstances, to receive the degraded currency of the times in payment of the public revenue, so far from being

founded on any permanent distinction between the currency of the government and the currency of the people, is intended to do away this distinction, and to provide a sound convertible currency for the common use of both government and people—for the joint resolution of 1816, which is still the law of the land, expressly declares that when the banks shall resume specie payments and thus provide the people with a sound convertible currency, that currency shall be equally receivable by the government in discharge of its dues. But the bill of the honorable senator contemplates no such thing. It rejects the paper of the banks inexorably, under all circumstances whatever—even though convertible instantly into specie. It will have, for the government, nothing but gold and silver, or its own paper. It demands, with Shylock severity, its "pound of flesh," and that, too, without the condition of humanity imposed on the Venetian Jew "not to spill a drop of Christian blood" in the exaction.

The honorable senator from New York seems, however, to have persuaded himself that the requisition of gold and silver in payment of the public dues would improve the general currency by bringing into circulation a larger portion of the precious metals. But, sir, how can this be? It was shown, in the discussions of the late session of congress, that when there are two currencies in a country, one answering all the purposes of the other, and a valuable purpose besides, that which answers the additional purpose, would be at a premium, and being so, would not enter into general circulation, but be bought and sold as an article of merchandise. According to this law of currency, it would follow, under the operation of the proposed system, that gold and silver only, being applicable to revenue payments, they would, in general, command a premium, and would consequently be withdrawn from general circulation. They would be sold by the broker to the public debtor, who would pay them to the government—by the government, they would be paid out to the public creditor, and the public creditor would go and sell them again to the broker. This would be the narrow and charmed circle of their movement. They could never enter into the general circulation, under such circumstances; nor, indeed, under any circumstances, (as has been amply shown on another occasion,) without a previous suppression of the smaller denominations of bank notes, for which this bill contains no provision.

The honorable senator also argues, that this policy would tend to secure soundness in the paper portion of the currency, by checking over-issues of the banks. But, instead of contributing to the soundness of the paper currency, it would necessarily increase its insecurity. The great source of insecurity in the banking system at present, as is well known, is the danger of a suspension of specie payments arising from a foreign drain of the precious metals. But this measure would superadd to the foreign an internal drain of specie, to be locked up in the vaults of the government; and, from the nature of things, this internal and external drain would occur at the same moment, and exert together their destructive influence upon the banks. It would be in years of heavy importations that, the balance of trade turning against the country, the foreign drain would be most sensibly felt, and it would be precisely, under such circumstances, that the demand for specie to pay the duties, on these importations being greatly augmented, the internal drain would operate also with most severity. How then can the honorable senator imagine that the security of the paper currency, supplied by the banks, is to be increased by exposing them to a double pressure, from within and from without, at so critical a moment.

In regard to the hostile operation of this measure on the state currencies, and the credit institutions of the states, the honorable senator has taken up the subject in far too narrow a point of view. He spoke as if the whole matter of complaint, in this respect, consisted in withholding the deposits of the public money from the banks. But, sir, the gist of the question does not lie here. This is a matter in which the convenience and the safety of the government itself are concerned far more than any interest of the banks generally, or of the states by which they are created. The real grievance is in the stern exclusion by law of the sound convertible currencies of the states from all transactions of the federal government, (transactions in which they have been heretofore invariably admitted, from the origin of the government to the present day,) the official discredit and protest, in advance, thus stamped upon those currencies by the unfriendly action of this government, giving the signal for general distrust and want of confidence in regard to them. Sir, it will be no difficult matter to show that, under the blight of this legislative denunciation, and in the progressive working of the system now proposed,

the state currencies will be finally broken down, and a national government paper currency, resting on the same principles as our old continental money, be made to take their place. But the senator from New York tells us that the state currencies will enjoy as much favor under the new policy, as they did under the regime of the United States Bank—that that institution very rarely received the notes of the state banks in collection of the public revenue, and when it did so, it promptly returned them for conversion into specie. I certainly had not expected, Mr. President, that the Bank of the United States would be held up, from that quarter, as a model for imitation, in regard to its policy toward the state institutions. But the senator is mistaken in what he says of the course of that institution, and it will appear that even its policy was one of far more liberality toward the state institutions than that which the honorable senator himself now proposes. It is officially stated in the triennial report of the president of that institution to the stockholders in September, 1831, that the Bank of the United States was in the practice of "receiving freely the notes of the state banks, within convenient reach of the bank and its branches;" and this free reception of the notes of the state banks and periodical "settlements of accounts" with them, were the boasted means on which that institution relied to regulate and preserve the soundness of the general currency of the country. It is farther shown by the answer of that officer to certain interrogatories propounded to him by the committee on finance, of this body, in March, 1830, that though frequent "settlements of accounts" were made by the Bank of the United States with the state banks, they were "rarely forced to pay specie" to any considerable amount for their notes, but payment was taken in their bills of exchange, or balances permitted to lie over, 'till melted down in the ordinary course of their business and mutual transactions. This statement is sustained, through a series of years, by the annual returns of the bank to congress, exhibiting generally large balances due to it from the state banks. But, sir, even though the course of the United States Bank had been as unfriendly toward the state institutions, as the gentleman from New York supposes, the law of the land, the legislation of congress, made no attack on them, as is now proposed. On the contrary, their credit was cherished and sustained by the law; for the joint resolution of 1816 expressly declared that their notes, when convertible on demand into specie, should be receivable, equally with specie, in payment of public dues. This is the important consideration; for in the law, in the policy and language of the government, abides mainly that principle of confidence, on which all paper currency rests, and which is now proposed to be rudely withdrawn from the currencies of the states, however unquestionable their soundness and value.

But Mr. President, without dwelling farther on these considerations, I beg leave to ask gentlemen who are so zealously patronising the policy of this measure, if they can adduce to us, from ancient or modern times, from civilized or even barbarous communities, a solitary example of a government demanding and collecting its revenue in a currency different from the common, actual currency of the country. If there be any such, it has escaped my researches. In countries where the public revenue may have been, or may now be, collected in gold and silver, it will be found that gold and silver constitute the common, actual currency of the people. Even in England and France, where the circulation consists, in so large a proportion of the precious metals, the revenue payments are, by no means, confined to gold and silver; but bank notes are freely received in both, in discharge of the government dues. It is, indeed, a fundamental maxim of taxation, laid down by all writers on political economy,* and respected in the practice of all governments, that the mode of payment of the public contributions ought to be that most consistent with the convenience of the payers—the great body of the community. Is it reserved for the government of the United States, in its theory the most popular on earth, and claiming the merit of the closest sympathy with the wants and interests of the people, to set the first example of a departure from this just and benignant rule of policy? and for what reason—for what purpose? I think I have shown that none of the great interests of the country are to be promoted by it. It may, it is true, be quite agreeable to the office-holders, and other recipients of the bounty of the government, to obtain their emoluments in a "better" currency, than the common currency of the people; but surely this will be held no legitimate consideration for legislators and statesmen. What end, then, is to be answered? What object to be promoted by the introduction of this

* Smith's Wealth of Nations—Book V, chap. II.

anomaly in the history of legislation? Is it to carry out some theoretical dogma—some mere *common place* of party? Is it, in short, to satisfy the notions couched and propagated under the well-sounding phrase *constitutional currency*?

I ask, then, what is meant by this phrase? Is it meant that no other *currency* is *constitutional* but gold and silver? If so, I deny the proposition. Bank notes, as *currency*, are as constitutional as gold and silver. The constitution, it is true, declares that "no state shall make any thing but gold and silver coin a *tender* in payment of debts." This was intended to establish an ultimate *standard of value* for the adjustment of contracts, where the parties chose to insist on the strictness of legal rights, but not to prevent the states from authorizing convertible *representatives* of that value to be used as *currency*, or a *common medium of exchange and circulation*, in the ordinary business of life. On the contrary, those representatives in the shape of bank notes, were known and used as *currency*, at the time of the adoption of the constitution, and nothing in that instrument prohibits them—the states have, constantly since, been in the habit of creating corporations, authorized to issue and circulate them—the power, thus exercised by the states, has been invariably acquiesced in and recognised by the general government—and recently it has been determined by the solemn and unanimous judgment of the highest judicial tribunal of the country, (in the case of *Briscoe vs. the Commonwealth Bank of Kentucky*,) that the states rightfully and constitutionally possess the power. I say it was *unanimously* so decided by the supreme court, because, although a *minority* of the court were of opinion that, where the state owned the entire stock of the bank, the exercise of the power would be an infringement of the constitutional prohibition on the states "to emit bills of credit," yet all the judges concurred, that the authority of the states was unquestionable where the stock of the banks was owned either by individuals entirely, or by them in common with the state as a partial stockholder. State bank notes, then, being issued in pursuance of an unquestionable constitutional authority, are a *constitutional currency*, as well as gold and silver. It is true, a creditor cannot be *compelled* to accept payment of his debt in bank notes, if he object to doing so; but this does not affect their character as *currency*, as a *common medium of exchange and circulation*, or prevent a payment in bank notes from being a final and complete discharge of the debt, if accepted.

But, perhaps, by this oft repeated phrase, it is meant to be implied that there is some special constitutional obligation on the government to demand its dues in gold and silver. There is as little foundation, however, for this notion as for that which I have just exposed. The government is like every other creditor. It has the power, as every individual creditor has, (if it chooses wantonly to exert it, and to recur to the rigor of strict right,) to insist on the payment of its dues in gold and silver; but, as an individual creditor also, it may waive its strict right, the sternness of the *summum jus*, (which, we are told, is most frequently *summa injuria*;) and receive its dues in the same medium which individuals and the people, by common consent, use for the adjustment of their transactions. This it has done, from the adoption of the constitution to the present day, and never, heretofore, with any question of the constitutionality of the procedure. It not only has the constitutional power which every other creditor has, to waive the strictness of its right, in this respect, but it is especially incumbent on it, as the common agent of the people, guided by that fundamental and benignant maxim of taxation, to which I have already adverted, to waive an extreme right, which, in its exercise, would so seriously affect the convenience of its constituents—the great body of the people.

We must not, then, be led away, under the dominion of well-sounding phrases, of plausible or pompous common places, to disregard the real interests of the country. As legislators and statesmen, we must emancipate our minds from the delusive authority of mere dogmas, and look to the consequences of our actions, the practical effects of our measures. If we trace this requisition of specie for the public dues in its effects on the actual business of society, we shall find that it is calculated to convulse the whole monetary system of the country, and to keep it in a state of ceaseless and distressing commotion. Under the operation of the banking system as it exists in this country, specie is to be regarded not so much a part of the currency, as the basis or source of a far larger portion. For every dollar of hard money that is taken from the banks, four or five times its amount is withdrawn in another form from the actual circulation of the country. Bearing this in mind, let us

see how the proposed system would work. In years of abundant importation, the circulation of the seaports being insufficient to furnish the requisite sums of specie to pay the duties, large amounts would be drawn from the south and west to meet the demands of the custom house in the north and east. The sections, thus stripped of their specie, would be, all at once, subjected to the greatest of all calamities in a pecuniary point of view—that of a deficient circulation, suddenly contracted, not in the ratio, merely, of the specie removed, but of four or five times its amount; for to that extent would the banks be compelled to call in their circulation, in order to meet the drafts upon them for the precious metals. Under this desolating process, the prices of property would be struck down, the relation of debtor and creditor violently disturbed, and every branch of industry paralysed and withered. On the other hand, when the land sales became active, the current would be reversed, large masses of specie would be drawn from the north and the east to the south and the west, attended with the same distressing effects on the trade and industry of the country, and only shifting the theatre of their disastrous operation. What could result from this perpetual dragging, to and fro, of the specie of the country, contrary to the natural laws of trade, and in obedience only to arbitrary governmental regulations, but incessant throes and convulsions in the whole system of its business and currency?

It would be some compensation, in a national point of view, if the specie, of which different portions of the country would, in their turn, be stripped, under the operation of this new system, were restored to active and beneficial use in those sections to which it would be transferred. But would this be the case? No, sir. The whole surplus, beyond the current disbursement of the government, would rest in barren and unproductive idleness, in the "vaults and iron safes" of your sub-treasuries. It would be an *annihilation* of so much of the national capital, susceptible of multiplication, through conventional substitutes, to four times its nominal amount, and capable of fructifying and sustaining the national industry to a corresponding extent. I must confess, Mr. President, that this monopoly and *hoarding* of the precious metals by the government, does seem to me unworthy of the age in which we live. We may find examples of it among the nations of antiquity. But their circumstances were very different from ours. They were engaged in frequent wars, and they accumulated their treasure in advance, as a provision for those national emergencies, always with them, more or less near at hand. It may also deserve consideration whether the practice which prevailed among them of hoarding the public treasure was not the cause, fully as much as the effect, of the frequency of their wars; for the relief to industry from unlocking those vast hoards in time of war, may well be conceived to have rendered the occurrence of war no unwelcome event to their crowded populations. If we descend to modern times, we find no instance of this national hoarding, but among rude and uncivilized communities—the barbaric powers of the tartar tribes, for example. The dey of Algiers is said to have been the master of a large hoard of accumulated treasure, when he was expelled from his dominions by the French. So, also, was Mazeppa, the celebrated Cossack chieftain, the untutored ally of Charles the XII. But surely, we are not going to the banks of the Dnieper, or the shores of Africa, for lessons in policy and legislation. We shall not thus, I humbly trust, dishonor the spirit of the age, belie the genius of our free institutions, and mar the destinies of our great and glorious country.

But there are aspects of this measure even more dangerous and alarming. In the remarks I had the honor to submit to the senate, at the late session, I said that this scheme had a squinting, "an awful squinting" towards a treasury bank. It now has that character boldly planted on its front. It is, to all intents and purposes, a *great government bank*; and of this I persuade myself I shall be able to satisfy every gentleman who will do me the honor to accompany me in the analysis I propose to make of its composition. In the first place, the national revenue, collected in gold and silver, is to be disposed in masses at certain leading points, designated by their importance in a commercial, financial, or political view. The bill directs that there shall be a great central depot of it in the new treasury building here—another depot in the mint of Philadelphia—a third at the branch mint at New Orleans, and four other similar depots of the national treasure in gold and silver, at New York, Boston, Charleston, at St. Louis. Buildings are to be erected (where they do not already exist,) for the reception and security of these funds, fitted up with

vaults, safes, and all the usual appendages of banking establishment. The treasurer and secretary of the treasury are to preside, particularly over the central establishment here—the treasury of the mint and the branch mint over the establishments in Philadelphia and New Orleans, an four receivers general, with their clerks and assistants, over those at New York, Boston, Charleston and St. Louis. Thus you have the funds or *capital* to operate on, placed in position at suitable point and a complete organization of officers to manage and administer those funds. Nothing but the placid hand of the secretary of the treasury will be wanting to mould these materials into a bank, as to give motion and direction to the machine. How will it be done? The *modus operandi* will be perfectly natural and simple.

The government funds, compared with the disbursements to be made, will be in excess in some places, while they will be deficient in others. The must then be transferred from one place of deposit to another. This will hardly ever, it is to be presumed, be done by an actual transportation of specie. It will, doubtless, be generally effected by the ordinary commercial means of drafts and bills of exchange. The bill most sedulously gives to the secretary of the treasury an unlimited discretionary authority to make and order these transfers from one place of deposit to another, and from one individual depository to another. At a place therefore, where the government funds are in excess, and he wishes to transfer a portion of them to some other place where they are deficient, he will naturally direct a draft, or bill of exchange on the latter place to be bought, paying for it out of the specie accumulated in excess at the place of the negotiation. On the other hand, when he wishes to draw funds from a distant place, where they are in excess, to a place where they are deficient, a bill on the former place will be sold, and the money received for it, added to the deficient funds at the place of the negotiation. The officers of the government, thus operating on the public funds under this system, would become habitual dealers in exchange—a regular and acknowledged branch of the business of banking. In the exercise of these functions, the accommodation of individuals would come to be fully as much consulted as the wants of the government. The receiver general at St. Louis, for example, having an excess of the public moneys in his hands, and instructed to transfer that excess to the sub-treasury at New York, would naturally do so by buying drafts on merchants or other individuals on the latter place. But in this application of the public money to the purchase of drafts, what an endless field would there be for undue favors to individuals, as well as discriminating among those who might have drafts to sell, as in adjusting the price and other terms of the purchase. So, likewise, if we suppose the receiver general at New York, authorised to draw surplus of public moneys from St. Louis, he would do so by selling drafts on the receiver general at St. Louis; and in this operation of selling, there would be precisely the same danger of abuse, as of the influence of personal considerations, as have just shown to exist in that of buying change.

It is also very easy to perceive that, under the forms of buying and selling bills of exchange, government officers, real loans to individuals will be couched. If I buy, for example, a bill of exchange which has sixty or ninety days to run, and pay for it in cash, as I suppose to be done in the case, put above, of a receiver general purchasing bills to transfer an excess of public moneys in his hands, what is this in fact but a *loan* of money be returned, at the end of sixty or ninety days, some other place where the government wants it. It is, indeed, except as to place, the ordinary form of discounting mercantile paper. In like manner the sale of a bill of exchange, to be paid for at a future day, is a very convenient medium of a loan. The purchaser immediately sells the bill, has bought, realizes it in money, the use of which he enjoys for the stipulated period, and then returns it with the rate of profit agreed upon in the normal purchase. The transaction is, to every practical intent, a loan; and professional gentlemen conversant with the devices practised to evade the statutes against usury, will tell you that nothing more common than to make a real loan under a very form of selling a bill of exchange. We see then, that the officers of the treasury, under the organization provided by this bill, would not only be engaged in buying and selling bills of exchange, but they would have the power of discounting mercantile paper and making real loans. Thus the bill creates, in effect, a *bank of discount*.

It would, moreover, be a bank of deposits, the 27th section of the bill expressly authorises

dividuals to deposit money in the "treasury, or at such other points as the treasurer may designate," the receipts for which, it is declared, shall be current in the several land offices as cash. This, I am aware, is but a special and limited provision, confined at present to payments in advance for public lands. But the principle being once introduced, will, from time to time, be extended to other cases. I shall hereafter have occasion to show that president Jackson, when he suggested the idea of a government bank, of which this bill seems to be the development, expressly recommended that it should be based upon individual, as well as public deposits.

The organization instituted by this bill would also be a bank of circulation, for the drafts, receipts, and other paper authorized to be issued by the officers of the treasury, under the provisions of the bill, would form a part of the actual currency and circulation of the country. That it is designed, through the medium of this machinery, to issue permanently a government paper currency, under some form or other, is sufficiently evinced by the alternative clause of the bill relating to receipts and payments by the government, which requires that all such receipts and payments, after a certain period, shall be in gold and silver, "or in notes, bills, or paper, issued under the authority of the United States." The senator from South Carolina, (Mr. Calhoun,) the patron and champion of this bill, and the author of the provision just referred to, is known to advocate a paper currency of that description, issued and resting exclusively on the credit of the government. The secretary of the treasury too, in his report on the finances, at the commencement of the present session, does not hesitate to ask congress for the permanent grant of an authority to issue treasury notes, (at his discretion, within a certain limit,) according to the varying wants of the treasury. But the design of supplying a paper medium, for general circulation, through the fiscal action of the government, is more fully developed in the report of that officer at the last session, and from that document, I beg leave to read to the senate a few significant extracts.

"Should congress," says the secretary, "determine that it is proper to furnish by its own authority, and for the purposes before mentioned, some paper medium of higher character, and other than what now exists in private bills of exchange, or notes of date banks, no doubt exists, that any benefits which may occasionally be derived from its employment can be readily secured, without treading on the debatable ground of either the power or the policy of chartering a national bank. Certificates, not on interest, but payable in specie to bearer or order, as well as being receivable for all public dues, could be authorized to be given in payment to the public creditor, whenever preferred by him, and sufficient specie existed in the treasury. This kind of paper would be very convenient in form, and would differ little from the drafts now in use on banks, except being drawn on a known specie fund, and expressing on its face not only this, but its being receivable, in the first instance, for all public dues. It would possess the highest credit attainable in society." "The common drafts of this department, in the present conventional form, possess one advantage, which could be imparted to the certificates. When used at places against which the balance of trade exists, but drawn on places in whose favor it is, the former do now, and may hereafter, not only facilitate essentially the domestic exchanges, but at the same time, supersede numerous bank transfers, and the more expensive transportation of specie itself."

"The mint certificates, heretofore given on the deposit of bullion and specie for coinage, might be easily made running to bearer or order, and receivable for all public dues; and, in that way, would contribute to the same desirable ends."

"It must be obvious that the paper of any bank would be less safe and useful in being received for public dues, in proportion as it may want such solid securities and foundations as the certificates before described."

My purpose is not now to discuss the supposed advantages of this government paper currency, so much lauded by the secretary. The great recommendation of it, in his eyes, is that it would rest upon a specie basis co-extensive with the issues. But as the certificates would be rarely returned for redemption, nothing would be more likely to happen than what occurred in the case of the bank of Amsterdam—that, in the mean time, large portions of the specie would be withdrawn and diverted to other purposes. But my intention was simply to show that an issue of a government paper currency, in some form or other, is one of the main objects of this new financial scheme. In looking at the passage above quoted, and others of similar

import in the report of the secretary of the treasury, it is impossible to wink so hard as not to see that the design is to supply a paper medium, through the fiscal operations of this government, which, it is hoped, would ultimately supersede the state currencies; and the organization proposed, in this bill, is the instrument by which that design is to be accomplished. That it would be a bank of circulation is unquestionable; and I have already shown that it would be a bank both of discount and deposit.

The secretary of the treasury, however, seems to think there would be no bank in all this, because there would be no incorporation. But incorporation is not necessary to constitute a bank, which derives its character wholly from the nature of its business and functions. The government bank of Russia is not incorporated. Neither is the government bank of Austria. They are both constituted of, and managed by, officers of the government, precisely as the machinery created by this bill is proposed to be managed and directed. So in regard to the private and joint stock banks of England. They are not incorporated; but no body ever supposed them to be the less banks on that account. Some thirteen or fourteen years ago, the celebrated Mr. Ricardo proposed the plan of "a national bank" in England, which, among other things, was to have the exclusive privilege of issuing the whole paper currency of the kingdom. It was to be a government institution, consisting of five commissioners, residing in London, to be appointed by the crown and removable by parliament, and to be assisted by agents and officers established in the leading country towns. The plan of this bill bears, in some respects, so close a resemblance to that of Mr. Ricardo, that it is difficult to resist the impression that the one must have suggested the other. The organization proposed by Mr. Ricardo, consisted, like that of this bill, of public officers, having certain duties and functions assigned to them, connected with the collection and management of the public revenue, as well as with the issue of a paper currency. No act of incorporation was proposed or deemed necessary; but he did not, on that account, the less consider his scheme a "national bank," under which name it was expressly presented to his countrymen.

But there is another authority on this head still more in point. It remounts to the first suggestion ever made in this country of a government or treasury bank. I allude, of course, to president Jackson, who in his first annual message to congress, (1829,) threw out the idea of a bank, founded on the "credit and resources of the United States." This suggestion became the subject of very able and elaborate examination by the committees on finance, in this and the other house, by both of which, though consisting of warm friends of the president, the suggestion was repudiated and exploded. The president, in his message at the commencement of the following session of congress, (December, 1830,) thought proper to recur to the subject, and to define more precisely what he meant by a bank founded on "the credit and resources of the United States." The scheme he then brought forward was identical, in every respect, with that contained in the present bill; and yet, with the soldierly frankness which characterized him, he did not hesitate to call it by its proper name—"a bank of the United States." Let us see what he said on that occasion.

"In the spirit of compromise and improvement which distinguishes our country and its institutions, it becomes us to enquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles and structure, as to obviate constitutional and other objections. It is thought practicable to organize such a bank, with the necessary officers, as a branch of the treasury department, based on the public and individual deposits, (without power to make loans or purchase property,) which shall remit the funds of the government, and the expenses of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals, at a moderate premium, &c., &c., &c. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions."

The bank which gen. Jackson proposed, was to be organized, with the necessary officers, as a branch of the treasury department, to be based on the public and individual deposits, to remit the funds of the government, and to deal in bills of exchange. The organization, provided by the bill under consideration, is to possess every one of these attributes, and to perform other banking functions in addition, such as the issue of paper, which was not then contemplated. Yet, while the former plan, was boldly avowed to be a bank, this is denied to

be one. Gen. Jackson, with all his popularity and energy of purpose, was not able to commend his plan to the favor of the country, and even his *volonte de fer*, (iron will,) as it was called by a foreign representative, on a memorable occasion, obeying the great law of republicanism, bent beneath the force of public opinion, and abandoned the scheme. Yet the same scheme is now reproduced, amid the confusion of the times, in an aggravated form, but without the name.

It is a remarkable circumstance, Mr. President, that the most ancient and celebrated banking institutions of Europe have grown up from precisely such beginnings as are contained in this bill. The bank of Venice, for example, the oldest and most celebrated bank in Europe, commenced as a fiscal institution. The republic, pressed by its foreign wars, was compelled to resort to a forced loan. In order to secure the payment of the interest on this loan, it set apart certain branches of the public revenue, and instituted a board of commissioners, called the chamber of loans, who were charged with the collection and management of those branches of the revenue, and the application of their proceeds to the punctual payment of the interest on the loan. In the transaction of the business confided to them, they had occasion sometimes, to buy and sell bills of exchange, as I have shown the officers of the Treasury, under the organization of this bill, would do. Having frequently surplus funds on hand, they began at length to employ them more extensively in the operation of buying and selling exchange, and under this power, actually advanced money on mercantile paper, or in other words, became a bank of discount. The credit and responsibility of the institution being established, the merchants of Venice began to make use of it for the safe-keeping of their funds, and so it became a bank of deposit also. Finally, a credit on the books of the institution for money deposited, being equivalent to cash, payments in the course of trade, came to be made by transfers of these credits from one to another, or by what are now called checks, which performed the office, and preceded the introduction of notes, and so the chamber of loans became also a bank of circulation. We see in this example, by what natural and easy gradations the most celebrated banking institution in Europe, that which has been the model of all the rest, grew out of the simple function of collecting and applying the public revenue, associating to itself a collateral and incidental action on the commerce and currency of the country, all of which functions, I have shown, are to be vested by the new financial scheme in the officers of the treasury department.

The same in every material respect, were the origin and progress of the bank of Genoa; which, next to that of Venice, was the oldest, and in its day the most accredited banking institution in Europe. In England, too, the mint, at one time, in being made the depository of the funds of individuals, as the secretary of the treasury proposes that our mint and its branches should be, became virtually a bank—"the great centre of money transactions and remittances for England and foreign nations"—till Charles the 1st, in 1640, impelled by his necessities, violated the private funds deposited there, and "happily," as Burke says, put an end to both its credit and use as a banking establishment.

The testimony of history then, as well as the nature of things, proves that the organization instituted by this bill, would work as a great government bank—buying and selling exchange—under that form, at least, discounting mercantile paper,—receiving deposits, public and private,—and circulating a paper money of its own. Now, I would appeal to every friend of the liberties of his country, and ask him if he would willingly see so formidable an union of the moneyed and political power consummated in the hands of the government. Will he put so potent an engine, an instrument so efficacious of operating on the hopes and fears of men, of enlisting their interests, of controlling their fortunes, into the hands of a department of the government, already armed with a patronage and power of fearful extent?

The honorable senator from New York, (Mr. Wright) in a portion of his remarks which seemed to be intended specially for the benefit of those of us who are still for employing the state banks as depositories, and whom he described as a very small fraction, said that the real and only alternative before the country is the sub-treasury scheme or a national bank. Now, sir, unless the observations I have made on the practical operation of the sub-treasury scheme are founded in the grossest delusion, that scheme, instead of being antagonistical to a national bank, is, in every respect, identical with it. It would be a national bank under the worst

possible form. A national bank in the hands of the executive, controlled and managed exclusively by executive agents. If, then, the honorable senator will insist upon making up an issue, to which the ghost of that thrice-slain monster, the Bank of the United States must be a party, he must amend his pleadings according to the real state of the case, and submit to the country this question—will you have a great government bank in the hands and under the control of executive officers, or will you have an incorporated national bank, designed to be a business concern and not a political engine? When this issue shall be presented, if indeed, it ever shall be, let me tell the honorable senator that there are those whose opposition to a national bank is as true as his or that of any other man, who would pause long, before they would permit the terror of any alternative to drive them into the support of a scheme, like that of the honorable senator, which they believe to be fraught with the most serious danger to the liberties, and certain destruction to the best interests of their country. I shall hereafter endeavor to show that the true and only means of averting either an incorporated national bank or a great government bank is to sustain the state institutions, and to employ their agency, with such modifications and securities as experience may have shown to be either necessary or desirable.

I wish, however, for the present to pursue the remarks which the honorable senator, with "so much charity," to use his own expression, addressed to that small fraction of erring and obstinate brethren, sometimes "cycloped conservatives." The name, I believe, sir, has not been of their own choosing; but gentlemen who are well read in the history of parties will not fail to remember that the most odious and reproachful designations applied to them by their adversaries have become endeared by the persecutions of political intolerance, and those who at first felt injured and insulted by the application of a political nick-name, have at last proudly appropriated it, and come to glory in it as a memorial of their struggles and a symbol of their principles. Now, sir, I do not know that there is any thing in this name of *conservative*, as applied to American institutions, which an American patriot ought to wish to disown. It implies devotion to the *existing* institutions of his country—a desire to *preserve* and *defend* them—a willingness, and even zeal to *reform*, as the only effectual means of *preserving*—but an unconquerable resistance to schemes of wild *innovation* and *destruction*. If this is what is meant by a *conservative*, (and such is the true and proper import of the term,) then, sir, I proudly avow myself a *conservative*—a *conservative* of republican institutions, of republican principles, of republican practices, as illustrated and interpreted by the great champions of the republican faith.

But, sir, to pursue the remarks of the honorable senator, addressed to this small faction of his political brethren. He tells them that their plan has very few supporters in either house of congress; that there are two great parties in congress, one for the sub-treasury scheme, and the other for a national bank, and he sees, therefore, no prospect of success for any middle ground. He then assumes that the state of public sentiment among the people corresponds to this division of opinion in congress. I must say, with all my respect for the gentleman's knowledge and skill in the statistics of party, that this assumption is not warranted under the circumstances of the case, nor does it seem to me sound in principle. It implies that the organization and array of parties here is to give law to public opinion, and that public opinion is not to shape and control the action of parties here. Sir, I go for the voice of the people; and the people have spoken for themselves. They have not left us to infer their sentiments from any accidental or temporary relation of parties here. They have pronounced judgment on the gentleman's scheme; and I should like to know where the honorable gentleman finds, in these expressions of public opinion, any evidence that there is a *great party* in this country in favor of the sub-treasury project. Never before has any proposition been so signally rebuked and condemned by the voice of the people. I refer to these things, Mr. President, with no pleasure. I contributed my best exertions to the election of the present chief magistrate, honestly anticipating from his prudence, his abilities, and his patriotism, a wise and successful administration of the public affairs. No one has felt a more sincere desire for his success than I have done. The unfavorable manifestations of public sentiment, therefore, upon the first leading measure of his administration, (though I foresaw and foretold them, from the first moment that that measure was suggested,) have been to me the source of any thing rather than pleasure. They have now, however, become matters of public history; and as the senator from New York seems dis-

posed to confine our view here for *second-hand* proofs of public opinion on the merits of the different financial measures which have been proposed, I must beg leave to invite his attention to those more majestic displays of public sentiment which have been presented on the great theatre of the nation. Let him look at the elections which have taken place in the several states, since this fatal measure was first broached in the official journal, and say how many of them have eventuated in favor of the administration. With one or two exceptions, they have all terminated against it; and mainly, there is reason to believe, on account of this very measure.

Where, then, does the honorable senator find the evidence that there is any great body of popular sentiment in this country in favor of his scheme? The evidence is all the other way, and of the most overwhelming force. So, as to the other great alternative of which the honorable senator speaks, (a national bank,) a large majority of the people have repeatedly declared against it, and without imputing to them a degree of fickleness, of which I, at least, do not suspect them, they must still be opposed to it. What plan, then, will they rally to, as a safe and practical substitute for the sub-treasury on the one hand, or a national bank on the other? It is the employment of the state banks, institutions intimately connected with their domestic interests, responsible to, and supervised by, their domestic authorities, and exempt from all danger of political combination, the employment of these institutions under regulations which shall, at the same time, secure their efficiency and guard against abuse. Such, I am firmly persuaded, would be, at this moment, the unbiased decision of a large majority of the American people. And even if we appeal to the criterion set up by the honorable senator from New York, the state of parties in congress, I think we may deduce from that, conclusions far more favorable to the state bank deposit system than he has drawn. If there be but a small party in congress, with whom the state bank deposit system is a first choice, he must admit that it is the second choice of a large majority. The sub-treasury party would, I presume, prefer it to a national bank, and the national bank party would prefer it to the sub-treasury. Now, sir, the honorable gentleman will permit me to refresh his early reading, by reminding him of an incident related by Plutarch. After the battle of Salamis, in which the power of the Persian monarch was crushed by the combined Grecian fleet, the different commanders of the squadron repaired to the altar of Neptune, and according to a custom of the country and the times, each one put on a ticket the names of those who had rendered the most important service in the action. Every officer put upon his ticket his own name first, but all put the name of Themistocles next. This has been held, in all future times, as conclusive proof of the superiority of Themistocles above all his competitors; and the state bank deposit system may adduce the same evidence of its merit in being the second choice of both of the parties which respectively advocate the sub-treasury and a national bank. The *fractio*, therefore, in congress, who still adhere to that system, however small they may appear in the eyes of the honorable senator, can see nothing in this state of things, which calls upon either their patriotism or their prudence to abandon a policy which they believe to be sanctioned by the sentiments, and demanded by the interests, of the great body of the people.

But, sir, to return from this digression, let us see what additions are made to the official as well as pecuniary patronage of the executive, by the provisions of this bill. When I had the honor of addressing the senate at the last session, I spoke of the bill then under consideration, as the "grain of mustard seed," which would grow up into a large tree and cover the land with its branches. But I was told by the honorable senator from New York and others, that the bill did not create a *single new officer*, and my friend from Connecticut, (Mr. Niles) complimented me, as well as I remember, for my vivid imagination, to the account of which alone he set down the apprehensions I had expressed. But what do we now see? In three short months, the tree, which has already grown up from this grain of mustard seed, has thrown out four large branches in the form of receivers general, each of which will have its dependent ramifications in the form of cashiers, tellers, clerks, &c. The treasurer also is to have his "assistants;" and an indefinite brood of clerks is provided for all the officers made depositaries of the public moneys under the bill, to assist in the discharge of the new duties devolved on them. Finally, a number of missionaries are to be appointed from time to time, at the discretion of the secretary of the treasury, to visit and inspect the various fiscal agencies created by the bill. Now, here is a *cloud* of new executive officers, at once,

which bids defiance to calculation. But if their *present* number could be estimated, (as the senator from New York has attempted to do,) it would be altogether useless, for they must, from the nature of things, be constantly and rapidly multiplying. Would the honorable senator attempt to measure the rising cloud, which threatens to overspread and blacken the whole face of the heavens, by the speck, "no bigger than a man's hand," which has just appeared on the edge of the horizon? This is but the *beginning*; and we all know with what vigor and fruitfulness every thing grows on American soil. Receivers general are allowed by the bill, at present, only to Massachusetts, New York, South Carolina, and Missouri. But will not Maine, New Hampshire, Connecticut, demand their receivers general, as well as Massachusetts,—Virginia, North Carolina, and Georgia, as well as South Carolina,—Kentucky, Ohio, and Tennessee, as well as Missouri; and so in regard to all the other states that are now pretermitted in the bill. If we have receivers general, we must finally have payers general; for this is an integral part of the system in France, from which we borrow the scheme proposed by the bill. In adopting a system, it is fair to presume we mean to adopt its usual and ordinary concomitants. Indeed, an honorable member of the other house, who is well skilled in questions of finance, expressed the opinion to me, only the other day, that the functions of paying and receiving ought to be separated, so as to form checks on each other; and thus we shall have the French system, in both its branches, at once. On the question of introducing a new system of policy, we ought never to forget the old adage, which we derive from France also—*c'est le premier pas qui coûte—it is the first step which is decisive*, and that taken, all the rest follow.

The senator from New York (Mr. Wright) has likewise attempted an estimate of the *expense* of this new system. But this, also, in my opinion, is a vain thing. The first modest beginnings of a system furnish no standard by which its ultimate expense can be measured. The senator's estimate makes the annual expense, (exclusive of what may be called the *outfit*, in the cost of buildings, &c.) somewhere about \$20,000, (twenty thousand dollars.) But this is greatly below the estimate of the secretary of the treasury, in his report at the last session; and in recommending a favorite scheme the author of it is rarely found to over-estimate its expense. That officer set down the annual expense at \$60,000 (sixty thousand dollars.) This, in my opinion, is very far below the ultimate permanent expense. An able and experienced gentleman in my own state, practically versed in these questions and a zealous and decided advocate withal of the new system, in setting forth its advantages, and defending it from the objections which had been urged against it, met this very one of *expense* by giving it as his opinion, formed upon deliberate and careful reflection, that the *annual* expense would not exceed \$600,000, (six hundred thousand dollars.) Now, sir, when I arrived here, at the extra session of congress, and read the estimate of the secretary of the treasury, I could not but suppose, at first, that there was an accidental mistake in his figures, by the omission of a cypher, and that he intended to have put down the expense at \$600,000, (at six hundred thousand dollars,) instead of \$60,000, (sixty thousand dollars.)

But, however, this may be, nothing can be more certain than that the expense of this system, when fully developed, must, from its complexity, and the number of officers it will call for, be very great. We have a standard to appeal to, on this question, which is worthy far more than any *a priori* reasonings. The system has been long established and fully tried in France, and we know its actual results there. On the other hand, in England the agency of banks has been extensively used in the collection and disbursement of the public revenue instead of the individual agencies which are employed in France, and are contemplated by this bill. It will be a good test therefore, of this question, to look at the relative expenses of the revenue system of France and England. I will read to the senate a comparative statement on the subject, which have taken from the work of a highly respectable American traveller, vouched by original authorities to which he refers. From this statement it appears that the cost of collecting the revenue in England, under the respective heads of taxation, as follows: customs, 7 per cent.—excise, 4 per cent.—recording and stamps, 7 per cent.—post office 11 per cent.—and direct taxes, 2 per cent.—averaging, upon the whole, 6 1-5 per cent. In France, under the same heads, the costs of collecting the revenue is as follows: customs, 38 per cent.—excise, 20 per cent.—recording and stamps, 9 per cent.—post office, 1 per cent.—direct taxes, 15 per cent.—averaging upon the whole, 24 2-5 per cent! I am well aware

that divers circumstances are to be taken into consideration, in explaining this enormous difference of expense between the French and English fiscal systems; but one of the principal causes of that difference, (and it is so considered by the writer, to whom I have referred,) will, at last, be found in the fact of the extensive use of banking agency in the collection of the revenue in England, and the exclusive employment of individual agency, for that purpose, in France.

But it is not merely by the multiplication of officers and the increase of expenditure, that the influence of the executive branch of the government is fearfully extended by this bill. That influence is greatly augmented by certain new regulations it introduces in regard to the tenure of office—the compensation of officers, and the forms and usages of fiscal administration. In the first place, the treasurer, the receivers-general, and all the other officers, from the highest to the lowest, employed in the fiscal service, may be required at any time, at the discretion of the secretary of the treasury, to give new official bonds, in increased sums, to be fixed by the secretary of the treasury, “any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding;” and in default of giving such new bond, the officer would, of course, be deprived of his office. Now, it is evident, that under such a power possessed by the secretary of the treasury, all the officers connected with the operations of the treasury, would be converted into the trembling vassals of the executive. A direct removal from office is a measure of more than ordinary energy, and involves responsibility. Cases might exist in which the secretary of the treasury would be unwilling to take the responsibility of a direct removal from office, and yet would accomplish the same object by a vexatious requisition of a new bond in so large a sum, that the officer could not, or would not find sureties to the increased amount. Who does not see that, under such a regulation, the officers of the treasury would lose all sense of independence; and that those who could consent to hold office on such terms, must be prepared to become the passive and unresisting tools of power. Heretofore it has been the wise policy of our legislation to fix by law the sum in which official bonds are to be given, and to leave nothing in that respect, or as little as possible, to executive discretion. Again, it will be seen from an examination of the bill, that the compensation of several of the officers to be appointed under it, such as visiting agents, clerks, &c. is to be fixed by the secretary, at his discretion, and not by law. Here is another source of servile dependence on the one hand, and of increased executive influence on the other, which is not in harmony with the general spirit and maxims of our legislation.

My attention has also been attracted by a provision of the bill which seems to me to introduce a most dangerous innovation in the established forms and usages of the treasury. It has heretofore been a fixed principle of fiscal responsibility, that no money should be drawn from the treasury, but upon a warrant of the secretary drawn on the treasurer, countersigned by the comptroller, and recorded by the register, and upon that warrant, when it reaches the hands of the treasurer thus authenticated, the treasurer draws his draft on the depository of the public money for payment. These forms have always been held to be very important checks, and indispensable preliminaries to any money being drawn out of the treasury, or in other words, paid by the depository of the public moneys. The secretary draws his warrant upon the treasurer, subject to the checks before mentioned, and then the treasurer draws upon the depository who is to make the payment. But, in no instance, does the secretary draw directly upon the depository, because that would be to lose the security of the intermediate checks of the comptroller and the register. By the 10th section of this bill, however, in contravention of these established principles and checks, it is expressly provided, that “for the purpose of payments on the public account, it shall be lawful for the said secretary to draw upon any of the said depositories, as he may think most conducive to the public interest, or to the convenience of the public creditors or both.” Under this provision the secretary of the treasury could draw out all the money in the treasury, or, which is the same thing, in the hands of the depositories, without any check whatsoever. The effect of it, whether so intended or not, is to place the whole public treasure at his unchecked and absolute disposal.

Now, sir, is not the effect of these various provisions, and of the whole scope and tenor of this bill, to concentrate, at last, the entire control of the public moneys, in the hands of the president; for the secretary of the treasury, and all the other fiscal officers are but his agents, appointed by him, and re-

movable at his pleasure? But the senator from New York, (Mr. Wright,) contends that the president would have no more control over the public moneys under the proposed system, than if they were deposited in banks—that the same legal formalities must be gone through to touch the public moneys, in the one case, as in the other. It may be true, that the president has no more legal control over the public money in the one case than in the other; but has he not a greater practical control. In the one case, the depositories of the public money would be his agents, subject to his authority, the creatures of his will, dependent upon his pleasure for their continuance in office, and made by the peculiar provisions of this bill, as I have already shown, especially and habitually sensible of that dependence. In possessing so complete a control over the keepers of the public money, he would possess virtually a control over the public money itself. But, in the case of the employment of banks, the depositories of the public money are institutions not created by the president—not dependent on him for their continued existence:—on the contrary, they hold their charters, and the advantages they confer, from a distinct authority, to which they are at all times responsible and are thus guarded against any undue influences from other quarters, which might warp them from their integrity and their duties.

In making these remarks, sir, I speak in no spirit of captious jealousy, as to the highest executive trust of the government, or of its actual incumbent: but I speak in the spirit of the constitution, which anticipates the danger, and supposes the possibility of the abuse of power, and inculcates the necessity of guarding against it. The system organized by this bill is one of the most thorough centralization. It rides over the institutions of the states, prostrates their credit and usefulness, brings patronage and power to the general government, concentrates them in the hands of the executive, to whom it gives an unlimited control over the public moneys, and through the banking operations to be founded on them, an extensive and paramount influence upon the moneyed concerns of the whole country. It is fitting that such a system should be borrowed from France, the country whose institutions exhibit the most unqualified example extant of centralization—under which the capital has swallowed up the provinces, and Paris has become synonymous with France. But it is equally fitting that such a system should be resisted, to the last extremity, in this land of republican freedom, by all who are attached to the rights of the states—by all who are opposed to the enlargement of federal and executive power—and, by all who watch with jealousy, and view with alarm, every tendency to consolidation.

I will now, Mr. President, follow the senator from New York, (Mr. Wright,) in the remarks which he made on the comparative safety of the two systems proposed, for keeping and disbursing the public moneys. Although experience, the only safe arbiter, has long since settled this question, the honorable senator argued it as if it were still open to doubt, and made, I am free to admit, an exceedingly ingenious and plausible argument. He instituted a parallel between the two systems, in regard to the great leading points on which their safety is supposed to depend, and in each instance brought out a substantial equality. First, as to officers, he said it would be fair to presume that the officers of the government and the officers of the banks would be equally trust-worthy. Then, as to sureties, he said both the banks and the government officers are equally required to give sureties, if deemed necessary. So, likewise, as to vaults, the government officers, he said, are to be provided with vaults, as well as the banks. The only particular, then, in which the banks, as he alleged, could be supposed to present a better guarantee for the safety of the public funds, is that their capital stock is pledged for the reimbursement of the public moneys committed to them; but this advantage in favor of the banks, he very adroitly balanced by what he represented to be the risk of mingling the government funds with those of trading corporations. Now all this is very fair and plausible on the surface. But what is the fact—what is the testimony of experience?

While the honorable gentleman was running this parallel in theory between the two systems, there was a document lying on the table of the other house, which had run the same parallel on the surer foundations of practice. I allude to a recent report of the secretary of the treasury, in answer to a call of that house, at the extra session, made on the motion of an honorable friend of mine, (Mr. Garland, of Virginia,) containing a list of all “the receivers, collectors, or depositories of the public money, who are in default to the government, with the amount of their respective defaults, &c.” What, sir, does this document, which I now have before

me, show? That the whole amount of balances due from banks, which are deemed unavailable, is a little more than one million of dollars, (1,047,649); and these balances go back to a period long past, when the extraordinary embarrassments, consequent on the war, involved banks and individuals in difficulties, beyond any former or subsequent example. In relation to the banks, which have been recently employed as depositories, it appears that they have either paid up all they owed the government, or are in the course of paying it up as called for by the wants of the public service, without any apprehension of default on their part, or availing themselves of the indulgence of the act passed at the late session of congress, have either secured, or are expected to secure satisfactorily, the payment of the whole balances due from them, according to the terms of that act. Only eleven of them, it appears, out of near ninety employed as depositories, have even asked indulgence, under the act here referred to, and but a single one of them has been ordered to be sued. Now, sir, when we look to the list of individual collectors and receivers—what do we see? An aggregate default of about three millions! and though some of the more recent balances appearing on that list, may be reduced by future collections, yet from the long standing of most of them, there is no reason to believe that the aggregate amount of the entire list will be affected, in any sensible degree, by these partial recoveries. It is to be remarked too, that this list does not include *disbursing officers*, “whose indebtedness” is stated by the secretary “to be very great,” and the actual losses by whom I showed, during the late session of congress, from a report of Mr. Crawford, to have “greatly exceeded” a million and a half of dollars, from 1789 to 1819, and by this time, have grown up, in all probability, to another aggregate sum of three millions! Neither does this list include officers of the post office department, among whom it was shown by official documents, at the last annual session of congress that there were as many as eighteen hundred and thirty-two defaulters! It is to be observed also, that this list is confined to public agents, “who were out of office on the 12th day of October, 1837.”

Now, sir, if the honorable senator from New York had taken the trouble to look at this document, before he made his speech, he might have saved himself the labor of a great deal of superfluous ingenuity. In contrasting the ingenuity of his argument with the blunt contradiction of facts which this document presents, I was strongly reminded of an anecdote I have often heard of the late venerable bishop Madison, of Virginia. That excellent prelate was also a profound philosopher, and much addicted to philosophizing. On one occasion, he undertook to explain why the shade of a lamp, almost in contact with the flame of the candle beneath, was not, in any degree, heated by it. This he did by a learned dissertation on the laws of caloric, and all the other scientific data which could be brought to bear on the subject. Having completely satisfied himself and the admiring audience which surrounded him, of the truth of his theory, he could not avoid, in the consciousness of his triumph, putting his hand on the lamp shade, which had been the subject of his disquisition, when an exclamation of acute pain disclosed the fact that his hand had been severely burnt in the application. Nature, thus, contradicted the philosopher, and, so, stubborn facts will sometimes confute the most astute logician. I cannot but think that if the honorable senator from New York at the close of his very ingenious argument, had laid his hand upon this document, he must have felt his fingers, at least, a little scorched.

Has the honorable senator forgotten the emphatic testimony, deduced from a careful collation of facts, borne by the present secretary of the treasury, only three years ago, to the superior safety of banks as depositories of the public money? Let me then, refresh his recollection by reading to him and the senate, an extract from the able report of that officer, made to congress, in December 1834, on the system of keeping and disbursing the public money. “It is a singular fact,” says the secretary, in praise of this description of public debtors, the *selected banks*, that there is not now due on deposits, from the whole of them which have now stopped payment, from the establishment of the constitution to the present moment, a sum much beyond what is now due to the United States from one mercantile firm that stopped payment in 1825 or 1826, and of whom ample security was required and supposed to be taken under the responsibility of an oath. If we include the whole present dues to the government from discredited banks, at all times and of all kinds, whether as *depositories* or not and embrace even counterfeit bills and every other species of unavailable funds in the treasury, they will not

exceed what is due from two such firms." He then continues, "if our former small losses by them, (the banks,) in keeping and paying over the public revenue, under circumstances so very adverse, are compared with our large losses either in collecting or disbursing that revenue, their present safety seems to be as great as is consistent with the usual operations of the paper system, or with the credit which must always be entrusted by government, in some way or other, to agents, of some kind in keeping the public money. In considering their safety, it should be constantly recollected that the owners and managers of banks, when properly regulated by legislative provisions in their charters, are, like other individuals, interested to transact business securely; are desirous of making and not losing money; and that these circumstances, with the preference, in case of failure, belonging to depositors and holders of their bills over the stockholders, united with the security, if not priority, given to the government, render them, in point of safety, generally, much superior to individual agents of the United States."

If there be any fact, incontestably established in our history, and by the experience of all other governments, it is the superior safety of banks as depositories over any individual custody. The reason of it is obvious. The more complex organization of banks, the number of their officers acting as mutual checks on each other, the daily supervision to which they are subjected, their forms of doing business, all, furnish securities, which can never be had in case of the isolated possession of money by an individual, whatever responsibilities he may be bound by. And if a loss of the moneys committed to them should occur either by accident, fraud, or violence, the capital of the bank stands pledged for the security of the depositor. This is, after all, the only kind of security that can be relied on with confidence. If any gentleman will take the trouble to read the notes and remarks annexed to the various cases of default, presented in the document from the house of representatives to which I have referred, he will see how utterly worthless and illusory is the personal security on which we have heretofore relied. The instances in which any thing has been obtained from sureties, to make good the default of their principal, are like angel's visits—"few and far between." The general return is, "the securities insolvent," "conveyed away their property," "not found," "residence not known," or some other equally unavailable return.

In England and France, as well as here, this species of security has been found either nominal or mischievous; and in France it has for many years been wholly given up. The only kind of security that is recognized there, is like that which the banks give in the responsibility of their stock. Every person who receives an appointment, connected with the collection or disbursement of the revenue, is required, before he enters on the duties of his office, to deposit with the government, as security, an amount of money, proportioned to the probable amount of the public treasure that will pass through his hands. This money is held by the government as a guarantee for the faithful administration of the trust conferred, and forms, at the same time, a part of its financial resources on which it pays an interest of 4 per cent. till restored to the officer on his satisfactorily acquitting himself of his responsibilities, or till it be otherwise forfeited by his default. The moneys thus deposited with the government, by public officers, as guarantees for the faithful performance of their duties, are denominated *cautionnements*, and amount to a very large sum. I happen to have in my possession, the report made by the French minister of finance, count Chabrol, to the king, in March, 1830, from which it appears that the *cautionnements* on the first day of January of that year, amounted to the enormous sum of frs. 226,483,978 (two hundred and twenty-six millions, four hundred and eighty-three thousand, nine hundred and seventy-three francs,) at a time when the whole revenue of the kingdom did not exceed frs. 900,000,000 (nine hundred millions of francs.) Now, sir, if gentlemen mean to introduce here the system of individual depositories of the public moneys, let them be warned by the experience of the country from which they borrow that system that it can be made safe only by the precautionary device of *cautionnements*, the effect of which would be to give to the millionaires of our cities the monopoly of all fiscal employments.

But, sir, great as is the danger of heavy pecuniary losses to the government under this system, I regard even that as a trifle compared with the extensive demoralization it would produce in the country—by the temptation held out to speculation, to private cupidity, to political corruption, in the large

sums of public money lying idle in the hands of the public officers.

I have now, Mr. President, gone through my objections to this bill on account of what it contains. I object to it also, and not less earnestly, on account of what it does not contain. It contains no provision for the relief of the country. It "takes no thought" for the public. It looks only to the ease and comfort of the government. The most urgent want of the country, the highest interest of all, is a speedy restoration of specie payments by the banks. Now, too, is the critical and decisive moment. The banks have been, hitherto, diligently and steadily curtailing their discounts and circulation, with a view to that resumption, till they have brought their business within such safe limits, that they might now easily resume with a little encouragement. But if they are once again let loose from these salutary bounds,—if, despairing of a general resumption, and yielding to the strong temptations of irredeemable issues, they should again expand, all hope will be lost of recalling them to a specie standard, and the disastrous reign of an inconvertible paper currency will be indefinitely prolonged. Now, then, is the moment to join in this great work of effecting a restoration of specie payments. But does this bill do anything towards its accomplishment? On the contrary, it does every thing it can to retard and obstruct it. In the *run* it would create on the banks for specie, both by the demand it makes of it for the uses of the government, and by the general discredit which the high example of the government would stamp on bank paper, it throws new and insurmountable obstacles in the way of resumption.

But the honorable senator from New York says that, the resumption of specie payments by the banks is no concern of this government—that it is exclusively an affair of the states and of the banks themselves—and we, who urge the necessity of promoting by every proper and practicable means, the accomplishment of this great object, are reproached with using an argument, which, he tells us, belongs to the friends of a national bank. Now, sir, I beg leave to say to the honorable senator that both reason and experience prove, that the only effectual means of preventing a national bank is to bring about a resumption of specie payments by the state banks, and that nothing is more directly calculated to lead to the re-establishment of a bank of the United States, than the course of those who would do nothing towards effecting that resumption. Let the honorable senator look back to that most instructive period, rich in lessons for the present times—the former suspension of specie payments by the banks from 1814 to 1817—and he will see that it was the unwillingness or the inability of the state banks then to resume specie payments, which alone led to the establishment of a national bank. Let him read the official correspondence of Mr. Dallas—the numerous reports and communications of that able and patriotic man, worthy of him and of the country—and he will find throughout, an explicit recognition of, and unvarying testimony to, this great truth—that if the state banks could have been induced more promptly to resume specie payments at that time, there would have been no occasion for a national bank, and that that institution would not have existed. The true means of preventing its re-establishment now, is by the instrumentality of the state banks, under the lead and encouragement of the government, to restore to the country a sound, convertible currency.

This government can and ought to aid in this great work. Its vast revenue power, and its pervading action, co-extensive with the whole union, give it means and influences which the states do not possess. It holds, indeed, through that power, a lever of the greatest efficacy, for controlling the entire currency of the country. Through its collections and disbursements, it can hold out inducements of the most influential character to sway the course of the banks. In the mode of conducting its receipts and payments, it has in its power to set an example of the most persuasive influence towards the restoration of general confidence. In a disturbed state of the currency like the present, these are powers to be exercised in a spirit of liberality and benignity—not of menace, denunciation or vengeance. The occasion demands the language of encouragement and support—not of severity and sternness. Look at the communications of Mr. Dallas and Mr. Crawford with the banks during the former suspension of specie payments, and it will be seen in what spirit the influence of the government was then exerted, and effectually exerted, in the end, to accomplish a return to specie payments. The banks were not then *outlawed* by the official press—they were not then put under the ban of the government—they were not then pursued as *conspirators*, but were treated as institutions

having themselves a stake in the common weal, and with which the common interests of the whole country were identified. It will be edifying, for a moment, to look back to the manner in which the government then conducted its relations with the banks; and I must say that, if the exertions of the banks, generally, since the recent suspension of specie payments, to prepare themselves for a resumption by a steady and persevering curtailment of their business and profits, be compared with the course of the banks on the former occasion, in taking advantage of the suspension to enlarge their issues to a most extravagant extent, and in obstinately refusing to apply the valuable public stocks held by them to acquiring the ability to resume, the banks now are entitled, at least, to as much liberality and favor as were shown to them then.

By the joint resolution of April, 1816, which has been so often referred to, it was made the duty of the secretary of the treasury to take such measures as he should deem necessary to effect a collection of the revenue in gold and silver, treasury notes, or the notes of specie paying banks. In the discharge of this duty, Mr. Dallas very soon opened a correspondence with the state banks, to induce them to return to specie payments. In a circular which he addressed to them on the 22d of July, 1816, he used this language:

"From the state banks, a sincere and effectual exertion, in the common cause of restoring the legal currency, is certainly expected and required; but in return they will merit and receive the confidence of the treasury and of the national bank; the transfer of the public funds from the state banks to the national bank and its branches, will be gradual, and the notes of the state banks will be freely circulated by the treasury and the national bank."

In a preceding part of the same letter, he says—"The present opportunity is embraced to repeat the assurances which have been uniformly given and maintained, that this department feels the fiscal interests of the government, and the successful operations of the Bank of the United States, to be intimately connected with the credit and prosperity of the state banks."

Here we see the language of the government towards the banks was that of encouragement and confidence. They were assured, in advance, of the friendship, and even of the support, of the government, if they would faithfully co-operate in the common cause of restoring the legal currency.

The communications of Mr. Crawford, the able and distinguished successor of Mr. Dallas, were in the same spirit. You, Mr. President, and those who acted with you in those difficult times, will recollect that, although the joint resolution of April, 1816, indicated the 20th of February following, as the day for a general resumption of specie payments, the banks determined, in a convention held by them for the purpose of deliberating on the subject, not to resume till the 1st of July, 1817.—In order to induce them to change that determination, Mr. Crawford made a formal proposition to them that if they would resume on the 20th of February, the public money then in their vaults should not be transferred, at all, to the Bank of the United States, (constituted by its charter the general depository of the national funds) and that between that day and the 1st of July, no portion of the public money should be drawn from them for any purpose whatever, unless the necessities of the public service imperiously required it. I beg leave to read to the Senate the following extracts from his circular to the banks of 20th December, 1816 submitting that proposition:

"The means of the treasury to aid the operations of the banks in effecting a revolution in the state of the currency, so imperiously necessary to the public interest, are considered ample, and the strongest disposition exists to apply them, so as to produce the most beneficial results."

"In making the above proposition to the state banks, the strongest reliance is placed in their disposition to join in the effort necessary to relieve the community from the evils to which it has been subjected, by the disordered state of the circulation medium. It is confidently believed that the interests of the banks and of the community are not in opposition to each other, and that any sacrifice which the effort may cost them, will be compensated by the advantages and facilities which it is in the power of the treasury to afford them."

"The deep interest which the treasury has in the support of bank credit, and the connection it has with the Bank of the United States, would, independent of the known disposition of that institution to conciliate the state banks, be sufficient to protect them against an illiberal policy on its part."

In this communication, it will be perceived, that Mr. Crawford felt and avowed that the means

the treasury, to aid in the restoration of specie payments were ample. He freely proffered that aid to the state banks—he not only made them the most liberal propositions for their own advantage, but he gave them a specific pledge of protection and support against any illiberal policy on the part of the Bank of the United States. An appeal thus urged to both the interests and patriotism of the state banks, could not fail to be effectual. It accomplished its object. The banks changed their original determination, and did resume specie payments on the 20th of February, 1817.

Now, sir, can any one doubt that if the same spirit had actuated the treasury department in its relations with the banks recently: if, especially, when a majority of the banks, represented in the bank convention, assembled in New York, in November last, manifested a strong desire to fix an early day for the resumption of specie payments, and were prevented from doing so only by the influence of a powerful and overshadowing institution—if, I say, sir, the treasury department had shown, on that occasion, the same dispositions which animated Mr. Crawford, in 1816, and had come forward and given assurances of support to that portion of the banks, who were anxious to return to specie payments, against the "illiberal policy" of the Bank of the United States, can there be a doubt that at this moment, we should be in sight of a fixed period for the termination of the present calamitous and disordered state of the currency. But, unfortunately, the policy has been to stand entirely aloof from the banks, after having contributed, it is admitted on all hands, by the measures of the government, in some one or other of its branches, to the embarrassments by which they were overthrown. No aid, no encouragement has been given—not even a voice of cheering has been uttered amid the general distress. On the contrary, odium and prejudice have been extensively invoked through the press, at least, to render more complete that want of confidence, which is the sole obstacle to the re-establishment of both the credit and ability of the banks. And now, in the sequel, comes this fatal sub-treasury bill to deal them the last blow in their prostrate condition. The great interests of the country, connected with the restoration of the credit of the banks, and of the currency which they supply, have been overlooked or unappreciated; and the whole object seems to have been to devise some plan by which the government could, in future, get along in the smoothest way—by which it could be relieved from those responsibilities, and protected from that "shower of imputations" in the discharge of its duties which the honorable senator from New York, (Mr. Wright,) so pathetically deprecates.

What, then, I would ask, are governments instituted for, if it is not to meet difficulties in the public cause—to meet and overcome them—to encounter responsibilities—to endure a shower of imputations, yea, "the pelling of the pitiless storm," if duty to the country demand it. And an able man and a patriot need not repine at these trials of his virtue and talents. The ultimate gratitude of his country will ever be in proportion to the temporary injustice he may sustain by the bitterness of enemies or the persecutions of faction. How enviable, at this moment, the fame of Mr. Crawford, than whom no man, in his day, encountered more responsibilities by the bold and fearless manner in which he met the duties of his station, or sustained more unfounded imputations. But truth has triumphed over prejudice and error, and he now lives, and will forever live, in the grateful memory of his country. This desire to avoid difficulties and their attendant responsibilities, founded, as I think I have shown it to be, in mistake as to the true interests of public men, is the source of still greater calamities to the country. It is the natural parent, strange as it may seem at first sight, of all schemes of *strong government*; and is not unsuitably avowed by the honorable senator from New York, as a consideration in favor of a measure, the effect of which, in my humble judgment, would be to render this republican government of ours one of the *strongest* on the face of the earth. On this subject, sir, I beg leave to read to the senate the remarks of the profoundest observer, perhaps, of human affairs, that ever lived. They are full of instruction, and cannot be too well weighed by public men. In speaking of the national assembly of France, Burke makes use of these words:

"Their purpose every where seems to have been to evade and slip aside from difficulty. This it has been the glory of the great masters, in all the arts, to confront and overcome; and when they had overcome the first difficulty, to turn it into an instrument for new conquests over new difficulties." "This amicable conflict with difficulty obliges us to an intimate acquaintance with our object, and compels

us to consider it in all its relations. It will not suffer us to be superficial. It is the want of nerves for such a task; it is the fondness for short cuts and fallacious facilities, that has, in so many parts of the world, created governments with arbitrary powers." "It is this unwillingness to wrestle with difficulty which has obliged the national assembly of France to commence their schemes of reform with abolition and total destruction."

The disposition to evade difficulty, the policy of short cuts, we are told by this great master of political wisdom, has, in every part of the world, "created governments with arbitrary powers," and was what in France led the national assembly "to commence their schemes of reform with abolition and total destruction." Now, sir, if this had been specially written for our warning, and with express reference to the question before us, it could not have been more apposite or more instructive.—Every summary invention, in a free country, suggested by the ease of government, however intended, will be found, at last, to carry with it the deepest dangers to the liberties and happiness of the people. The honorable senator from New York, too, should remember that it was to him who should untie, and not to him who should cut the Gordian knot, that the ancient oracle promised the glories of empire. The first is the achievement of skill and industry, and its fruits are peace, liberty and happiness. The second is the achievement of power, and its result is the establishment of power. Let the honorable senator from New York untie the knot, by leading the banks to a resumption of specie payments, (as I am sure, by proper means, he could easily do,) and not cut it by the sub-treasury scheme, and I will be among the first to award him the civic wreath. With Mr. Jefferson, in his memorable letter to Mr. Madison, while the federal constitution was under consideration, I say, "I am no friend to strong government. It is always oppressive. It puts the governors at their ease, but at the expense of the people." Here lies the fatal objection to the sub-treasury scheme. It puts the "governors at their ease," but is dangerous and "oppressive," to the people.

What system of policy, then, it will be asked, would I pursue? The same great authority, whose words I have already quoted, says, "a good patriot and a true politician will always consider how to make the most of the existing materials of his country." This is the foundation principle on which I would build. Experience has shown, in the language used by the present secretary of the treasury, in 1834, that banks are the most "responsible, safe, convenient and economical" fiscal agents for the government. The state banks are institutions now existing. I would "make the most" of them for the public service. There is no national banking institution in existence; and the condition of the country, already surcharged with banks, the state of public opinion, the known sentiments and pledges of those charged with the public administration, all conspire to render it very unlikely that there will be any such institution at least for years to come. I say farther—in my humble opinion, there ought to be no such institution; first, because there is no constitutional authority to create it, and secondly, because its political dangers, in any form in which it has heretofore existed, have been found to more than counterbalance its supposed advantages in other respects. Then, as to the sub-treasury scheme, it is a novelty utterly unknown to our laws and usages, which could not be brought into existence without violating all the habitudes of our people, deranging the operations of business, and hazarding the most cherished principles of our political institutions. What, then, ought to be done? Recur to the "existing materials of the country," the state banks,—"make the most" of them for the convenience of the government; as well as for the general good—reform their abuses, correct their defects and adopt every precaution which may be necessary to ensure their fidelity and efficiency.

These institutions, it is true, have recently, in common with every other interest in the country and with the whole commercial world, been subjected to serious embarrassments. All agree, however, though differing as to the particular causes which produced them, that those embarrassments have been the result of very peculiar and extraordinary circumstances. The banks, too, which were employed as the depositories and fiscal agents of the government, have, for the most part, amid circumstances of the greatest difficulty, actually discharged all their engagements to the government, enormously heavy, as they were, in consequence of the large surplus revenue; or the few who have not yet done so, have satisfactorily secured the comparatively small balances due from them, to be paid at short periods, according to an indulgence voluntarily granted to them by Congress. The

past, therefore, candidly considered, furnishes no ground against the renewed employment of the state banks as fiscal agents of the government. Experience may have, and doubtless, has, disclosed defects and errors in the particular plan upon which they have been heretofore employed. Correct, then, those errors—supply those defects—but do not reject their employment altogether. This, sir, is the general principle on which I have bottomed the proposition I have submitted as a substitute for the bill reported by the honorable senator from New York, and I will now proceed to explain, in detail, those provisions of the substitute which distinguish it from the state bank deposit system as heretofore organized.

It is now generally acknowledged that one of the principal circumstances which contributed to embarrass the operations of the late deposit system, was the large number of banks employed as depositories,—amounting, in the end, I believe, to near ninety. This increase of number, in part, was rendered necessary by that provision in the act of June, 1836, which required that, where the amount of public deposits, in any bank, exceeds three-fourths of its capital actually paid in, the surplus should be transferred to some other bank. In the execution of the act, however, (from considerations which I am not able to explain,) there was a still farther increase in the number of depositories, no called for by the requirements of this provision.—It is obvious how the whole play of the machinery must have been weakened and obstructed by this needless complexity of its parts. I am satisfied that twenty banks, judiciously selected and properly located, would be competent to do the whole business of the treasury department, with much less danger of embarrassment to the banks, and a far more easy and effectual supervision on the part of the secretary. The substitute, therefore, provides that the number of banks to be employed as public depositories, shall, in no case, exceed twenty-five, to be chosen from among the most solid and respectable banks in the respective states, and their location, as well as number, to be determined solely with reference to the wants and convenience of the treasury in conducting its fiscal operations.

The substitute also proposes an important change in the mode of selecting the deposit banks. Heretofore they were chosen by the secretary of the treasury, at his will and pleasure alone. This sole agency of the executive will, in designating the depositories of the public money, exposed the late system to a suspicion of favoritism and a want of confidence in general, which greatly impaired its moral force, and admitted a possibility of abuses, which, it is certainly proper, should be guarded against. It was this which caused it to be characterized as the *pet-bank system*. I propose to divest it of this character by subjecting the selection of the secretary of the treasury, in every case, to the supervision and control of congress. If the selection be made during the session of congress, it is to be immediately submitted for the approval of the two houses—if, during the recess, it is to be laid before them at the commencement of the next session, to be in like manner confirmed or annulled by them. The effect of this provision will be to bring every thing, relating to the public moneys, under the direct and efficient control of the representatives of the people and the states, and in so delicate and important a matter, to leave as little as possible to executive discretion.

Another leading provision in the substitute is one which requires the deposit banks to have weekly settlements with the banks, in their vicinity, with which they have business transactions, and to call for balances in specie, whenever and to whatever extent it may be necessary to check over-issues and to preserve the soundness of the currency. In the adoption of this practice by the late Bank of the United States, consisted its boasted power and influence as a regulator of the currency. There is no reason why the same salutary control should not be exercised by the deposit banks, and with even greater effect, inasmuch as their aggregate capital and presumed amount of transactions with other banks, would, no doubt, exceed those of the late national bank. It will be perceived from the terms of this provision in the substitute, that it is not contemplated to enjoin on the deposit banks a fixed and inexorable requisition of balances from the other banks in specie, under all circumstances whatever; for considering the large balances that would be habitually accumulated by them against the other banks in the process of collecting the public revenue, such a requisition would be destructive in many cases, to institutions of unquestionable soundness. It is contemplated, therefore, that this power should be exercised under proper safe-guards, and only to the extent that may be ne-

cessary to restrain imprudences or excesses, endangering the general currency. It was to this extent only, as I have shown in a previous part of these remarks, that the power was exercised by the late Bank of the United States.

The substitute likewise makes it the duty of the secretary of the treasury to use his influence to bring about an arrangement, (as no doubt is entertained he could do,) among the several deposit banks to receive and credit as cash the notes of each other in payment of the public revenue, *wherever* so tendered. The effect of this arrangement would be to put the notes of the deposit banks *practically* on the same footing as the branch notes of the late Bank of the United States—everywhere receivable in payment of public dues, and enjoying, consequently, a general credit and circulation throughout the nation. It would give to the country, to a great extent, the advantages of a uniform paper currency, as the preceding provision would secure to it a sound one; and the two together, in supplying, *practically*, the benefits promised by a national bank, would supersede the strongest arguments now urged in favor of such an institution.

In regard to the kinds of money, in which the public revenue is to be collected, the substitute adopts, with slight modifications, the provision of the currency bill of the last session of congress.—It declares that the public dues, of every description, for lands as well as customs, shall be received in gold or silver, or treasury notes, or such notes of specie-paying banks, (under certain restrictions intended to promote the suppression of small notes,) as the deposit banks, subject to the supervision and control of the secretary of the treasury, shall agree to credit to the United States as cash. It will be perceived that in the proposition now submitted, I have postponed for one year the exclusion of the notes of banks which issue bills or notes under five dollars. It is known that many of the states authorize notes under that denomination; and some, who have heretofore prohibited them, will, it is supposed, authorize the issuing of them under existing circumstances, and for a limited period. It is evident that the use of this description of notes, in supplying the place of, and consequently diminishing the demand for, specie in small dealings, would tend materially to facilitate the resumption of specie payments by the banks. This consideration has induced me, under the peculiar circumstances of the times, to adjourn for one year the period for excluding the notes of banks issuing bills or notes under five dollars; and the same consideration has prevailed with me, for the present, to limit the farther exclusion of bank notes to the issues of such banks as shall, after the expiration of two years, continue to issue bills or notes under ten dollars. In doing this, under the exigencies of the times, I wish to be understood as not abandoning my original opinion, (which remain unchanged,) in favor of extending the prohibition of small notes ultimately to all under the denomination of twenty dollars.

Finally, the substitute, in furtherance of the great policy of fixing a period to the present disastrous reign of irredeemable paper, provides that after the last day of July next, the notes of no bank which shall not then have bona fide resumed specie payments, shall, at any time thereafter, be received in payment of the public dues. This, in connection with the liberal provisions made by the substitute, in other respects, for re-establishing the credit of convertible bank paper, will, I am persuaded, bring about a general resumption of specie payments at the time designated. The mere fixation of a day by congress will exercise a powerful moral influence; and not the less so, as the day fixed corresponds with that indicated by a majority of the banks in the bank convention held in New York in November last.

These, Mr. President, are the leading provisions of the measure I have submitted, which distinguish it from the system heretofore adopted for the employment of state banks as depositories of the public money. In many respects, they make of it a new system, obviating some of the strongest objections which have been hitherto urged against it, providing new guards against abuses and containing new provisions for extending its usefulness and efficiency. Under an able and not unfriendly direction, I feel every confidence that it would meet both the wants of the government and the wishes of the country.

I shall, doubtless, be asked what arrangement I propose in regard to the banks discounting on the public deposits. There is no absolute interdiction of their doing so, in the measure I propose, (for to this, I think, I shall be able to show there are insuperable obstacles,) but it carefully withdraws the stimulus to the use of that power which has heretofore been applied, and it moreover furnishes a

positive security, of an important character, against the excessive use of it. It will be recollected by the senate that the law of June, 1836, which organized the late deposit system, (besides requiring of the banks very important and onerous services,) required them to pay an interest of two per cent. on all the public deposits in their possession exceeding one-fourth of their capital actually paid in. Now, this not merely authorized, but compelled the banks to discount on the public moneys, whether they willed it or not, in order to enable them to pay the interest charged. It was a stimulus administered by the government to the use of the power. This stimulus, this compulsion rather, I propose to withdraw by repealing that clause of the law of 1836, which charged the banks interest on the public moneys; for the important services to be rendered by them as fiscal agents of the government, are the fair and proper equivalent of any legitimate advantage to be incidentally derived by them from the custody of the public moneys.

In the limitation of the number of deposit banks to twenty-five, as proposed by the measure I have had the honor to submit, there is an important security against the public deposits being made the basis of bank discounts, to any great extent. It must not be forgotten that the charters of all the state banks fix a general limit beyond which they are not permitted to extend their discounts. That limit is, I believe, ordinarily twice, or twice and a half, the amount of their capitals paid in. As the public depositee, under the measure I propose, would be confined to twenty-five banks, it is evident that they could not be used, to any great extent, (relatively to their amount,) by those banks to enlarge their discounts, before they would encounter an impassable barrier in the limit of their charters. This, it is well known, occurred in several cases, (particularly in New York,) under the operation of the late system, notwithstanding the greater number of banks then employed as depositories; and in those cases, authority was given to the banks which had thus exhausted their chartered power of discounting on the public deposits, to turn over the surplus, on which they could no longer discount under the limitations of their charters, to other banks, that they might discount upon them. To any arrangements of this sort for multiplying bank discounts on the public deposits, the measure I have submitted would oppose an insuperable obstacle, as it inflexibly fixes, under all circumstances whatever, the number of banks to be employed as depositories of the public moneys; and in fixing that number at twenty-five, the salutary charter limitation upon the power of discounting, would, as I have just shown, soon be brought into action to prevent excess by them.

I think, therefore, Mr. President, that under the provisions of the substitute I have proposed for the consideration of the senate, there would be no danger of any unreasonable extension of discounts on the public deposits. I know, however, there are gentlemen of great intelligence and patriotism, who are for an absolute prohibition of the banks discounting, to any extent, however moderate, on the public deposits, and who favor, as the means of carrying out that prohibition, a system of special deposits. The high respect I entertain for the opinions of those gentlemen has induced me to consider their suggestion, with more than ordinary anxiety to come to the same conclusions; but after thorough examination and reflection, according to the best lights of my understanding, I am satisfied that no system of special deposits, however specious in theory, could be worked out in practice, without involving consequences which they themselves, (or at least, a large majority of them,) would promptly repudiate. In the first place, it is demonstrable, I humbly conceive, that any system of special deposits, to be practically and efficient, must lead to a collection of the revenue, *directly* or *indirectly*, in specie; and this they oppose as earnestly as I do. The government must always hold itself ready to pay its creditors in the *lawful currency* of the country, if demanded. This the banks are bound to do, on behalf of the government, under the general deposit system. But if you adopt the special deposit system and collect the revenue, at the same time, in bank notes, the banks would be bound to pay out to the public creditor only the identical notes deposited with them; for this is the fundamental and immutable idea of a special deposit. How, then, would such a system work? The public creditor would present his warrant to a *deposit* bank—the bank would offer him, in payment, first this note and then that, which had been *special* deposited with it; but none of these notes suiting the convenience of the creditor, and the bank being bound to pay no other, the public claimant would go unpaid, and the engagements of

the government be dishonored. To avoid the danger of such a result, the government, if it adopted a system of special deposits, would be driven, of necessity, to a collection of the revenue in gold and silver; or, otherwise receiving the notes of specie-paying banks *pro forma*, collect the specie for them from the banks by which they were issued, and place that specie on special deposit. But where would be the difference, in the practical effects on the banks and the business and interests of the community connected with them, between collecting the revenue, in the first instance, in gold and silver, and collecting it in the notes of specie-paying banks, to be converted into gold and silver by demand upon the banks? The honorable senator from New York (Mr. Wright) expressed the opinion, that the latter mode of operation would be the harshest; and when it is considered that this periodical conversion of bank notes would be in large masses, and attended, consequently, with periodical and distressing contractions of the currency, I cannot but agree with him. At all events, there are but these two modes of working out a special deposit system in practice, and neither the one nor other, it seems to me, can be made acceptable to those who oppose the sub-treasury scheme, on account of its tendency to create two currencies in the country—gold and silver for the government—paper for the people.

There are subsidiary objections to this special deposit system, which, although not of so much weight as that which I have just stated, cannot be overlooked in a just and comprehensive estimate of it. If you adopt it, you renounce, at once, all means of engaging the interests and enlisting the co-operation of the banks to carry out any of those reforms in the paper currency, which have heretofore been so favorite an object of the policy of the country. You must also pay them, and pay them, too, no inconsiderable sum for their services to the government, and thus abandon one of the strong grounds (that of economy,) on which bank agency has heretofore been preferred to individual agency, in conducting the operations of the treasury.

But, to take up the subject in a more enlarged view, is there any valid reason why banks should not be permitted to discount, to a moderate extent, on average balances of public money in their possession, as well as on individual deposits? Wherever banks exist, to receive deposits, public or private, is a regular branch of their business? and to discount upon the average balances of those deposits, which experience shows are not likely to be drawn out by the depositors, in as legitimate and acknowledged an operation of banking as to discount upon their capitals. Is it not for the interest of all that this should be done—that no portion of the national capital should be annihilated by being locked up from use, but that the whole should be made tributary, in some way or other, to the invigoration and support of the national industry? No just distinction can be shown, in this respect, between public and private deposits. Accordingly, in all countries where banks exist, and where the public moneys are deposited in those institutions, deposits of that kind have been invariably recognized, within proper limits, as a perfectly legitimate source of discounts and accommodation to the community. It is admitted that it has been uniformly the case in this country, in regard to the public funds both of the general government and of the states, from the adoption of the constitution down to the present day. What new light, then, has broken in upon us, that we are, all at once, grown so much wiser than our fathers? In England, the practice is, and has been invariably the same; and here I take upon me to confront a statement which I have repeatedly seen made to the contrary—to wit, that the balances of the public moneys in the hands of the Bank of England were not discounted upon, but were regularly and habitually applied to the purchase of exchequer bills, on behalf of the government. The fact is otherwise—the Bank of England has the use of these balances, for banking purposes; and this use of them is so well understood and avowed that in some instances where the balances have risen to a very great amount (as, for a series of years after 1806, they did to between £11,000,000 and £12,000,000, equal to near \$60,000,000 of our money,) the bank has been required to pay a special compensation to the government for that use. But the ordinary balances of public money in the Bank of England range from 4,000,000 to 5,000,000 pounds sterling—about twenty millions of dollars of our money—the use of which is permitted to the bank without any compensation. In like manner, the balances of public money in France, which are occasionally transferred to the Bank of France, are permitted to be used as a source of extended discounts, and I am informed by an enlightened correspondent in that country

were actually so used to the great relief of industry and trade, during the late commercial crisis.

Shall a less beneficent use be made of the public moneys, not called for by the necessities of the government, in this republic of ours, than in the monarchies of Europe? Shall we alone, of all the great family of modern civilized communities, revert to the barbarous practice of *hoarding* (and that, too, in *specie*) the occasional surpluses, which, from the nature of our revenue system, can neither be foreseen nor guarded against? A most able and eloquent friend in the other house (Mr. Legare) has justly characterised the process of taxation as a species of *confiscation*. It is so, sir. Is it not incumbent upon us, then, when by so harsh a process, we have undesignedly levied upon the people more than is necessary for the wants of the government, to mitigate the exaction as much as possible by restoring the overplus to their use through the channels of business and commerce. Why should the government play the dog in the manger, neither using its idle hoards itself, nor permitting any body else to use them. Efforts have been made to render the practice of discounting upon the public deposits odious, by representing it as a thing for the benefit of the banks alone. But is it so? Does not every class of the community experience the benefit, and none more so than the great agricultural class, the price of whose products depends mainly on the facilities of sound credit, and the abundance of active capital diffused among the merchants—the more immediate customers of the banks?

It has been sometimes said, also, that the practice of discounting on the public deposits adds to the fluctuations of the currency. But the reverse is demonstrably true. When a large amount of revenue is collected by the government, and is neither disbursed in the public service, nor returned to the community through the medium of discounts, a sudden and distressing contraction of the currency necessarily ensues. If, however, that portion of the public money, not required for the public service, is permitted to be used in the way of discounts for short periods, by the banks, the circulation, through the double process of government disbursements and bank issues, is maintained at an uniform level, without sensible contraction or expansion. The banks being enabled to foresee at what period the funds issued by them will be required for occasions of public expenditure, call them in as they are wanted for disbursement—what is drawn in by the hand of the banks, is immediately let out by the hand of the government—and thus the current of circulation is kept steady and full.

These truths have, until lately, been universally felt and acknowledged; and by none more emphatically, or with greater weight of authority than the distinguished individual "in whose footsteps" the present administration was expected to tread. It is, doubtless, recollected by the senate, that, on the occasion of the removal of the deposits from the Bank of the United States, president Jackson, in the able and memorable paper which he presented to his cabinet, stated that the funds thus removed were not to be "*annihilated*"—that they "*would be again issued for the benefit of trade*" by the institutions to which they were transferred. This was, then, considered a trait of liberal, beneficent, and statesmanlike policy, on which the chief magistrate and his act were triumphantly sustained and vindicated by his friends before the people. The same distinguished individual, in his very last message to congress, declared "it was contrary to the genius of our free institutions to lock up in vaults the treasure of the nation." Now, the highest ambition of statesmanship seems to be to contrive these selfsame "*vaults*," in which the funds of the nation are to be sent to their "long repose," as "*dead men's bones*;" for once there, all that remain, beyond the wants of the government, are to be buried, annihilated, destroyed, to every purpose of useful existence. What has produced these sudden and singular revolutions of policy and doctrine? Is it because an extraordinary and accidental state of things, the result of peculiar and anomalous causes, has involved the banks, individuals, and the government, in temporary embarrassment? Then I say nothing is more unsafe than for statesmen to found general and permanent rules of policy on isolated and exceptional cases. We must look to the habitual and ordinary course of human affairs, collect from them the average results of experience and observation, and guide our action by those results. Because the Commonwealth's Bank of Massachusetts has failed, because it suits the purpose even of grave senators to use it daily as a stalking-horse on this floor, are we to be "frighted from our propriety," and, therefore, distrust and denounce the whole banking system of the country? Are we to take advantage of temporary and factitious excitements, to get up and foster a popular prejudice against

banks as a fund for political speculation, at the expense of all the "sober realities of life" and the practical, pervading, home-bred, interests of the country.

As I said, on a former occasion, Mr. President, I stand here as no advocate of the banks. I have not the slightest interest in, nor connection with, them, direct or indirect, present or prospective. I am as sensible as any man of the dangers and abuses to which they are liable, and I will go, hand in hand, with any man in devising securities against the one, and applying correctives to the other. But as a practical legislator and patriot, I am bound to look to the actual interests of society; and in that view, I cannot fail to see that any violent shock given to the established system of business and credit in the country must produce a wide-spread scene of confusion and distress, involving, in its destructive visitation, every class of the community.

In offering the measure I have submitted to the senate, I have discharged what I consider to be my duty to the country. That country is now in a state of suffering and distress, aggravated by deep anxieties and apprehensions in regard to the future. The measure I propose would, I firmly believe, give relief for the present and hope for the future. It could not fail to restore confidence, and in doing that, to revive the languishing energies of trade, to quicken the labors and the hopes of the husbandman, the manufacturer, and the mechanic, to raise enterprise again upon its feet, and above all, to put an end to that unnatural and suicidal war, which, for the last eighteen months, has grown up between the government of the country; and its business and industry. In presenting such a measure, I cannot but regret that I shall be deprived of the support of many members of this body with whom I have lately stood, side by side, in upholding and defending the principles on which it rests. My consolation, however, is that *I stand now where I stood then*. On the other hand, the measure they bring forward and patronize is one which, three years ago, we all united in opposing, and which was then denounced, in the name of the administration and its friends, as a "dangerous enlargement of executive power, and putting into its hands the means of corruption." This measure cannot have changed its character by mere efflux of time; and thinking of it now as I thought of it then, *I still oppose it*.

In taking this course, I know full well, Mr. President, I am to incur the anathemas of party. But I can never forget that I have a country to serve, as well as a party to obey. "Thine Rome demands our help;" and for one she shall have mine, according to the humble measure of my abilities and the best lights of my understanding. The zealots of both parties may denounce and condemn me, as they have heretofore denounced and condemned me; but sustained by the consciousness of upright intentions and a faithful devotion to the interests of my country, I shall hold my course unflinching; and even with the terror before my eyes of sinking into that small minority of which the honorable senator from New York, (Mr. Wright,) so charitably warned us, I shall yet, animated by sense of duty, "find in my soul one drop of patience."

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

March 9. After several petitions had been presented and referred and a number of reports made, The senate held a short executive session.

The resolution offered by Mr. Wright, calling for information with a view to equalize the compensation of clerks in the departments, was taken up, and agreed to.

The bill making appropriations for the revolutionary and other pensioners for the year 1838 was considered, ordered to be engrossed, and by consent, read a third time, and passed.

On motion of Mr. Tipton, the committee on the public lands were instructed to allow the state of Indiana to re-locate certain lands for the purposes of internal improvement.

The bill supplementary to the act to amend the judiciary system of the United States was taken up, farther considered, and again laid on the table.

On motion of Mr. White, the senate reconsidered the vote adopting the resolution offered by Mr. Niles, calling for information relative to the conduct of the Metropolis bank of this district as a fiscal agent.

On motion of Mr. Tallmadge, this resolution was modified so as to make the enquiries still more particular and complete, and it was then readopted.

Mr. Rives presented the proceedings of a meeting in Virginia relative to the late duel. Laid on the table, and ordered to be printed.

The senate resumed the consideration of the sub-treasury bill.

Mr. Bayard concluded his remarks in opposition to the bill.

Mr. Morris spoke on the subject generally, being opposed to the bill in its present form, but in favor of it with certain modifications.

On motion of Mr. Calhoun, who expressed his desire to speak to-morrow,

The senate adjourned.

March 10. The following petitions, &c. were presented, and referred.

By Mr. McKean: A memorial from the commissioners of the Girard estate on behalf of the city of Philadelphia, setting forth "that the city of Philadelphia, under the will of the late Stephen Girard, is the owner of a large tract of land in the state of Louisiana, held under a Spanish grant," and praying congress to pass an act authorizing the ascertainment of the validity of the title as against the United States, by proceeding in such court as congress may select. Referred to the judiciary committee.

By Mr. Buchanan: From a citizen of Philadelphia, on the subject of the currency, proposing a plan for a national bank, the stock to be owned by the different States, in the proportion of their delegation in the house of representatives; the drafts to be endorsed by the respective states, and become the currency of the country; the capital at first to be \$70,000,000, afterwards to be increased to \$150,000,000, and then to increase at the rate of two per cent. per annum. Mr. B. said the plan was ingenious, though he was not convinced of its expediency. Ordered to be printed.

A number of private bills were ordered to be engrossed for a third reading.

Mr. Davis, on leave, introduced a bill authorizing the purchase, by the United States, of a piece of land within the limits of the navy yard, at Charlestown, Massachusetts. Read twice and referred.

The senate resumed the consideration of the sub-treasury bill.

Mr. Calhoun rose and spoke nearly two hours in reply to the speech of Mr. Clay, delivered on the 19th ult.—chiefly in defence of his own political course and consistency, and incidentally on the character and merits of the questions on which he had been called upon to act during his public career.

Mr. Clay rejoined at considerable length in support of the positions taken, and the opinions expressed by him in the speech referred to, in regard to Mr. Calhoun's political course.

Mr. Preston made some remarks, in reply to Mr. Clay, on the subject of nullification, and in defence of the course of South Carolina in that regard.

Mr. Clay and Mr. Calhoun continued the debate in alternate reply and rejoinder until half past 5 o'clock; when, on motion of Mr. Webster,

The senate adjourned.

March 12. A message was received from the president of the United States, through Mr. A. Van Buren, his private secretary.

After several petitions, &c. had been presented,

Mr. Crittenden rose, he said, to present to the senate certain resolutions of the legislature of Kentucky, condemnatory of the course of the late and present administrations in relation to the currency, and especially of the sub-treasury bill, and he would accompany the performance of this duty, with a few remarks.

These resolutions, said Mr. C. express the opinions of the state of Kentucky on the course of measures pursued for several years past by the general government, on the present derangement of the currency and distresses of the country, and they take particular notice of the great measure now before congress and the public, called the sub-treasury system, and against this they express their decided opposition, and the decided and earnest desire of that state to prevent its passage. I have been indulged by the senate with an opportunity on a former occasion to express my sentiments on this subject, and I shall not now repeat them; but on this occasion it becomes me to express, what I do with the utmost cordiality, my entire sympathy and accordance with the sentiments here expressed, one and all, of the state which I in part represent, and with them I would prevent the passage of this measure as one not only injurious and dangerous to the institutions of the country, but deeply dangerous to the spirit of liberty.

Mr. President, if we look at the intrinsic merit or demerit of this measure, it resolves itself into elements of high and momentous import. But if the intrinsic propriety of it is questionable in itself, I beg leave to call the attention of the senate to a principle involved in carrying forward this measure; and it is the principle of that sort of deference which we owe to the public will, and which

lies at the foundation of all our institutions. By this I do not mean every accidental flash and flourish of the public mind, but I mean its deliberate judgment and opinion, brought to bear on the conduct and opinions of the public servants; and I beg the senate to give their attention to this state of the case; and I ask every fair and candid man, have not the people signified that the law and constitution of the country are invaded? The subject of this measure has long engaged the public discussion, feeling, and judgment, and has long excluded from the public contemplation almost every thing else, as unworthy of their regard. What has been the result of this inquiry, and what the verdict of this great nation on this great question? Was there ever a decision more decided on any question in the history of this government? And in this estimate I do not take into the account the expressed opinions of private assemblies, the private remonstrances against this measure presented to this body, not even the voluminous protest against it from nearly 9,000 legal voters of New York city; but I speak of the solemn acts of the legislative assemblies of whole states; and I ask those who profess a deference for the public will, how they can neglect this loud, solemn, and imperative voice of remonstrance?

What are the states that have felt it their duty, by the emergency of this great question, to pronounce the decision of their respective people against this measure? Here, first in wealth, resources, and population, comes the great state of New York; she is against it. Pennsylvania, slow, majestic, and considerate, in announcing her opinions, is also advancing to the rescue or the country from this measure. And here is little Rhode Island, with all her business, talents, and sagacity. New Jersey, Ohio, and Tennessee, have also come forward; and now I see in this bright array the state of Kentucky. Are all these to be neglected? Are they entitled to no deference in this strong expression of their opinions, even when they speak in the national councils? How stands the case in the other house? There 121 representatives have been instructed by their respective legislatures to vote against this measure, composing nearly one-half of the whole house. And let me call your attention to those states that have not sent such instructions, but which, from their known sentiments, undoubtedly concur in those instructions. Here is Maryland, in our immediate neighborhood; and what are her sentiments? They are against the measure, and every one knows it; and if they have not been expressed, it is simply because she supposes that all the world knows them already. She is on the side of the protestants. And Indiana, let her two senators speak for her; one of whom is a friend of the administration and is yet against this measure. She, too, is among the protestants. Old Massachusetts, she also is here, and speaks in a voice that needs no aid of mine. Vermont is in the same ranks, and little Delaware, not least in talent and intelligence. Add these to the states that have actually protested against this measure, and it makes 154 representatives in the other house, being a majority of 66 in the whole.

Here, sir, is no argument. These are facts worth a thousand arguments. And supposing this measure were intrinsically ever so wise, can it be right to force it on an unwilling people? Are we to do the people good against their will? It is the tyrant's example. All usurpations of power have ever been made and exercised under the pretence of doing good against the common will and the common judgment. But it is a sentiment utterly abhorrent to the genius of this government.

And, now, what have you to oppose to this mass of evidence, that this measure is contrary to the will and judgment of the people? Where are the states that are in favor of it? On that side is a powerful administration, with a long career of power before it; and this administration is staked on this measure as the very point on which its existence is turned. To be or not to be, is the question which it has involved in the success or failure of this measure. It has exerted its power and influence to bring over the country; and after all what states are in favor of it? It has been said that kings seldom won in vain; and this may be said of our presidents.

This occasion called forth the exercise of courting and wooing, and yet what has been the result? South Carolina is the only state that has come forward to express her opinion in favor of the measure. Attempts have been made in other states, but nowhere else have resolutions of approbation been carried. Here and there an officeholder takes his cap in his hand and huzzas for the sub-treasury; but is this any evidence of the public will and judgment in its favor?

We have all this evidence, not from excited pub-

lic meetings, but from legislative bodies, speaking in deliberate and solemn council. And yet you are going on recklessly to force this measure upon the country. Sir, you have no right so to force it; the nation claims the right of judgment, and unless we have the right to act against the known will of the people, we have no right to force even a good measure upon them.

Do you indulge the idle hope that the people will acquiesce in this measure matured and carried into effect, to which in its incipency they manifest so great aversion? No, sir, no, sir. If the hills and valleys of the country are already reverberating with the voice of remonstrance and opposition, pass this bill, and it is no longer a question of relief and expediency, but a question of liberty. This measure will be regarded as an insult added to the ruin of their business, the derangement of the currency, and the infliction of great and general distress; and, under such an insult, they will never be silent.

Sir, you already know my judgment and opinion of this measure as injurious and dangerous to the public prosperity and the public liberty. But, as passed also in opposition to the public will, it rises far higher in its malignant aspect, and involves a principle deep and momentous, on which the government itself is founded. You are disregarding thus the public voice, strong and decided, though the influence and patronage of the government are operating every where against it, being able to obtain but the voice of one state in its favor, while there is a majority of 66 against it in the representation of the other house.

The resolutions were read, laid on the table, and ordered to be printed.

On motion of Mr. Lyon, a call was made on the secretary of the treasury for information as to present circumstances, and the course proper to be pursued in relation to public lands in the south of Wisconsin and the north of Illinois.

A number of bills were reported, and ordered to a second reading.

Mr. King reported from committee, without amendment, the bill authorizing tonnage duty on vessels entering Baltimore harbor through the ice; which was considered, and ordered to be engrossed for a third reading.

The following bills were read a third time, and passed:

For the relief of B. H. Maher, of Jas. Baker, of R. Peebles and J. Graham, of Isaac Bronson, of the heirs of Wm. Jones, of the heirs of T. Carter, of I. Shubrick, for establishing an additional land district in Alabama, for the relief of the legal representatives of John Brooks, for the relief of Walter Loomis and Abel Gale.

Sub-Treasury Scheme.

The senate resumed the consideration of the sub-treasury bill.

Mr. Webster spoke at large in opposition to this measure, as a novelty in legislation and in practice; in vindication of the credit system, as the great source of equal and individual wealth and general prosperity; on the advantage and necessity of a sound currency; and the constitutional duty of the government to furnish and regulate such a currency; on the tendency and necessary effects of the pending measure, and added much to his former argument, affirming the power of congress to regulate the currency, especially as connected with their power over commerce and the intercourse between the states. Mr. W. had spoken four hours, without completing his argument—the greatest, it is believed, he has ever, on any occasion, delivered—when he yielded the floor for a motion for adjournment, and the senate adjourned.

March 13. After a number of petitions had been presented and referred, and several bills had been ordered to a second reading, the following, among other bills, was introduced on leave.

By Mr. Trotter: Supplementary to the various acts relating to the appointment of commissioners for the adjustment of claims under the treaty of 1830 with the Choctaw Indians. [Explained by Messrs. Trotter, Linn, and Grundy.]

The bills for the relief of the legal representatives of Daniel Duvall, authorizing tonnage duty on vessels entering the port of Baltimore through the ice, were severally read a third time, and passed.

A number of bills, which will be noticed on their final passage, were ordered to be engrossed for a third reading.

On motion of Mr. Clay, of Alabama, a call was made on the secretary of state for information relative to the number of suits on the docket, and various other matters relating to the circuit and district courts of the United States.

The senate then again proceeded to the consideration of the sub-treasury bill.

Mr. Webster resumed the floor and addressed the senate about two hours and a half, in continuation and conclusion of his speech against the bill—particularly in favor of the constitutional power and duty of congress to regulate the currency—in reply to Mr. Calhoun, and on the origin, character, and purposes of the constitution.

Mr. Robbins having indicated his desire to speak on the subject,

The senate adjourned, after an executive session.

March 14. A number of petitions were presented, after which

Mr. Norvell offered a resolution, which lies over one day, declaring it as the sense of the senate that no one concerned in a duel ought afterwards to be appointed to any public office under the United States.

The following bills were read a third time and passed:

To repeal certain provisions of the tariff act of 1832; to authorize Charles Day, and James R. Butts to import, duty free, materials for two iron steamboats; for the relief of the sureties of James Manning.

The vote ordering to a third reading the bill making appropriations for the construction of certain roads in Wisconsin was reconsidered; the bill was discussed by Messrs. Lyon, King, Linn, Davis, Tipton, Hubbard, Walker, and Sevier, chiefly on the ground that some of the routes had not been duly examined; amended, verbally, and informally passed over at the request of Mr. Buchanan.

Mr. Morris, on leave introduced a bill to divide the territory of Wisconsin, and to establish the territory of Iowa. Read twice and referred.

Several bills from the house were read twice and referred.

The senate proceeded to the farther consideration of the sub-treasury bill. Mr. Robbins spoke about an hour and a half in opposition to the bill.

Mr. Benton followed in favor of the bill, in opposition to all banks and banking, and in vindication of the present prosperous condition of the country. Before he had concluded, he gave way to a motion to adjourn, and

The senate adjourned.

March 15. The Vice President presented a communication from the secretary of the treasury, in pursuance of a senate resolution of the 9th inst. with copies of the correspondence, &c. relating to the Metropolis bank of this city as a fiscal agent of the government. Laid on the table.

The following petitions, &c. were presented:

By Mr. Buchanan: the proceedings of a meeting in Philadelphia, in favor of the sub-treasury bill. Read, laid on the table, and ordered to be printed.

[Mr. Buchanan, in presenting these proceedings, said he had but a single remark to make, and that was, that from all the accounts which he had received this had been an immense meeting; and, although a small, but highly respectable, minority of the democratic party of the city and county of Philadelphia were opposed to the independent treasury bill, yet he felt no hesitation in saying that a very large majority of that party were decidedly friendly to the measure.]

By Mr. Tipton: from a number of citizens of Brooklyn, New York, against the sub-treasury, and in favor of a sound and uniform currency and a national bank. Laid on the table and ordered to be printed.

A message was received from the house of representatives, through Mr. Franklin, their clerk, announcing the death of the honorable Timothy Jarvis Carter, a member of that body, and informing the senate that the house would attend his funeral in the representatives' hall, at 12 o'clock on Saturday next. Whereupon

Mr. Ruggles rose, and addressed the senate as follows:

Mr. President: The message from the house of representatives just read, communicating the melancholy intelligence of the death of the hon. Timothy J. Carter, a representative from the state of Maine, imposes on me the duty—which I cannot perform without the deepest emotion—of moving the customary resolutions of respect for the memory of the deceased. He died last evening, at the hour of ten, at his lodgings in this city, after much severe, but patient suffering, at peace with all, at variance with none.

I know that occasions of this kind have usually been improved to pronounce eulogies on the character of deceased members; but the painful emotions which have been awakened by the last sad adieu of an esteemed friend and colleague, but poorly qualify me to speak at this time, and in this place, of his many virtues, his purity of heart, the engaging mildness of his disposition, the unusual excellence of the character he maintained in all his

domestic and social relations. It is but to say, what all who knew him, as I have known him, would say, that his whole life afforded constant exemplification of the strictest moral rectitude, in the upright, faithful, conscientious performance of every duty connected with his station in society.

Though yet scarcely past the morning of life, he had received many gratifying proofs of the estimation in which his talents and probity were held by the people and the councils of his state.

As a representative, he has been devotedly faithful to his trust, and fully justified the confidence reposed in his virtue and patriotism. He sought not high political distinction. He was unambitious of renown; but guided his footsteps by that calm and steady light which shines all along the pathway of duty and usefulness.

He inherited his virtues from a highly respectable parentage, and has left a wide circle of attached relatives and friends to mourn his exit; three of whom, under the ready impulses of fraternal affection, obeyed the earliest summons to his sick bed. Alas! it was but to witness, with poignant grief, the closing scene in the brief drama of human existence.

He was a husband and a father. But how can I presume here to speak of the agonized feelings of her, who, while she caught his latest sigh, felt that, as in life, so almost also in death, his destinies were her own!

With the deceased life's fleeting shadow has passed by, and eternity has opened its broad portals. Nothing now remains but the tears of relatives, the regrets and sympathies of friends, and the moral influence of his example for all.

The senate, on motion of Mr. Ruggles, resolved unanimously to wear crape thirty days in testimony of their respect for the deceased, and to attend his funeral at the time and place appointed.

On motion of Mr. Hubbard, it was resolved that, when the senate adjourn, they adjourn to meet on Saturday next.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, March 8. Mr. Briggs moved to suspend the rules for the purpose of enabling him to offer an amendment to rule 63, which provides that "no appropriation shall be reported in the general appropriation bills, or be in order as an amendment thereto for any expenditure not previously authorized by law;" which said amendment is as follows: "unless in continuation of appropriations for such public works and objects as are already in progress, and for the usual contingencies for carrying on the several departments of the government." The motion to suspend was lost.

A number of reports were made, after which, on motion of Mr. Mercer, it was

Resolved, That the committee on the public buildings be instructed to ascertain the practicability and cost of providing within the capitol a suitable hall for the accommodation of the house of representatives; and if such a hall cannot be obtained, to suggest such alterations of the present hall as they may deem expedient for the transaction of the public business.

The Speaker laid before the house a letter from the secretary of the treasury, transmitting a report in obedience to a resolution of the House of the 5th instant, calling for information relative to the agents appointed for the payment of pensions.

The hour being announced for taking up the orders of the day—

Mr. Fairfield, of Maine, rose, and asked if the executive message with regard to the northeastern boundary were not first in order?

Mr. Cambreleng rose at nearly the same moment, and was about to move the postponement of this subject, when Mr. Fairfield claimed the floor; which being awarded him by the chair, he proceeded to reply to so much of the argument of Mr. Evans as animadverted upon the conduct of the late and present administrations with regard to the northeastern boundary, but still sustaining the main ground of Mr. E's argument as to the interests of Maine in the matter. [Both these speeches will, in due time, be laid before our readers.] He was in favor of the bill proposed by Mr. Evans, and hoped the committee on foreign affairs would be instructed to report it. Mr. Cambreleng demanded the previous question. The Chair decided that the main question would be on the engrossment and third reading of the bill itself. Mr. Cambreleng then modified his motion, and moved to postpone the whole subject till the 8th day of April. Mr. Evans and Mr. Lincoln rose simultaneously, and requested Mr. Cambreleng to withdraw this proposition, in order to enable them to make some observations upon the pending proposition. Mr. Cambreleng could not consent to do so. Mr. Evans

suggested that if the object was to put off this subject for the session, without any definite action upon the question, it would be as well for the gentleman from New York (Mr. Cambreleng) so to arrange his plans, as not to permit the people of Maine to know them. Mr. Cambreleng placed the reasons of his motion upon the ground of the necessity of passing the appropriation bills promptly. If there was any mode by which the bill could be committed to the committee on foreign affairs, he would withdraw his motion, in order to permit such a disposition of it.

The Chair said, that if, by general consent, the bill should be referred to the committee on foreign affairs, the main question would then be upon the commitment of the president's message on the subject under discussion.

There being no objection to the reference of the bill, it was so referred.

Mr. Cambreleng then demanded the previous question on the commitment of the executive message.

The vote on receiving the previous question stood 45 ayes to 56 noes—no quorum; and, on motion of Mr. Cambreleng the house adjourned.

Friday, March 9. After a number of reports had been received,

Mr. Briggs asked leave to move that the house now take up the amendment moved by him to the 63d rule of the house, (concerning appropriation bills;) objection being made, he moved a suspension of the rules, that his motion might be received, but the house refused to suspend.

Mr. Chambers, of Kentucky, once more asked leave to offer his resolution changing the hour of meeting, but it was objected to; and he then moved to suspend the rules, and demanded the yeas and nays, which were ordered, and, being taken, stood as follows: yeas 59, nays 95.

Mr. Howard moved that the house now proceed to consider the report of the committee of conference on the disagreeing vote of the two houses respecting the amendment to the neutrality bill, which was agreed to.

Mr. H. then stated and explained the compromise which had taken place in the committee of conference, and the result to which they had arrived. A debate then arose, in which Messrs. Howard, Fillmore, Cushing, Haynes, Tillinghast, Adams, Halsey, and Corwin participated, when Mr. McKim moved the previous question.

The motion was seconded by the house: yeas 78, noes 44.

The previous question was then put, and carried; and the main question, viz. on agreeing to the report of the committee of conference, was decided in the affirmative by yeas and nays, as follows: yeas 103, nays 51. So the house concurred with the committee in their report.

The Chair thereupon announced that, the house having received official intimation that the senate had previously concurred in the same report, the bill was passed.

The house then passed to the order of the day, which was the consideration of private bills; and the question being on a motion of Mr. W. Thompson to reconsider the vote in favor of the bill for the relief of the heirs of the late Robert Fulton.

Mr. Thompson stated at large the reasons of his motion, and the former debate on the Fulton bill was renewed with equal earnestness as when that bill was before the house previously to its passage. The motion for reconsideration was strenuously resisted, and the merits of Fulton pressed and eulogized by Messrs. McClelland, Whittlesey, of Conn. and Chambers. The reconsideration of the bill was advocated with equal spirit by Messrs. Randolph and Craig. Mr. Duncan, having obtained the floor, signified his desire to address the house, but wishing another occasion to be afforded him for that purpose, moved an adjournment. This motion prevailed: yeas 79, noes 64.

So the house adjourned, without taking the question.

Saturday, March 10. Among the reports made this morning was one by Mr. Thomas from the committee on the judiciary, the bill from the senate to change the times of holding the circuit courts of the United States in the ninth circuit, with an amendment thereto.

The said amendment was concurred in, and the bill read a third time, and passed.

The modified resolution of Mr. Johnson, from Maryland, which was the unfinished business of the morning hour, being in order, and Mr. Johnson being absent,

Mr. Whittlesey, of Ohio, moved that it be postponed till Monday; which motion prevailed, nem. con.

On motion of Mr. Garland, of Virginia, the house went into committee of the whole, (Mr. McKay in

the chair,) and took up the bill of the house "to restore circuit jurisdiction to the district courts of the western district of Virginia."

Mr. Beirne moved to strike out the first section of the bill, on the ground that this was a proposition to repeal a portion of an act passed last March, entitled "an act to amend the judicial system of the United States," and that the people of that section of the state of Virginia had not desired such a repeal.

Mr. Garland supported the bill upon precisely the opposite ground, and appealed to the delegation from western Virginia to sustain him in the position he assumed.

Mr. Johnson, of Virginia, sustained the bill, and argued the necessity of the proposed change, as did Mr. Craig, and Mr. Hopkins, and Mr. Morgan, and Mr. Stuart, of the same state.

Mr. Beirne reiterated the opinion that the people of Virginia were not in favor of this bill, and, in proof of this, that they had not memorialized congress upon the subject. He said it was a movement of a portion of the bar of western Virginia. He insisted upon his motion to strike out the first section of the bill.

Mr. Craig said he had presented memorials upon this subject, and showed that the immediate constituents of the gentleman last up were interested to keep the courts as they were, while in this particular they formed an exception to the rest of western Virginia.

Mr. Garland said that he had also presented some memorials upon that subject; and he and others of his colleagues demonstrated the errors into which Mr. Beirne had fallen in relation to the matter.

Mr. Hopkins said he had also presented memorials from his constituents for the adoption of this measure, and dwelt with some particularity upon the necessity for the proposed change. There had been various petitions of the kind, and many private letters, urging the passage of the bill.

The question being propounded, on the motion of Mr. Beirne, to strike out the first section of the bill, the vote stood—yeas 11; nays 50.

Mr. Garland, of Virginia, moved that the committee rise and report that there was no quorum; which motion prevailed.

Mr. Cushman moved a call of the house; which was ordered, and the clerk proceeded to call the roll. And after the absentees had been called, it was found that 123 answered to their names. On motion, the house then adjourned at half-past one o'clock.

Monday, March 12. Petitions, &c. upon various subjects were presented by Messrs. Mercer, Hopkins, and Morgan, of Virginia; McKim, Thomas, Worthington, and Jenifer, of Maryland; Milligan, of Delaware; M. Morris, Potts, Davies, Henry, McKennan, Paynter, Plumer, Potter, Beatty, Wagener, Sergeant, Ogle, Toland, Klingensmith, Sheffer, and Biddle, of Pennsylvania; Halsted, Randolph, Ayer, and Yorke, of New Jersey; Bronson, Peck, Clark, Birdsall, DeGraff, Gallup, Russell, Grant, Sibley, Hoffman, Curtis, Marvin, Fillmore, Mitchell, McClelland, Parker, Moore, Vanderveer, Kemble, Andrews, Jones, Pratt, Titus, Loomis, Brodhead, Edwards, Noble, Palmer, Spencer, Cambreleng, and Patterson, of New York; Bond, of Ohio; S. W. Morris, of Pennsylvania; Fletcher and Allen, of Vermont; Haley, Whittlesey, and Ingham, of Connecticut; Cranston and Tillinghast, of Rhode Island; Phillips, Cushing, Briggs, Reed, Lincoln, Calhoun, Borden, and Adams, of Massachusetts; Cushman and Williams, of New Hampshire; Fairfield, Noyes, Anderson, Evans, and Davey, of Maine.

At this point, Mr. Whittlesey moved a call of the House, (it having been ascertained that no quorum was in attendance.) The motion prevailed.

The clerk proceeded to call the house; and had proceeded but a short way upon the roll, when, on motion, the call was suspended, and petitions were then presented by Messrs. Mason, Johnson, and Taliaferro, of Virginia; Montgomery, of North Carolina; Griffin and Clowney, of South Carolina; Southgate, of Kentucky; Stone, Turney, Polk, Maury, Shields, and C. H. Williams, of Tennessee; Whittlesey, Allen, Goode, Shepler, and Webster, of Ohio; Herod, Graham, and Dunn, of Indiana; Casey, of Illinois; Lewis, Lyon, and Chapman, of Alabama; Miller and Harrison, of Missouri; Yell, of Arkansas; Cray, of Michigan; and Downing, of Florida.

Petitions, &c. upon slavery, Texas, &c.

A number of memorials of this class were presented by Messrs. M. Morris, Potts, McKennan, Potter, Beatty, Wagener, Sergeant, Ogle, Halstead, Peck, Clark, Russell, Grant, Sibley, Marvin, Mitchell, Vanderveer, Kemble, and Patterson, of New York; Allen, of Vermont; Tillinghast, of Rhode Island; Phillips, Cushing, Briggs, Lincoln, Cal-

houn, Borden, and Adams, of Massachusetts; Anderson, Evans, and Davee, of Maine; and Whittlesey, of Ohio; which were disposed of in the usual mode, by laying them on the table, some under the rule, others on motion.

Petitions against duelling, &c.

Several gentlemen presented memorials upon this subject; which were referred to the select committee now in session.

A number of memorials in favor of the passage of the bill making compensation for losses prior to 1800 by French spoliations were presented, and referred to the committee to whom that bill has been referred.

Mr. Henry, of Pennsylvania, presented a joint resolution of the legislature of Pennsylvania, instructing their senators and requesting their representatives in congress to vote and use their influence for the postponement of the sub-treasury bill, or any other acts of a similar character; and also resolutions accompanying the same from the senate of Pennsylvania, on the same subject. On motion, referred to the committee of the whole on the state of the union, to which the same subject is referred, and that they be printed.

Mr. Pratt, of New York, presented the resolutions of the assembly of the state of New York, requesting their senators and representatives in congress to oppose the passage of the bill now before congress to impose additional duties, &c. called the sub-treasury bill.

Several memorials, very numerous signed, remonstrating against the passage of the sub-treasury bill, and others in favor of establishing a national bank, were presented by several gentlemen; which were severally referred to a committee of the whole, to which had been committed the sub-treasury bill, reported by the committee of ways and means.

Mr. Fillmore presented a memorial, adopted by a county-meeting held at Buffalo, on the 12th of February last, in relation to the burning of the Caroline, and the murder of our citizens on board.

On presenting it, he remarked that the memorial gives a full history of that unexampled outrage upon the lives and property of our citizens. It has the sanction of a very large and respectable meeting, and I doubt not that it is substantially correct. From this, it appears that this ill-fated boat belonged to a citizen of Buffalo; that, on the 29th of December last, she was cleared at the custom-house in Buffalo, with a view of running her as a ferry boat between Black Rock and Schlosser, and between Schlosser and Navy Island, then occupied by the Canadian rebels or patriots. She sailed under the American flag, and no other. She arrived at Schlosser that day, and made two trips from thence to Navy Island, carrying at one time provisions, and at another a six-pound cannon, for those on the island; but she was neither owned nor controlled by any one on the island.

About five o'clock that evening she was moored at the wharf at Schlosser, on the American shore, within sight of Chippewa, on the Canadian side. Several persons not being able to obtain lodgings at the small tavern at that place, applied for, and obtained permission to lodge on the boat. From the best information, the whole number on the boat was 33, all unarmed, except one pocket pistol, which was unloaded, and without ammunition to load it. According to custom, a watch was placed on deck about 8 o'clock, and these American citizens retired to rest, under the protection of the flag of our country, little suspecting that that flag would afford no shield to Canadian aggression, and no protection to midnight murder and assassination.

Between 12 and 1 o'clock at night, while our peaceful and unarmed citizens on board this boat were sleeping with unsuspecting security, within our own waters, five Canadian boats, filled with armed men, stole upon their slumbers like midnight assassins, and commenced an indiscriminate slaughter of unarmed and unoffending citizens, with the savage and demoniac cry of "give no quarter." Without weapons for defence, or time for flight, several were killed; the exact number perhaps can never be ascertained. The Canadian report says six, and ours nine; and this vessel, with the dead on board, except one, who fell upon the dock, was then towed into the current above the falls, set on fire, and abandoned to its fate. It shied, for a few moments, its lurid glare upon our shores, and lighted the way of these assassins back to their own homes, and then plunged into that unfathomable abyss, from which nothing but the fragments of its wreck have ever emerged.

I am unwilling to say or do any thing which may tend to embarrass the diplomatic negotiations that I trust have already been instituted by this government, peaceably to obtain satisfaction for this outrage. Common charity induced us all to believe,

at first, that it was the unauthorized act of individuals, which would be instantly disavowed by the Canadian officers and government. But I regret to say it appears, as well from this memorial as from common fame, that this expedition was planned in the Canadian camp at Chippewa, under the immediate supervision and direction of colonel McNabb, the commanding officer at that place, and after those engaged in it had returned and reported that cold-blooded murder, committed within our own undisputed territory, the act was approved in general orders by the commanding officer, and subsequently received the approbation of the lieutenant governor of Upper Canada, and the legislature of that province have recently presented a sword to lieutenant Drew, who commanded the expedition, in honor of the murderous exploit.

What the British government will say to this, remains yet to be heard. Charity and the friendly relations existing between this government and that, induced me to hope that this act will be disavowed by that government, and that satisfaction, so far as it can be made, will be immediately proffered.

It is proper that I should state that the deep and universal feeling of indignation which this outrage has called forth in that community is entirely distinct from, and independent of, that excitement which has been so universally condemned, as an improper interference in the Canadian rebellion. That our citizens should have felt a deep sympathy in what they considered the struggles of the oppressed against the tyranny of their oppressors, cannot be matter of surprise to the descendants of the whigs of '76. It was natural—it was inevitable; and the only thing which the true patriot has to regret is, that this feeling, springing from the most noble and generous emotions of the human breast, should ever for a moment have gained such an ascendancy over the mind of any true American, as to induce him to violate the sacred laws of neutrality, by which he endangers the peace and prosperity of many millions of human beings, and, possibly, the great cause of freedom itself. It is doubly painful to see that this noble and generous spirit of chivalry has degenerated apparently into a base and lawless spirit of plunder and robbery, which is spending its fury in private depredations and public robberies of our arsenals and magazines, disgraceful to our country, and highly criminal in those concerned. I desire for myself, and for those whose memorial I present, to disclaim all countenance of these acts.

The memorialists pray that our navy and army may be placed on a proper footing, and that our fortifications may be placed in a proper state of defence, and particularly, that the city of Buffalo and the Niagara frontier, now in a perfectly defenceless state, may be immediately fortified, and that the government demand and obtain redress for this outrage.

I move that so much of the memorial as relates to the defence of the country be referred to the committee on military affairs; and so much as relates to the violation of our national honor, and redress therefor, to the committee on foreign affairs; and that the same be printed.

Mr. Adams hoped that the gentleman would move the reference of the memorial to a select committee, it being on a most important subject. He was proceeding to give some reasons for this suggestion, when

The Speaker arrested the debate, and said, that if the memorial should give rise to discussion, it must lie over.

Mr. Fillmore then modified his motion, and proposed to refer the memorial to a select committee.

Mr. Howard moved its reference to the committee on foreign affairs, which motion, having precedence, was first put, and the vote stood ayes 61, noes 37. No quorum.

The Chair requested members to vote on one or the other side. Another count resulted as follows: ayes 63; noes 41. No quorum.

Mr. Petrikin moved a call of the house and demanded the yeas and nays on this motion.

Mr. McKennan hoped that his colleague would withdraw the call for the yeas and nays.

Mr. Petrikin said he could not. He wished to see where the 10 o'clock men were.

The yeas and nays were ordered, and a call of the house was ordered. Yeas 102, nays 46.

One name having been called, Mr. Petrikin moved that the further progress of the call be suspended, which motion prevailed.

The motion of Mr. Howard then passed without a division.

Mr. Fillmore then moved the house to take up and consider the following resolution offered by him on a former day.

"Resolved, that the president be requested, if not incompatible with the public interest, to communicate to this house any information possessed by him, respecting the capture and destruction of the steamboat Caroline, at Schlosser, during the night of the 29th December last, and the murder of citizens of the United States on board, and all the particulars thereof, not heretofore communicated; and especially to inform the house whether said capture was authorized, commanded or sanctioned, or has been avowed by the British authorities or officers, or any of them; and also whether steps have been taken by him to obtain satisfaction from the government of Great Britain on account of said outrage; and to communicate to the house all correspondence or communication relative thereto, which have passed between the government of the United States, or any of the public authorities of either."

Objection being made,

Mr. Fillmore moved the suspension of the rule. Lost; two-thirds, not voting for the motion.

Other memorials upon this subject were offered by several members, and were all similarly disposed of.

Mr. Adams presented a memorial praying congress to rescind the resolution of December 1, 1837, and accompanying it, a memorial praying congress to cause the declaration of independence to be expunged from the journal of the old congress; which he moved to refer together to a select committee.

Mr. Campbell, of S. C. rose and said, that he represented upon that floor a constituency which—

The Speaker told him that no petition was debateable on the day it was offered. Mr. Cushman moved to lay it on the table; which motion prevailed.

Several resolutions of minor importance were offered and appropriately referred.

The Speaker laid before the house a letter from the secretary of the navy, inclosing a statement in compliance with a resolution of the house of the 26th ult. showing the names of all officers and non-commissioned officers, in the naval service and marine corps, disabled while in the line of their duty.

Also, a letter from the navy department, transmitting the report of commodore Stewart and Dallas, and captain Bolton, relative to proposed improvements of the navy yard at Pensacola.

Also, in reply to a resolution of the 7th instant, a report in relation to the compensation of revenue officers in the year 1837.

Also, a message from the president of the United States, transmitting a report of the secretary of state, relative to an application made by the minister of France, in behalf of captain Beziers, for remuneration for services in saving the captain and crew of an American vessel wrecked in the bay of Cadiz, in the year 1835. To which the president adds: "I am happy to evince my high sense of the humane and intrepid conduct of captain Beziers, by presenting his case to congress, to whom it belongs to determine upon the expediency of granting his request."

Also, a message from the president of the United States, transmitting a report from the secretary of state in reply to a resolution of the 5th instant, respecting the present state of the campaign in Florida, and disposition of the Indians to treat for peace.

On motion the house, at 4 o'clock, adjourned.

Tuesday, March 13. The following were among the reports made from committees this day:

By Mr. Jenifery from the committee for the District of Columbia, a bill for the suppression of gaming in the District of Columbia.

By Mr. Petrikin, from the same committee, a bill to incorporate certain banks in the District of Columbia.

By Mr. Ingham, from the committee on naval affairs, a bill for the augmentation of the United States marine corps.

On motion of Mr. Cambreleng, the house took up and adopted the following amendment to the 63d rule of the house, as offered and modified by Mr. Briggs:

Add to the 63d rule,

"Unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments, of the government."

Mr. Garland, of Virginia, moved for leave to introduce a motion to discharge the committee of the whole from the further consideration of the bill (under consideration on Saturday last) in relation to the jurisdiction of the district courts of western Virginia.

Mr. Everett, desirous to reach the resolution next in order on the speaker's table, objected.

Mr. Garland moved a suspension of the rule, which motion prevailed, and the bill was taken

up and ordered to be engrossed and read a third time this day.

Mr. *Johnson*, of Maryland, rose, and proceeded with his remarks in support of his resolution, partially discussed upon former days, and made some further progress. [This debate will be given hereafter, when completed.]

The pending motion being the previous question on the motion of Mr. *Howard*, on the motion to refer the message of the president of the United States and accompanying documents upon the subject of the northeastern boundary and the imprisonment of Mr. *Greely*, of Maine, to the committee on foreign affairs; that motion was put and prevailed, and the proposed reference was ordered.

Several bills from the senate received their first and second readings, and were severally committed.

The *Speaker* laid before the house a communication from the secretary of war, transmitting a report of the chief engineer in reply to the resolution of the house of representatives of the 5th instant, requiring information as to the amount of money expended for the improvement of the Missouri river.

Also, a communication from the war department, enclosing a copy of the report of the survey recently made of the harbor of Linn, Massachusetts, in obedience to the resolution of the house of representatives of the 9th instant.

On motion of Mr. *Cambreleg*, the house resolved itself into committee of the whole on the state of the union, (Mr. *Casey* in the chair,) and again took up the civil and diplomatic appropriation bill, and the amendments offered thereto by Messrs. *Cambreleg* and *Bell*.

An amendment offered by Mr. *Cambreleg*, providing for the appropriation of the proceeds of old furniture at the president's house to the purchase of new, was agreed to.

Mr. *M. Morris*, of Pennsylvania, moved to strike out from line 423 of the bill the word "thirty," and to insert, in lieu thereof, the word "twenty."

As a member of the committee upon expenditures in the department of state, Mr. *M.* had had occasion to look into these matters, and had ascertained that the payments, under this head, had, from 1829 to 1837, inclusive, been five hundred dollars, annually, less than the sums appropriated; and that that aggregate balance was yet in the hands of the department, applicable to that object. He could see no reason, therefore, why this reduction should not be made.

Mr. *Cambreleg* made some explanations and the amendment was rejected.

Mr. *Reed* proposed to amend the bill by adding \$52,040 for the erection, rebuilding, and completion of light-houses in New Hampshire, Massachusetts, Connecticut, New York.

Mr. *Dawson* thought that this proposition did not come under the title of the bill under consideration. There was as much need for such appropriations on the southern as on the northern Atlantic coast, which, in the proper time, he should move for.

Mr. *Reed* explained, showing that the amendment he proposed, was intended to carry out more perfectly one of the provisions actually contained in the bill under consideration.

The amendment was rejected by the committee.

Mr. *Howard* moved to amend the bill by adding \$4,000 for the outfit of a new charge d'affaires to Peru; the present charge being about to return home.

Mr. *Petrik*in opposed, and Mr. *McKim* supported this proposition; the latter upon the ground of its mercantile necessity. He was in favor even of having a minister there of the highest grade.

After some brief remarks, in opposition to the amendment, from Mr. *Bell*, and some explanations on the part of Messrs. *McKim*, *Petrik*in, and *Howard*, the amendment was adopted.

Mr. *Rariden* moved to amend by striking out the words "twenty-five thousand," and inserting the words "— thousand;" for the purpose of so far increasing the contingent fund of the house as to cover the expenses of supplying members of congress with certain documents, &c., ordered at the present session to be furnished them.

Mr. *Cambreleg* was of opinion that this amendment was not in order, under the rules of the house; there was a bill before the house, already, providing for the same object as that intended to be reached by the proposed amendment.

The *Chair* decided the amendment to be out of order under the 43d rule of the house.

Mr. *Rariden* took an appeal from this decision: and the question was, "Shall it stand as the opinion of the house?"

Mr. *McKay* made some remarks, by way of showing that, if the proposed amendment should be adopted, the object of the mover could not be at-

tained; inasmuch as no part of the contingent fund of the house could be appropriated as intended, without a violation of a rule already existing, prohibiting such application.

Mr. *Rariden* would so far further amend the bill as to make such an application of a portion of the contingent fund as he had proposed. In the mean time, he was desirous to have the sense of the house upon his appeal.

Mr. *Bell* suggested that the appeal be withdrawn with the amendment for the present, and introduced hereafter, when there was a fuller attendance. Mr. *Rariden* acceded to this suggestion.

Mr. *Cambreleg* moved an amendment, appropriating the sum of \$20,000 for the completion of public buildings in the territory of Wisconsin.

Mr. *Bell* objected to this amendment, on the ground of its being a bad precedent. The former appropriation of \$20,000 for this purpose was understood to have been intended as final, for the completion of the public buildings in Wisconsin. He was opposed to the whole system, which seemed to be becoming a common one.

Mr. *Cambreleg* showed the necessity of making the appropriation now asked for, by way of completing what had been begun, and carried on to some extent.

Mr. *Snyder*, of Illinois, suggested that in case of the occurrence of the contemplated division of the territory into East and West Wisconsin, the present buildings would be so located as to render them inutile.

Mr. *Bronson* maintained that their location was such as to obviate this objection; being the centre of what, under the contemplated division, would be Wisconsin proper.

Mr. *Bell* insisted upon his former objection, urging that the sum originally appropriated was intended to be final: a view which Mr. *Bronson* opposed.

The amendment was rejected.

Some other comparatively unimportant amendments were then acted on: after which,

Mr. *Bell* moved to strike out the section of the bill appropriating \$3,600 for the payment of clerks in the treasury department, under the act of 23d June, 1836, upon the ground that the same amount of clerical force was not now needed in that department as was needed in 1836. He wanted the appropriation to be specific as to the number of clerks, the sum to be paid to each, and as to the particular service performed.

Before completing all he had to say on this subject, he moved that the committee rise; which motion prevailing, and the speaker having resumed the chair,

The bill, passed to be engrossed this morning, in relation to the jurisdiction of the United States courts in western Virginia, was taken up and passed, and then,

On motion, the house (at 4 o'clock) adjourned.

Wednesday, March 14. Mr. *Paynter*, on leave, presented a memorial on the subject of duelling, which was referred to the select committee.

Messrs. *Fairfield* and *M. Morris* gave notice of their wish to offer similar memorials; but the house, after two counts, refused by yeas and nays to suspend the rule, to allow of their presentation out of the regular order of business: Yeas 92, nays 54, not two-thirds.

On motion of Mr. *Holsey*, of Georgia, his colleague, Mr. *Jackson*, was excused from serving on the select committee on the reduction of pensions, that gentleman being a member already of two committees. The motion prevailed.

Mr. *Johnson*, of Maryland, proceeded with his argument in support of his resolution in relation to an appropriation of the public lands for public schools until the expiration of the hour appropriated to morning business.

Mr. *Martin*, of Alabama, from the committee on the judiciary, reported, with amendments, the bill changing the time of holding the circuit courts in the ninth judicial circuit of the United States.

[It annexes Alabama to the sixth circuit.]

Mr. *Haynes* considered it due to judge *Wayne* to inquire why the committee proposed such a change in the circuit court as would greatly increase the official labor of that gentleman by sending him into Alabama, when there was already a judge of the United States residing there.

Mr. *Thomas*, in reply, went into a full explanation and defence of the amendment proposed, showing that its result would be to obviate the complaints which had long been made respecting the neglect of the eastern judicial district of Louisiana. He stated very minutely the amount of court duty performed by each of the judges, and showed that even with the increased duty occasioned by the amendment, judge *Wayne* would still have less to do than any of his brethren, judge *Barbour* only excepted;

while judge *McKinley* would be relieved from a task too onerous to be performed by any judge. It was impracticable now to go into a general reorganization of the whole of the districts, since the time was so near when Florida, Wisconsin, and perhaps Iowa, would become states of the union, that no arrangement could be made which did not look to that event; and if the districts should be so organized at this time, the plan would work unequally and unjustly in the meanwhile.

Mr. *Haynes* farther urged his inquiries in behalf of judge *Wayne*; and Messrs. *Thomas*, *Pope*, and *Johnson*, of Louisiana, replied, insisting on the expediency of the proposed arrangement.

The question being put, the amendment was agreed to; the bill ordered to its third reading, read a third time, and passed.

A message was received from the president of the United States, enclosing a communication from the secretary of state on the subject of a canal across the isthmus of Darien.

Several bills of minor importance were offered; after which reports of committees were received.

A bill from the senate to allow two citizens of Georgia to import iron steamboats suitable to the navigation of rivers, having been twice read,

It was, on motion of Mr. *Adams*, sent to the committee on manufactures.

The house then went into committee of the whole on the state of the union, (Mr. *Casey* in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

The house having resumed, in committee of the whole, the annual general appropriation bill,

Mr. *Bell's* amendment proposing to strike out the clause providing for the deposit bank clerks in the department of the treasury was opposed by Mr. *Cambreleg* and *McKay*, on the ground that the duties of these clerks were just as onerous, and even more so, than before the banks had stopped payment, and a letter was read from the secretary, stating that the department could not get on without their services. Mr. *McKay* stated that, as these clerks were regularly appointed by law, and the secretary had power to pay them out of the contingent fund of the department, they would still be employed, though the appropriation should be stricken out.

Mr. *Bell* thereupon withdrew his amendment, but referred with censure to a practice very prevalent in the departments, as well under former as the present administration, of retaining clerks whose official duties were very inconsiderable, their chief occupation being to write in defence of the measures of government.

On motion of Mr. *Cambreleg*, the appropriation for the United States district courts was augmented from \$330,000 to \$350,000, in anticipation of the increase of business on the frontier under the late law to preserve neutrality.

An item of \$2,000 was inserted to repair the roof of the mint at Charlotte, South Carolina.

The residue of the sitting was occupied in the discussion of a motion of Mr. *McKay*, of North Carolina, to strike out the item of \$4,000 for the salaries of our consuls at Paris and London. In this debate, Messrs. *McKay*, *Cambreleg*, *Haynes*, *Bronson*, *Mercer*, *Howard*, *Shepperd*, of North Carolina, and *Adams*, took part.

The ground of the objection was that no salaries were appropriated by law to any consuls but those of the Barbary states; and a rule of the house forbade the introduction of any item into an appropriation bill for expenditures not warranted by previous law, save for public works begun, and in a course of completion, and for the contingent expenses of the different departments of the government.

The appropriation was defended on the ground that the officers now called "consuls" at London and Paris used formerly to be known by the title of "agents of claims" at those capitals; but as we had no longer any claims which needed their presence there, they had by degrees grown, in fact, into consuls, performing all the duties of the consulate; and in their last appropriation bill their designation had been altered to that of consuls, which they really were; that the salary was fully earned, and indispensable to their remaining at their posts; that their case did not come within the rule, the office of consul existing under the law of nations, and not by municipal law; and their salary having, in fact, been provided for in the law of last session. That the president had the power of appointing informal agents, and assigning to them their allowance, as had been done by president *Washington*, and Mr. *Adams*, in particular, insisted that the constitutional power to the president to appoint foreign ministers and consuls involved in it, as an incidental power, the right to fix the power they should receive; although congress, and particularly the house

of representatives, had a check upon the exercise of that power, by its salary of assenting to or refusing to pay the salary; and he said that this principle was recognized in the language of the act of 1810, which provided that the president should not pay to the diplomatic agents, there enumerated, compensations exceeding the sums specified in the act; implying that he might, as a part of the power belonging to his office, both appoint (with the assent of the senate) and fix the allowance of those officers; but that the house would not agree to pay over the specific sum by them specified.

Mr. McKay protested against this as a monstrous proposition; and Mr. Mercer declined, also, to yield it his assent.

Before any decision was had, the committee rose, and the house adjourned.

Thursday, March 15. As soon as the house was organized this morning,

Mr. Evans, of Maine, addressed the the chair in the following words:

Mr. Speaker, these badges of mourning which we still wear denote that death has lately been in the midst of us. Again his arrow has flown; and again has the fatal shaft been sent, with unerring aim, into a small, and already broken, rank. It is my melancholy office to announce that, since the last adjournment of the house of representatives, Timothy Jarvis Carter, then one of its members, from the state of Maine, has surrendered up to the Being who gave it a life upon which many anxious hopes depended, and for whose preservation many an ardent prayer had gone up to the Father of all spirits. He died last evening, at 10 o'clock, at his lodgings in this city, after a sickness of not very protracted duration, but of great and excruciating intensity of suffering and agony. The ways of a righteous Providence are inscrutable, and while we bow in submission, we are yet oppressed with deep and solemn awe.

Our deceased friend and colleague was a native of the state and the district which, so lately, he represented in this branch of congress; and he, therefore, brought with him the confidence, largely bestowed, of those who had known him from his earliest years. Well did he deserve it. His character for probity, integrity, uprightness, morality, was free from spot or blemish. His principles were well founded. Loving the country of his birth, and its institutions, with all his heart, he pursued with fidelity such measures as his judgment deemed best calculated to promote the welfare of the one and the durability of the other. He was a lawyer by profession, faithful, just, discriminating, attentive, humane, in its practice.

Of manners, mild, courteous, affable; and a temper kind, conciliating, patient, he won respect and attachment, even from those who differed with him in matters of opinion; and probably there lives not a human being who has a single resentment, or one unkind recollection, to bury in his grave. He has gone, in the strength of his manhood, and the maturity of his intellect, the road that all must once pass.

"—calcanda, semel, via Lethi."

The ties that bound him to life are severed forever, as all human ties must be severed.

"Lingenda tellus, et domus, et amans
Uxor; neque harum, quas colis, arborum
Te, præter invisas cupressos
Ulla, brevem dominum sequetur."

Although, when his eyes opened for the last time upon the earth and the sky, they fell not upon his own native hills; though the sod which shall cover him will not freshen in the same influences which clothe them in verdure and beauty; though he died far from his home, the companions and the brothers of his childhood were with him—the sharer of his joys, the solace of his griefs, stood by him; and the hand which could best do it assuaged the bitter pains of parting life. The last earthly sounds which fell upon his ear were tones of sympathy, and kindness, and affection, and support—tones which ceased not, even when they vainly strove to pierce the cold and leaden ear of death. Tears shall flow copiously, and deep sighs be heaved over his lifeless form; tears not more scalding, sighs not deeper drawn, because mingled with any bitter recollections—any unavailing regrets.

If human means could have availed—if devoted fraternal sympathy and care—if constant, abiding, self-sacrificing affection, triumphing over exhausted nature and bearing up a feeble frame, unconscious of weariness, through long and painful vigils, could have saved his life, he would long have been spared to the friends who now deplore his death, and to the state and to the country which he served. To that stricken bosom we proffer—alas! how little will it avail!—our sincere sympathy and condolence. He has gone from this place of earthly honors and human distinction, to a seat in that "house

which is not made with hands, eternal in the heavens."

As a token of our regard for his many virtues, and of our respect for his memory, I move the adoption of the resolutions which I now submit.

Mr. Evans then offered the following resolutions:

Resolved, That the members and officers of this house will attend the funeral of Timothy J. Carter, deceased, late a member of this house, from the state of Maine, at 12 o'clock, on Saturday, the 17th inst.

Resolved, That a committee be appointed to take order for superintending the funeral of Timothy J. Carter, deceased.

Resolved, That the members and officers of this house will testify their respect for the memory of Timothy J. Carter by wearing crape on the left arm for thirty days.

Resolved, That when this house adjourn to-day, it will adjourn to meet on Saturday, the 17th inst. These resolutions were unanimously agreed to.

The following members were appointed to compose the committee of arrangements, viz.

Messrs. Evans, of Maine, McKennan, of Pennsylvania, Whittlesey, of Connecticut, Pickens, of South Carolina, Pope, of Kentucky, Hamer, of Ohio, Gray, of New York. And then the house adjourned to Saturday.

CHRONICLE.

A Patriot and a soldier dead.—We learn from the Plattsburg Whig, that the venerable Benjamin Mooers, a patriot of the revolution, died at Plattsburg on the 20th ult. in the 80th year of his age. He was born in Haverhill, Mass. in 1758, entered the army a volunteer at the age of 18, was at Ticonderoga in 1776. In 1777 he was ensign in the 1st congress regiment, or "Congress' own," as it was called, made up mostly of Canadian refugees, and commanded by col. Moses Hazen. Ensign Mooers soon became lieutenant and adjutant. He was at the surrender of Burgoyne, the siege of Yorktown, and the surrender of Cornwallis. In 1783 he and eight of his comrades of the same regiment, left the head quarters at Newburg, proceeded to lake Champlain, then a wilderness, and settled on the *Point aux Roches*, eight miles from the present site of Plattsburg, and he has resided in that county ever since, being 55 years. He has held various high trusts, was a major gen. of militia, and commanded at the siege of Plattsburg. He had suffered amputation some years since from a fungus tumor on the arm, but the disease re-appeared. He was a man of elevated principles, a devoted patriot, a sincere believer in religion, a practical farmer, and a beloved citizen in every relation of life. He was at one time a candidate for lieut. governor of the state.

Brazil.—Rio Janeiro papers to the 17th of January, have been received at New York. All was quiet at the capital, and the restoration of tranquillity in Bahia and Rio Grande, were anticipated with confidence.

The French prince de Joinville had gone on a visit to the mines—the French ships of war awaiting his return. From Brazil the prince would come to the United States.

Phoenix Bank.—An investigation of the charges against this institution, made at the instance of the board of trade of New York, was commenced in that city on Tuesday the 13th inst. A portion of the testimony has been published, but we deem it prudent not to notice it until the commissioners make their report.

Mayorality of New York.—On Monday evening last, the whigs of New York nominated Aeron Clark as a candidate for re-election to the mayorality. The "conservatives" have nominated Richard Riker for the same office. The friends of the national administration have not yet fixed upon a candidate.

From Mexico. The schr. Levin Jones, arrived at this port, sailed from Vera Cruz on the 20th ult. Two French brigs of war had arrived, and the remainder of a squadron, fourteen in all, were expected, to enforce the French claims, a part of which had been admitted. Fortifications had been commenced to protect the town in case of bombardment, which was expected. No American vessels were in port; the United States sloop of war Vandalia was spoken on the 20th ultimo, bound in. —N. O. Bulletin.

Death of Judge Wingate. We learn from the Portsmouth Journal, that Paine Wingate died at Stratham, N. H. on Wednesday last, aged 99. The Journal says: "He was a senator in the first congress, and was probably the last survivor of that body. He was a graduate of Harvard College, and

when he graduated was the youngest of his class. He has been for several years (since the death of Dr. Holyoke) the eldest graduate of that institution. He was appointed judge of the supreme court in New Hampshire in 1798, and held the office till 1809, being then 70 years of age. Mr. Wingate was originally a congregational clergyman, having preached for some time for the north church in Portsmouth, and was, we learn, settled at North Hampton. He was a highly esteemed man by his own generation, and has been venerated by the new race which has grown up around him. His wife, a sister of honorable Timothy Pickering, survives him at the advanced age of 90.

Louisiana. The governor has returned the bank bill to the senate with his objections. A strange scene occurred immediately afterwards. After the veto had been read, the governor discovered that he had made some error in his message, and despatched a letter to the senate, requesting its correction. After a warm debate the senate declined. Two days after, (viz: on the 5th inst.,) the vetoed bill passed the senate by a constitutional majority—the vote being 19 to 3.

Boston Banks.—The twenty-five associated banks have reduced their loans within the last two months, \$2,827,540—circulation reduced, \$639,217—specie on hand, \$1,153,100. Increase the last month \$13,763.

Massachusetts Banks.—The obvious proposition that a refusal of specie payments forfeits the charters of the banks, was agreed to in the Massachusetts legislature the other day, by a vote of 265 to 61. The Boston Sentinel remarks, "whether this doctrine will meet the concurrence of the senate, remains to be proved." What next? Is black, black—or white, white?

The Ohio river is now open.—it broke up on Saturday night about nine o'clock. On Sunday evening, several boats, with full freights and passengers, arrived from Pittsburgh. Yesterday our wharf presented a scene of bustle and animation that would cheer the most desponding in these times of pecuniary embarrassment. For buoyancy of spirit and enterprise, under all circumstances, whether adverse or prosperous, give us the western steamboat men and the forwarding merchants.

[Wheeling Times.]

Hops. The inspector general of hops in the state of Massachusetts, reports the inspection the past year, of 3364 bags of hops of all sorts, weighing 623,648 lbs. and valued at \$33,418 88. Since the year 1806, the inspection has been 76,860 bags of all sorts, weighing 16,467,182 lbs. Valued at (13 1-5 cts. per lb.) \$2,169,429 83. The inspector adds that hops of Massachusetts inspection, generally brings, in the market, from one to two cents per pound more than those of the inspection of any other state. Most, if not all, orders coming from Europe, or elsewhere, expressly require hops of Massachusetts inspection.

Liabilities of those who take newspapers. The laws declare that any person to whom a periodical is sent is responsible for payment if he receives the paper or makes use of it, if he has never subscribed for it or has ordered it to be stopped. His duty in such a case is not to take the paper from the office or person with whom the paper is left, or to notify the publisher that he does not wish it.

If papers are sent to a post office, store, or tavern, or other place of deposit, and are not taken by the person to whom they are sent, the postmaster, store, or tavern keeper, &c., is responsible until he returns the paper or gives notice to the publisher that they are lying dead in the office.

Insurrection at Trinidad. Extract of a letter dated Trinidad de Cuba, January 17, received by Messrs. Topliff, of the Boston Exchange reading room, per brig Adelaide, at that port: "It is some days since we were in great consternation by the revolting of some negroes, who set fire to two plantations—one, Mr. J. W. Baker's—and killed several men. They set fire to all his houses, which, being fire proof, were but slightly injured; destroyed his steam mill, carts, and all the utensils. They are now concealed in the high mountains, about 100 in number; but are closely pursued by our troops. Mr. Baker had a horse shot from under him, but he succeeded in arresting several of the rebels. The destruction is now over, and not likely to occur again."

Captain McLoon states that when he left, all the American merchants in the place were putting their property on board the shipping. It was reported that Mr. Baker had lost 2,000 hogsheads molasses, and had all his standing cane destroyed, and that the negroes were headed by a white Spaniard.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

✂ The hon. *George M. Keim*, elected a member of congress from Pennsylvania, to supply the vacancy occasioned by the resignation of Mr. Muhlenberg, appeared, was qualified and took his seat on Saturday last.

✂ The remains of the hon. *Timothy J. Carter* were interred on Saturday last, after the usual ceremonies in the hall of the house of representatives. The president and vice president of the United States, the heads of departments, the members of both houses of congress, and a large body of citizens and strangers attended the funeral.

OVERTON CARR, esq., doorkeeper of the house of representatives, died on the 19th inst. On Thursday last the house adjourned at 4 o'clock for the purpose of attending his funeral. Mr. Carr was an old and faithful servant, and was warmly esteemed by a numerous body of friends.

DR. NATHANIEL BOWDITCH, the most learned and astute mathematician in this country, died in Boston on the 16th inst., in the 65th year of his age. His translation of the *Mecanique Celeste*, with annotations, is left unfinished.

THE HON. JOHN M. PATTON, of the house of representatives, has been elected a member of the executive council of Virginia, in the place of Mr. McFarland. We do not know whether Mr. Patton has decided to accept this distinguished mark of the respect and confidence of his native state; but we express the common sentiment when we say, that there is not in the house of representatives a more able and efficient member, or one whose absence will be more deeply felt or sincerely deplored.

MISSISSIPPI. The Vicksburg Sentinel of the 1st inst. states that the governor has ordered a new election for two members of congress, to serve during the remainder of the 25th congress. The election to be held on the 23d and 24th of April. The Gallatin Star nominates general A. G. Brown of Copia, and Roger Barton of Marshall, and from this it is inferred by the Sentinel that Messrs. Claiborne and Gholson, are withdrawn from the course. Messrs. Prentiss and Word are up for re-election.

THE PHOENIX BANK investigation closed on Saturday last, and the committee have returned to Albany. The facts disclosed have elicited much comment, and form a curious chapter in the history of modern banking. We will publish the report of the committee, and such portions of the testimony as will enable our readers to understand the whole matter.

FROM THE ARMY—OFFICIAL. Information has been received at the war department from Fort Jupiter, Florida, as late as the 7th March, which states that, up to that time, more than three hundred Indians and one hundred and fifty Seminole negroes had come in. From information derived from them, it was believed that Sam Jones and his party were lying concealed on the islands of the Everglades. Alligator and his party on the west of the O-kee-cho-bee, and Co-a-co-o-choe, with his band in the swamps of the St. Lucie. It was also reported there, that many of the Mickasukies were making their way in small parties of two, three, and four, back to the Wahoo and Withlacoochee. It is evident that they will not fight again if they can avoid it; their sole object being to get out of the way of the whites, and procure the means of subsistence. It is believed that nearly all their cattle have been destroyed, and most of their horses captured. Abraham says that there are not more than fifteen or twenty negroes left in the nation.

In order to search the Everglades, and if possible to find and dislodge the Indians from the islands, six companies of artillery under colonel Bankhead have been sent from Indian river to Key Biscayne, where they are to take boats and proceed by New river into the Everglades. Major Lauderdale, with two hundred Tennesseans, and a company of the 2d artillery, under lieutenant Anderson, are already on New river, having marched from Fort Jupiter on the 2d instant. Lieutenant Powell, of the navy,

is to co-operate in this movement, which will give colonel Bankhead a moving force of nearly six hundred men. [Globe.]

Letters had been received at Charleston, S. C. which state that Capt. Higgins and William Redding, of the steamboat Alabama, while on a gunning excursion on the 5th inst. on New river, about twenty-five miles north of Key Biscayne, were killed by a party of Indians. Col. Pierce made an attempt to discover the Indians, but failed to do so.

Extract of a letter received in Savannah from an officer of the army, dated

"FORT MELLON, (E. F.) Feb. 10, 1888.

Report says that Coacocochhe (Wild Cat) is now on an island in the most extensive lake yet discovered in Florida. (Cheechoobee.) It is so distant from the shore as not to be visible. Here he has collected his women and children. Two hundred head of cattle were taken on the 28th of January by the army. The Indians appear determined to fight to the last: so the war is no nearer its termination. to all appearances, than when it first began."

Georgian.

NEW HAMPSHIRE. Mr. Hill has been re-elected governor of this state by a majority of two or three thousand votes. The following are the returns from 185 towns:

For Isaac Hill,	24896
Jas. Wilson, jr.,	23267

1109

The result in the legislature is doubtful—but, it is said that the senate will be administration, by a majority of two or three, and that the lower house will be comprised of a majority of whigs. We will give the particulars in our next.

GEN. SCOTT, who was confined at Albany for several days, by indisposition, produced by fatigue and exposure, arrived at New York on Wednesday last on his way to Washington. The whole frontier was quiet and no danger was apprehended of a renewal of hostilities by the patriots.

The following resolution, introduced by the hon. J. McDonell, has passed the senate of Michigan. It is a just and well deserved compliment.

Resolved, by the senate of Michigan, that the vigilant and energetic conduct of major general Scott, of the United States army, in sustaining the neutrality of the United States, and preserving the peace of the northern and northwestern frontier is deserving of the highest approbation; and that however the people of Michigan may sympathize with those struggling for the advancement of human liberty, yet the supremacy of the laws of the union, and the preservation of the faith of treaties is by them esteemed a paramount duty.

FOREIGN NEWS.

LATE FROM ENGLAND. The packet ship Roscoe, captain Delano, has arrived from Liverpool bringing London papers to the 23d and Liverpool papers to the 24th of February.

The abandonment of Navy Island has led the British public to suppose the Canada war at an end, and the newspapers are discussing other topics.

The common council of London have passed resolutions conferring the freedom of the city of London on the American minister, Mr. Stevenson.

Mr. Grote's motion for the ballot in the house of commons, received 200 votes against 317. Of the two hundred votes for the ballot, only one was given by a tory, sir George Sinclair; the rest were of the party who support the present government. Among the 317 votes against the ballot, there were not more than 63 whigs, of whom 18 were members of the government, and of the remainder half a dozen have been by no means uniform supporters of the administration.

Thus it appears that the British ministry are backed in their resistance to the ballot by only about 45 or 50 of their own party, and lord John Russell is voting and speaking against four-fifths of his own supporters. The party in favor of the ballot in England is an increasing one.

In the house of commons on February the 20th, Mr. Hume moved for "copies of all the letters between Mr. Hume, Mr. Roebuck, and any other members of parliament with M. Papineau, Mr. Mackenzie, Dr. Duncombe, and any other individuals who have held public situations in the provinces of Upper and Lower Canada, which have been seized in those provinces or otherwise come into the possession of government.

Sir G. Grey said that no such papers were in the hands of the government, and no return could be made. Mr. Hume replied that journals supposed to be in the confidence of the government had spoken of such papers, that these statements had led to erroneous impressions, that he felt it due to himself to make such a motion, and that if any correspondence was intercepted with his name to it he was anxious that it should be produced. Sir G. Grey again said that the return must be nil, but Mr. Hume pressed the motion and it was agreed to.

In the house of lords on the 22d of February, lord Brougham said he held in his hand a petition, which gave him very great pleasure and some pride to present, signed by between 5,000 and 6,000 (and might have been signed by 50,000 or 60,000 if time had been given,) chiefly of the principal merchants of the town and port of Liverpool against negro slavery, or in other words the apprentice system. When he recollected that the merchants of that town appeared as petitioners at their lordship's bar against regulating the space between decks of the slave trader, on the ground that such regulation would ruin them, and afterwards heard at the bar against abolishing the trade of negro slavery, on the ground that such abolition would ruin them, it was most delightful to find that their views had so altered, and their minds become now so enlightened as to cause them to approach their lordships with one voice, without a dissentient voice, praying the house to put an entire end to slavery.—(hear.)—The noble and learned lord then gave notice that he should move for a copy of any despatch which had been sent out to the governor of Guiana touching an act which goes to revive the slave trade on a large scale, and the order in council issued by her majesty on the 5th of July; and named Friday week for his taking the sense of the house on the issue and expediency of recalling that order.

Rochdale flannel market. Monday. We have to report the same monotonous state of this market as we have had occasion to do for the last few weeks, viz: not much doing, with prices stationary, and no immediate prospect of amendment. In the wool trade little passing different from last week, except the turn perhaps in favor of the purchaser.

FRANCE. London, Feb. 23. The Paris papers of Wednesday have reached us by our usual express. Their principal contents relate to the financial and commercial changes which are at this moment in agitation (if not in contemplation) before the French chambers, namely, the augmentation of the duties on hempen and flaxen yarn.

The French commercial men now seek to ruin our distilleries, by offering to make it a condition that the duties on linen yarn shall not be increased provided our government will consent to reduce the present duties on brandy.

The responsible editor of La Mode, a Carlist journal, was sentenced on Tuesday to pay a fine of 4,000 francs, and to be imprisoned for six months, for having personally attacked the king in that print.

SPAIN. Cadiz papers of the 9th of February, state that the captain general had received a despatch from the captain general of Andalusia, confirming the complete route of the faction between Beaza and Ubeda, and requesting the commandant of Cadiz to forward a duplicate of the despatches to the governor of Gibraltar. The despatch states that more than 3,000 prisoners were taken, besides a great quantity of arms, ammunition and other effects.

The intelligence from Madrid comes down to the 12th of February. The Carlist chief Jaba, who arrived in the district of Pena Aguilera, near Toledo, in the middle of January, with thirteen men, found himself in three weeks at the head of one thousand. A despatch from general Sanz states that on the 5th of February he attacked the united bands of Barilla, Tallada and Patillos, with success.

KENTUCKY RESOLUTIONS.

Joint resolutions in relation to the currency, and the administration of the general government.

1. *Resolved*, That the general assembly of the commonwealth of Kentucky have seen with deep regret the derangement in the currency and domestic exchanges, the general prostration of the commercial and manufacturing business, the reduction in the price of agricultural products of the people of this state, in common with the people of the United States, which occurred on the suspension of the banks to pay specie during the last spring, and which still continues, to the great distress of the country.

2. *Resolved*, That this deplorable state of things has been, in the opinion of this general assembly, mainly produced by improvident, rash, and arbitrary acts and proceedings of the executive branch of the federal government, commencing with the veto of the bill to recharter the late bank of the United States, followed by the removal of the deposits of the public money, contrary to law, from its assigned custody, and terminating in the treasury order, exacting specie in all payments for the public lands, which was issued not only without constitutional or legal authority, but in disregard of the known opinion of the legislative branch of the general government.

3. *Resolved*, That the general assembly have seen with surprise and regret that the present executive of the United States, instead of manifesting becoming sympathy with a suffering people, and recommending measures to relieve them, and restore that prosperity of which they have been wantonly deprived by the administration of his predecessor and himself, has exhibited, in his late messages to congress, a cold indifference to the lamentable condition of the country, and a solicitude only to supply the wants of the treasury, and to protect the interests of the official corps.

4. *Resolved*, That the system of sub-treasuries, proposed by the president of the United States, is a dangerous innovation, tending to augment the executive power to an alarming extent, to the engrossment by the executive of the United States, of all the paper emissions; to place in its possession, or under its control, a great portion of the specie of the country; to abuse, waste, and corruption; and, finally, to the consummation of that perilous union of the purse and sword in the hands and under the power of one man, at the imminent hazard of the purity and the very existence of our free institutions.

5. *Resolved*, That the people and their government are one and indivisible, and that any attempt to separate them, in interests, in currency, or in fortune, can only proceed from insensibility or infidelity to the duties of the relation in which they stand to each other.

6. *Resolved*, That the general assembly have seen, with great satisfaction, that a measure fraught with such fatal danger as the experiment of sub-treasuries, was defeated at the late session of congress by the vote of the immediate representatives of the people; and protesting, as the general assembly now do, solemnly against it if it shall again be proposed, they request their senators and representatives of the state of Kentucky, in congress, to continue to oppose its adoption with the utmost of their zeal and ability.

7. *Resolved*, That the general assembly have seen with painful regret that the executive of the United States, profiting neither by his own experience nor that of his predecessors, appears resolved to persevere in a series of experiments and untried expedients, fatal to the prosperity and dangerous to the liberties of the people.

8. *Resolved*, That it is the duty of the general government to secure a general medium of circulation, of uniform value, throughout the United States; and that the state of Kentucky has a deep interest in the faithful performance of that duty.

9. *Resolved*, That all experience has attested that the agency of a well-regulated bank of the United States, administered by a corporation blending public and private interests, and under public and private control, is best adapted to furnish and maintain a sound currency, to facilitate and render uniform domestic exchanges, and to inspire general confidence.

10. *Resolved*, That the administration of the general government, of late years, has been characterized by wasteful extravagance, inasmuch that the expenditures of the government have risen in the short space of eight years, from about thirteen millions to the enormous sum of thirty-two millions of dollars.

11. *Resolved*, That the general assembly have beheld with surprise and just alarm the abuse, encroachments, and usurpations of the executive department of the general government, since the elec-

tion of the late president of the United States, in the universal proscription of all who do not conform to the creed of the dominant party; in a new and fearful version of the power of dismission from office; in the illegal and arbitrary removal of the public deposits; in the suppression of bills which had passed both houses of congress, thereby preventing the exercise of the constitutional check upon the veto power; in the promulgation of an edict, by which an unconstitutional discrimination was made between payments by a common people into the public treasury, and finally in procuring, through its influence and partisans, the violation of a public record, the common property of the present generation and of posterity, the faithful preservation of which was solemnly enjoined by the constitution of the United States.

12. *Resolved*, That the executive department of the general government ought to be subjected to just restraints, and brought back to its constitutional limit; that economy, retrenchment, and reduction in the expenditure of the public treasure should be enforced, and that every consideration of safety, of interest, and pride of national character, demands a thorough reform in the administration of the general government.

13. *Resolved*, That the governor of this commonwealth be requested to transmit a copy of the preceding resolutions to each of the governors of the several states of the union, with a request to lay them before the legislatures of their respective state; and also a copy to each of the senators and representatives of the state of Kentucky in the congress of the United States, to be laid before the respective houses.

ROBERT P. LETCHER,
Speaker of the house of representatives.

CHARLES A. WICKLIFFE,

Speaker of the senate.

Approved, January 27, 1838.

JAMES CLARK.

By the governor:

JAMET M. BULLOCK, *Secretary of state.*

Resolutions concerning the iron and coal trade.

1. *Resolved by the general assembly of the commonwealth of Kentucky*, That the town of Greenupburg, in Greenup county, Kentucky, is a suitable and proper position for a national foundry; and that there are many advantages united at that point, peculiar to the place and its localities, as a site for national purposes, not to be found in connexion with any position elsewhere in the western states.

2. *Resolved*, That many of the locks and dams now being erected on the Kentucky, Licking, and Green rivers, as parts and portions of the system of internal improvements adopted by the state, would, in the opinion of the general assembly, be suitable and convenient positions for a national foundry.

3. *Resolved*, as the opinion of the general assembly, That the general government ought to cause the positions referred to in the foregoing resolutions to be examined by competent agents and engineers before any position is selected by congress as the site of a national foundry on the western waters.

4. *Resolved*, That the senators and representatives in congress from the state of Kentucky be requested to lay copies of the foregoing report and resolutions before the houses of which they are members respectively, and before the president of the United States and heads of departments, and to use their influence at such time, and in such manner, as they may deem most proper to carry the same into full effect.

5. *Resolved*, That the governor be requested to forward copies of the foregoing resolutions to each of the senators and members of congress from this state.

ROBERT P. LETCHER,
Speaker of the house of representatives.

CHARLES A. WICKLIFFE,

Speaker of the senate.

Approved, Feb. 16, 1838. JAMES CLARK.

By the governor:

JAMES M. BULLOCK, *Secretary of state.*

THE NEUTRALITY BILL.

The following is the "neutrality bill" as it was passed on the 10th inst. The Globe says it was approved by the president on the same day, and instructions immediately forwarded from the departments to the civil and military officers on the Canada frontier, to enforce the execution of it by all the means in their power. It is expected that our fellow citizens in that part of the country will, at once, submit to the law, and return peaceably to their homes.

An act supplementary to an act entitled "An act in addition to the act for the punishment of cer-

tain crimes against the United States, and to repeal the acts therein mentioned," approved twentieth of April, eighteen hundred and eighteen.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the several collectors, naval officers, surveyors, inspectors of customs, the marshals, and deputy marshals of the United States, and every other officer who may be specially empowered for the purpose by the president of the United States, shall be, and they are hereby respectively authorized, and required to seize and detain any vessel or any arms or munitions of war which may be provided or prepared for any military expedition or enterprise against the territory or dominions of any foreign prince or state, or of any colony, district or people continuous with the United States, and with whom they are at peace, contrary to the sixth section of the act passed on the twentieth of April, eighteen hundred and eighteen, entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," and retain possession of the same until the decision of the president be had thereon, or until the same shall be released as hereinafter directed.

Sec. 2. *And be it further enacted*, That the several officers mentioned in the foregoing section shall be, and they are hereby respectively authorized and required to seize any vessel or vehicle, and all arms or munitions of war, about to pass the frontier of the United States for any place within any foreign state or colony, continuous with the United States, where the character of the vessel or vehicle, and the quantity of arms and munitions, or other circumstances shall furnish probable cause to believe that the said vessel or vehicle, arms, or munitions of war are intended to be employed by the owner or owners thereof, or any other person or persons, with his or their privacy, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or state, or any colony, district, or people continuous with the United States, and with whom the United States are at peace, and detain the same until the decision of the president be had for the restoration of the same, or until such property shall be discharged by the judgment of a court of competent jurisdiction; *Provided*, that nothing in this act contained be so construed as to extend to, or interfere with any trade in arms or munitions of war, conducted in vessels by sea with any port or place whatsoever, or with any other trade which might have been lawfully carried on before the passage of this act, under the law of nations and the provisions of the act hereby amended.

Sec. 3. *And be it further enacted*, That it shall be the duty of the officer making any seizure under this act, to make application, with due diligence, to the district judge of the district court of the United States within which such seizure may be made, for a warrant to justify the detention of the property so seized; which warrant shall be granted on oath or affirmation, showing that there is probable cause to believe that the property so seized is intended to be used in a manner contrary to the provisions of this act; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding ten days thereafter, the said property shall forthwith be restored to the owner. But if the said judge shall be satisfied that the seizure was justified under the provisions of this act, and issue his warrant accordingly, then the same shall be detained by the officer so seizing said property, until the president shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law, on the petition of the claimant, as hereinafter provided.

Sec. 4. *And be it further enacted*, That the owner or claimant of any property seized under this act, may file his petition in the circuit or district court of the United States in the district where such seizure was made, setting forth the facts in the case, and thereupon such court shall proceed, with all convenient despatch, after causing due notice to be given to the district attorney and officer making such seizure, to decide upon the said case, and order restoration of the property, unless it shall appear that the seizure was authorized by this act; and the circuit and district courts shall have jurisdiction, and are hereby vested with full power and authority, to try and determine all cases which may arise under this act, and all issues in fact arising under it, shall be decided by a jury in the manner now provided by law.

Sec. 5. *And be it further enacted*, That whenever the officer making any seizure under this act shall have applied for and obtained a warrant for

the detention of the property, or the claimant shall have filed a petition for its restoration, and failed to obtain it, and the property so seized shall have been in the custody of the officer for the term of three calendar months from the date of such seizure, it shall and may be lawful for the claimant or owner to file with the officer a bond to the amount of double the value of the property so seized and detained, with at least two sureties, to be approved by the judge of the circuit or district court, with a condition that the property when restored, shall not be used or employed by the owner or owners thereof, or by any other person or persons with his or their privity, in carrying on any military expedition or operations within the territory or dominions of any foreign prince or state, or any colony, district, or people, conterminous with the United States, with whom the United States are at peace; and thereupon the said officer shall restore such property to the owner or claimant thus giving bond: *Provided*, That such restoration shall not prevent seizure from being again made, in case there may exist fresh cause to apprehend a new violation of any of the provisions of this act.

Sec. 6. *And be it further enacted*, That every person apprehended and committed for trial, for any offence against the act hereby amended, shall, when admitted to bail for his appearance, give such additional security as the judge admitting him to bail may require, not to violate, nor to aid in violating, any of the provisions of the act hereby amended.

Sec. 7. *And be it further enacted*, That whenever the president of the United States shall have reason to believe that the provisions of this act have been, or are likely to be violated, that offences have been, or are likely to be, committed against the provisions of the act hereby amended, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney, of each district, to attend at such place within the district, and for such a time, as he may designate, for the purpose of the more speedy and convenient arrest and examination of persons charged with the violation of the act hereby amended; and it shall be the duty of every such judge, or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

Sec. 8. *And be it further enacted*, That it shall be lawful for the president of the United States, or each person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation, and to enforce the due execution, of this act, and the act hereby amended.

Sec. 9. *And be it further enacted*, That this act, shall continue in force for the period of two years, and no longer.

JAMES K. POLK,

Speaker of the house of representatives.

RH. M. JOHNSON,

Vice president of the United States, and

President of the senate.

Approved, March 10th, 1838.

M. VAN BUREN.

THE FREEDOM OF ELECTIONS.

The following is a copy of the bill introduced in the house of representatives, on the 5th of this month, by Mr. Bell, of Tennessee, and now depending in that body:

A bill to secure the freedom of elections.

Whereas complaints are made that officers of the United States, or persons holding offices or employments under the authority of the same, other than the heads of the chief executive departments, or such officers as stand in the relation of constitutional advisers of the president, have been removed from office, or dismissed from their employment, upon political grounds, or for opinion's sake; and whereas such a practice is manifestly a violation of the freedom of elections; an attack upon the public liberty, and a high misdemeanor: and

Whereas complaints are also made that officers of the United States, or persons holding offices or employments under the authority of the same, are in the habit of intermeddling in elections, both state and federal, otherwise than by giving their votes: and whereas such a practice is a violation of the freedom of elections, and a gross abuse, which ought to be discountenanced by the appointing power, and prohibited by law: and

Whereas complaints are also made that, pending the late election of president and vice president of the United States, offices and employments were distributed and conferred, in many instances, under circumstances affording a strong presumption of corruption, or that they were conferred as the in-

ducements to, or the reward of, influence employed or to be employed in said election; and whereas such a practice in the administration of the patronage of the government will speedily destroy the purity and freedom of the elective franchise, and undermine the free system of government now happily established in these United States: therefore, to prevent the recurrence of any practices which may give rise to similar complaints in future,

Be it enacted, &c. That, from and after the first day of July next, no officer, agent, or contractor, or other person holding any office or employment of trust or profit under the constitution and laws of the United States, shall, by the contribution of money or other valuable thing, or by the use of the franking privilege, or the abuse of any other official privilege or function, or by threats and menaces, or in any other manner, intermeddle with the election of any member or members of either house of congress, or of the president or vice president of the United States, or of the governor or other officer of any state, or of any member or members of the legislature of any state; and every such officer or other person offending therein shall be held to be guilty of a high misdemeanor; and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars; and any officer other than the president, vice president, and judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be ever after incapable of holding any office or place of trust under the authority of the United States: *provided*, that nothing herein contained shall be so construed as to interfere with the right of suffrage, as secured by the constitution: *and provided, further*, that nothing herein contained shall so operate as to prevent the president, or the head of any department who is vested by law with the power of appointing inferior officers, from removing from office, at any time, any incumbent who the president or the head of a department, as the case may be, shall be satisfied has intermeddled in any election, state or federal.

Sec. 2. *And be it further enacted*, That, from and after the first day of July next, no officer who, by the constitution and laws of the United States, is authorized to appoint, or nominate and appoint, any officer or agent of the government, shall, by himself, or by any other person or persons in his behalf, give or procure to be given, or promise to give or procure to be given, any office, place, or employment to any person or persons whatsoever, with intent to corrupt or bribe him or them, or upon agreement that such person or persons to whom, or for whose use, or on whose behalf such gift or promise shall be made, shall exert his or their influence in any election, or by himself or themselves, or by any other person or persons, at his or their solicitation, endeavor to secure the election of any person or persons to represent any state, or any district in any state, in congress, or of any person to be president or vice president of the United States, or of any person to be governor or other officer of any state, or of any person or persons to be a member or members of the legislature of any state; and every such officer offending therein shall be held guilty of a high misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding five thousand dollars; and any officer, other than the president or the judges of the courts of the United States, so convicted, shall be thereupon removed from office, and shall be incapable ever after of holding any office or place of trust under the authority of the United States; and every person who shall receive or accept, by himself, or by any other person or persons, in trust, for or in behalf of such person, any office, place, or employment, with the intent aforesaid, shall be held to be guilty of a misdemeanor, and, upon conviction in any court of the United States having jurisdiction thereof, shall pay a fine not exceeding one thousand dollars, be removed or dismissed from such office, place, or employment, and shall be incapable ever after of holding any office or place of trust under the authority of the United States.

Sec. 3. *And be it further enacted*, That the several fines imposed by this act shall, when collected, be paid into the treasury, as other moneys belonging to the United States.

FLORIDA WAR.

The following, among other, papers relating to the war in Florida, were transmitted to the house of representatives on Monday the 12th inst.

Head Quarters, Army of the South,

Fort Jupiter, Feb. 11, 1838.

Sir: I reported to the adjutant general on the 9th inst. the operations of this division of the army south of this post to that date, and the arrangement

which I had entered into with the chiefs Tuskegee and Hallek Hago. The arrangement is, that they are to come in with their families and people, and are to await the decision of the president whether they shall remain in the country or not. I promised to recommend that they be permitted to remain, and that a portion of this territory be assigned to them as their residence.

Before presenting my views on that subject, and redeeming my pledge to the Indians, it may be proper for me to state my own position in regard to the question of emigration, so that in what I shall say in relation to the Seminoles, my views in regard to the general principle may not be mistaken. Believing, as I do, that the Indians cannot, under our constitution, have a separate political existence within an independent state of this union, without the consent of the state, I believe that it is due to the states in which they are congregated in large bodies, to remove them whenever they are pressed upon by the white population, and their lands become necessary to the agricultural wants of the community. And I hold that congress, and not the Indians, are to determine the proper time for their removal. We, in our federal capacity, owe the Indians protection; not that protection secured to our own citizens by the equal operation of our laws, for that, in their condition, would be merely nominal protection; but we owe them, in their individual and collective capacity, that protection which the parent owes to the child, or the guardian to the ward; and to secure them that protection, we must place them beyond the operation of state laws. With the fullest conviction, therefore, not only of the policy, but of the justice and humanity of the measure, I am in favor of their entire emigration; and I have supported that policy under four successive administrations. But I believe we should not apply the principle until the white population are in contact with, or intermingled among them. The state of things at which I consider their removal imperative, actually existed when the tribes inhabiting Ohio, Indiana, Illinois, Missouri, Mississippi, and South Alabama, were sent to the west: that state of things actually exists in relation to the Cherokees in Tennessee, North Alabama, and Georgia; and, regardless of the opposition made to the measure, they should be at once removed.

In regard to the Seminoles, we have committed the error of attempting to remove them when their lands were not required for agricultural purposes; when they were not in the way of the white inhabitants; and when the greater portion of their country was an unexplored wilderness, of the interior of which we were as ignorant as of the interior of China. We exhibit, in our present contest, the first instance, perhaps, since the commencement of authentic history, of a nation employing an army to explore a country, (for we can do little more than explore it,) or attempting to remove a band of savages from one unexplored wilderness to another.

As a soldier, it is my duty, I am aware, not to comment upon the policy of the government, but to carry it out in accordance with my instructions. I have endeavored faithfully to do so; but the prospect of terminating the war in any reasonable time is any thing but flattering. My decided opinion is, that unless immediate emigration be abandoned, the war will continue for years to come, and at constantly accumulating expense. Is it not then well worthy the serious consideration of an enlightened government, whether, even if the wilderness we are traversing could be inhabited by the white man, (which is not the fact,) the object we are contending for would be worth the cost? I certainly do not think it would; indeed, I do not consider the country south of Chickasaw Hatchee worth the medicines we shall expend in driving the Indians from it.

If I were permitted, and it is with great diffidence I venture to make the suggestion, I would allow them to remain, and would assign them the country west of the Kissimmee, Okeechobee, and Panai Okee, and east of Peace creek, south, to the extreme of Florida. That would satisfy them; and they might hold it on the express condition that they should forfeit their right to it, if they should either commit depredations upon the white inhabitants, or pass the boundaries assigned to them without the written permission of the military commander or agent.

By placing an agency and authorizing trading-houses on Charlotte's harbor, they could be soon concentrated; and stationing a competent military force there and at Tampa Bay, they might be readily controlled, and, if necessary, removed from the country, should they become troublesome, or fail to fulfil their engagements. I respectfully recommend the measure to your consideration and that of the president, as the only means of terminating, immediately, a most disastrous war, and leaving the

troops disposable for other service. I desire a decision as soon as your convenience will permit, as, by the middle of April, at farthest, the troops must be withdrawn from all the posts in the interior, to preserve their lives.

Should it be determined to remove the Indians by force, and to continue the war until they submit unconditionally, I desire that the communication be confidential, and that the matter be considered confidential at Washington, in order that I may have information of it before it can be communicated by letter-writers to others; for there can be but little doubt of their flying to the swamps again and renewing the war, should the decision be to remove them.

If it be determined that the Indians now in Florida remain, it would be better that those who are at New Orleans and Charleston, with the exception of one or two of the chiefs, be sent to the west; their force would thus be divided and weakened, and many of the relations of those sent west might soon be induced to follow.

This communication will be delivered to you by my aid-de-camp, lieutenant Linnard, a highly valuable officer, whom I earnestly recommend to your favorable consideration and attention.

I have the honor to be, most respectfully, your obedient servant,

TH. S. JESUP,

Major General commanding.

The Hon. J. R. POINSETT,
Secretary of War, Washington city.

Wascissa, Feb. 12, 1838.

Dear Sir: The enclosed was sealed yesterday for the mail; last night, however, we had a repetition of the scenes previously detailed to you; confidence had begun to be restored, and but a few days since we had induced our frontier settlers to return to their habitations. They have been, however, again alarmed from them, and, as the assailed point is but a mile or a mile and a half from my house, it was again all night a garrison for the refugees. Indeed, sir, you cannot estimate correctly all my feelings on such occasions. Almost alone, with a few scattered hamlets around, (col. Murat and myself,) we witness ourselves insulted; our neighbors driven from their settlements; their homes in some instances burnt and families murdered; with no other ability, as private citizens, than to stand to our arms and houses, and protect those who seek our protection. We can do no more; we do our duty in performing so much; in maintaining our positions, which, in the present state of the contest, have become military ones. But we are mortified that we can do no more, or that such has been and continues to be the disposition for the defence of this frontier, that we can only stand by our arms, and say our *house and scalps* are once more safe; but without the power to pursue the enemy, or to search for him. Without this can be done by the presence of a regularly organized force, and for the war, I apprehend, seriously apprehend, Jefferson county will present the scenes which have been played with so much suffering in Alachua. It was as much as we could do, at the late attack, to induce the people of this immediate vicinity to remain at their homes. What will be the result of this I cannot say; I fear, however, they will quit and leave the plantations to stand the brunt. Fortunately for us, some marines passed by here yesterday; we have despatched a courier to bring them back, and shall station them for a time at the house assailed last night. But, sir, we cannot close this war without more *harmony and concert* of action, and the presence, on the whole frontier assailed, of an organized force, mounted in part, and ready to act promptly. They must, in fact, be always in the stirrup, beating the bush, and searching for these vagabond Indians. The war has assumed a most serious character, but has been, and continues to be, mistaken by all who have the management of it. Another year's blundering, and middle Florida becomes what eastern Florida is. We will stand our ground; but this will not end the contest by catching and making examples of the disturbers of our peace.

Yours,

J. GADSDEN.

In the "Globe" of 12th the instant we find the following reply of the secretary of war to the above letter of general Jesup:

Copy of a letter from the secretary of war to major general Jessup, dated

Department of War, March 1, 1838.

Sir: I have the honor to acknowledge the receipt of your communication of the 11th of February, which was delivered to me by your aid-de-camp, lieutenant Linnard. The subject of it is one of

deep interest, and I have given to it the most diligent and respectful consideration.

In the present stage of our relations with the Indians residing within the states and territories east of the Mississippi, including the Seminoles, it is useless to recur to the principles and motives which induced the government to determine their removal to the west. The acts of the executive and the laws of congress evince a determination to carry out the measure, and it is to be regarded as the settled policy of the country. In pursuance of this policy, the treaty of Paynes' Landing was made with the Seminoles, and the character of the officer employed on the part of the government is a guaranty of the perfectly fair manner in which that negotiation was conducted and concluded. Whether the government ought not to have waited until the Seminoles were pressed upon by the white population, and their lands become necessary to the agricultural wants of the community, is not a question for the executive now to consider. The treaty has been ratified, and is the law of the land, and the constitutional duty of the president requires that he should cause it to be executed. I cannot, therefore, authorize any arrangement with the Seminoles by which they will be permitted to remain, or assign them any portion of the territory of Florida as their future residence.

The department indulged the hope that, with the extensive means placed at your disposal, the war, by a vigorous effort, might be brought to a close this campaign. If, however, you are of opinion that, from the nature of the country, and the character of the enemy, such a result is impracticable, and that it is advisable to make a temporary arrangement with the Seminoles, by which the safety of the settlements and the posts will be secured throughout the summer, you are at liberty to do so. In that event, you will establish posts at Tampa, and on the eastern shore, and wherever else they are, in your opinion, necessary to preserve the peace of the country; and I would suggest the propriety of leaving colonel Zadock Taylor, of the first infantry, in command of them. In removing north with your forces, you may make similar arrangements with the other bands. I deem it, however, of great importance that every exertion should be made to chastise the marauding Indians who have committed depredations upon the inhabitants of the people of middle Florida. I beg you will address yourself to James Gadsden for information on this subject, and you may, if you think proper, yield to his suggestion of leaving a battalion for the protection of the people of that neighborhood. It is hoped, however, that you will be able to put it out of the power of these Indians to do any further mischief. They ought to be captured or destroyed. As soon as, in your opinion, it can be done with safety, you will reduce your force of mounted men from Georgia, Alabama, and Tennessee.

Very respectfully,

Your most obedient servant,

J. R. POINSETT.

Maj. gen. THOS. S. JESUP,
Com'g army of the south, Fort Jupiter, Florida.

AFFAIR OF THE CAROLINE.

The following correspondence between the secretary of state of the United States and the British minister at Washington was communicated by Sir Francis Head, to the legislature of Upper Canada, on the 8d instant:

Washington, Feb. 6, 1838.

Sir: With reference to the letter, which, by direction of the president, you addressed to me on the 5th and 19th ultimo, respecting the capture and destruction of the steamboat "Caroline" by a Canadian force on the American side of the Niagara river, within the jurisdiction of the state of New York, I have now the honor to communicate to you the copy of a letter which I have received upon that subject from Sir Francis Head, lieutenant governor of the province of Upper Canada, with divers reports and depositions annexed.

The piratical character of the steamboat "Caroline," and the necessity of self-defence and self-preservation under which her majesty's subjects acted in destroying that vessel, would seem to be sufficiently established.

At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier district of the state of New York. The authority of the law was overborne publicly by piratical violence; through such violence her majesty's subjects in Upper Canada had already severely suffered, and they were threatened with still farther injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security

by pursuing and destroying the vessel of their piratical enemy, wheresoever they might find her.

I avail myself of this occasion, &c. &c.

H. S. FOX.

The Hon. JOHN FORSYTH.

Department of State,
Washington, Feb. 13, 1838.

Sir: I have the honor to acknowledge the receipt of your note of the 6th instant, communicating a copy of a letter from Sir Francis Head, lieutenant governor of the province of Upper Canada, respecting the capture and destruction of the steamboat "Caroline" by a Canadian force on the American side of the Niagara river within the jurisdiction of the state of New York, together with the reports and depositions thereto annexed.

The statement of the facts which these papers present is at variance with the information communicated to this government respecting that transaction: but it is not intended to enter at present upon an examination of the details of the case, as steps have been taken to obtain the fullest evidence that can be had of the particulars of the outrage; upon the receipt of which it will be made the subject of a formal complaint to the British government for redress. Even admitting that the documents transmitted with your note contain a correct statement of the occurrence, they furnish no justification of the aggression committed upon the territory of the United States—an aggression which was the more unexpected, as Sir Francis Head, in his speech at the opening of the parliament of Upper Canada, had expressed his confidence in the disposition of this government to restrain its citizens from taking part in the conflict which was raging in that province; and added, that having communicated with the government of the state of New York, and with yourself, he was then waiting for replies. It is not necessary to remind you that his expectations have been met by the adoption of measures on the part of the United States, as prompt and vigorous as they have been successful in repressing every attempt of the inhabitants of the frontier states to interfere unlawfully in that contest. The most serious obstacle thrown in the way of those measures was the burning of the Caroline, which, while it was of no service to her Britannic majesty's cause in Canada, had the natural effect of increasing the excitement on the border, which this government was endeavoring to allay.

I avail myself of this occasion, &c.

JOHN FORSYTH.

H. S. Fox, Esq. &c. &c.

Washington, Feb. 16, 1838.

Sir: I have the honor to acknowledge the receipt of your letter of the 13th instant, relating to the question of the capture and destruction of the piratical steamboat Caroline.

Although I cannot acquiesce in the view which the United States government are disposed to take of the facts connected with that transaction, yet, as this legation is not the final authority competent to decide the question on the part of Great Britain, and as you inform me that a representation will, in due time, be addressed to her majesty's government in England, I consider it most consistent with my duty to avoid entering at present into any controversy upon the subject. It will remain for her majesty's government at home, when the whole evidence of the case shall have been produced, to form such deliberate resolution thereupon as reason, honor, and justice shall dictate.

I avail myself of this occasion to renew to you, &c. &c.

H. S. FOX.

The Hon. JOHN FORSYTH.

ADDRESS FROM HENRY A. WISE, OF VA.

TO MY CONSTITUENTS.

I was second to Mr. Graves, in his late duel with Mr. Cilley. Its catastrophe has brought upon me much odium and reproach. Your representative is accountable to you for his *personal* as well as his political conduct; for by it he is worthy of you, or you are dishonored. I owe you an explanation, then, and I make it most cheerfully, because I know that you would gladly receive my vindication.

Judge me, then; you have the right. For what? Murder? No. All the false witnesses who pander for passion or prejudice could not convince you that I am a murderer. For *dishonor*? Worse than murder! The certificate of Mr. Cilley's second will assure you that he took not the least exception to my course. For *participating in a duel*, then—my own or that of another—at all? For that you should judge me. That is my offence. I admit it; and all I can dare ask is, that you will judge me

fairly, according to that public sentiment which prevails among yourselves.

Why act as second for another, where there was no obligation to act? There was an obligation. I never acted as second for a friend but with two motives: first, to be in a position to reconcile his difference, if I could; second, to guard his honor and his life, if I could not. I felt bound to do this for a friend in this instance. I especially have been so situated as to compel me to admit this obligation; for, as I have often told you, my protection, in the discharge of my duties to you here, has depended upon my own trusty weapon, and a trusty friend, upon whom I have been daily liable to call to discharge the same obligation to me. Mr. Graves is one upon whom I would have called; and I felt obliged to do for him, what I would have called on him to do for me.

But, though competent to guard his honor and his life, was I competent to reconcile his difference? It is said that I myself was hostile to his antagonist. If so, I may have been incompetent. But I solemnly deny that I was hostile to Mr. Cilley. God knows whether I did not feel far more sympathy for him than many who pretend to deplore his fate. There had been a slight misunderstanding between us in debate, which passed off with the moment, and left not the trace of animosity behind. True, there was never, before or after that occasion, any intimacy between us, because we were never acquainted; but I was purely and proudly conscious of no malice towards that man, or I never could have consented to bear him a challenge. But, hostile to him or not, and though hostility might have prompted to incite another to seek his life—dark, and deep, and deadly hate must that have been! yet, my conduct proves that I did earnestly endeavor to prevent the shedding of his blood, by reconciling his difference with my friend; and the history of the tragedy proves, that not only I, but two other gentlemen, of known character and standing, who were never accused of hostility to him, and who might have overruled me by their voices and influence, could not reconcile that difference, or prevent its result. That history I now submit to you as I shall detail it, under the solemn sanction of an oath, to a committee of congress now investigating the causes which led to Mr. Cilley's death. The report of that committee I will send you as soon as it is made and printed. This statement supplies what the joint statement of Mr. Jones and myself omits, and that which it could not contain, because he could not vouch for what I alone, or others than himself, knew. And I send this in advance of the report of the committee, to arrest, in the midst of extraordinary excitement, that torrent of defamation which is now pouring from the vials of the wrath of those who would delight to destroy my reputation and usefulness as a public servant. I send it to suspend your judgment until I can be fully heard; to prevent you from blushing for me, until I am put to shame by the truth; and to stay your condemnation until I am fairly convicted by credible evidence.

HENRY A. WISE.

STATEMENT.

The hon. Jonathan Cilley, late a member of the house of representatives, fell in a duel with the hon. Wm. J. Graves, fairly fought between the hours of 3 p. m. and 4 p. m., Saturday, the 24th day of February, 1838, the challenge of which he freely accepted, and the terms of which, as to time, place, weapons, and distance, he himself, or his friends for him, prescribed.

As to the causes which led to this duel I am not the most competent witness. I presume that the hon. Wm. J. Graves himself can inform the committee better than any one else, from the nature of the case, of the facts and influences which operated on him to call Mr. Cilley to the field.

I was wholly ignorant of the fact that Mr. Graves bore, or was about to bear, a note from col. Webb to Mr. Cilley. I never saw that note until the 26th of February, two days after the duel. On the 21st of February, Mr. Graves informed me that he had borne a note to Mr. Cilley from col. Webb, calling for explanation. I rebuked him for having done so, upon the ground that his own previous relations with col. Webb did not justify the latter in imposing upon him such an office and its responsibilities. He replied, that Mr. Cilley had taken time to give him an answer, and we separated after a very short interview.

Afterwards, Mr. Graves called me out from my seat in the house, and informed me that he had seen Mr. Cilley again, and then, for the first time, detailed to me what Mr. Cilley had said in substance, verbally, during their interviews: That, "in declining to receive the note, he hoped it would not be thought disrespectful to him, (Mr. Graves); that he declined on the ground that he could not

consent to be involved in personal difficulties with conductors of public journals for what he had thought proper to say in debate upon the floor; and that he did not decline upon any personal objections to col. Webb as a gentleman." Mr. Graves asked whether I thought that answer satisfactory? I replied that it certainly was satisfactory; that the reasons for declining to receive the note were very proper; that no more could be asked; and that all he had to do was, to return the note to col. Webb, with this answer of Mr. Cilley. He said Mr. Cilley's answer was verbal, merely; that to prevent any error in stating it to col. Webb, and to avoid all controversy with Mr. Cilley, in regard to its substance or terms, he would get him to put it in writing. And he left me, as I thought, for the purpose of obtaining from Mr. Cilley a written answer. I returned to my seat, and neither saw nor heard any of the interviews between Mr. Cilley and Mr. Graves, nor do I know when or where they occurred, or what transpired at them, except what I have been since told by Mr. Graves.

On the morning of the 22d, Mr. Graves informed me that he had called on Mr. Cilley, and requested him to put his answer in writing; that Mr. Cilley had requested him first to address him, (Mr. Cilley) a note, inquiring of him what he had said; that he had written to him a note, (the first in their correspondence,) and handed it to him in person; and that for answer, he had received the first note of Mr. Cilley, which he then exhibited to me. Mr. Graves was highly incensed at the tenor of this note, and I confess that it greatly surprised me, after what Mr. Graves told me he had said verbally in their interviews. Mr. Graves regarded the note—

First, as denying what he had alleged to his friends Mr. Cilley had said to him in conversation.

Secondly, as contemptuous and insulting to col. Webb, whose note he had borne.

Thirdly, as placing Mr. Graves himself in the humiliating attitude of supplication to him, (Mr. Cilley) to relieve him, (Mr. Graves) from "an unpleasant situation."

Fourthly, as saying, in effect, "I do not recognize col. Webb to be a gentleman, sir, but I respect you as one;" thereby inviting Mr. Graves to substitute himself for col. Webb.

Such was the construction which Mr. Graves put upon that letter, and I could not see, and cannot now, what other construction he could have put upon it, taken in connection with the conversations which he averred had passed previously between them; it seemed wholly irreconcilable with, and contradictory to, what had passed between them verbally. But, upon due consideration, he determined to offer Mr. Cilley again an opportunity to explain. He prepared his second letter, and sent it to Mr. Cilley by the honorable Mr. Menefee, as he has since informed me; I know nothing of what passed between Mr. Cilley and Mr. Menefee.

During the sitting of the house on the 22d, between the hours of 3 p. m. and 4 p. m., I think, Mr. Graves came to me with Mr. Cilley's reply, in which he denied the right of Mr. Graves to propound the question in his second note, and requested me to bear to Mr. Cilley a challenge which he had already written, and which he placed in my hands. I expressed my reluctance to be the bearer, told him I would confer with him again upon the subject, and returned to my seat to attend to the discussion of the bill in relation to the disturbances on the Canadian frontier; I addressed the house that evening, soon after which the house adjourned.

Mr. Graves walked with me from the capitol to my boarding house. I then repeated my objections to be the bearer of his challenge, and insisted that I would not bear it that evening; that I wanted time for reflection; that I could not do that service, under any circumstances, except for an intimate friend, who would make a like sacrifice, and incur a like responsibility for me; that I regarded him as such a friend, who had in fact shown every disposition to stand by me upon trying occasions; but I hoped that something might yet be done to avoid the alternative he had chosen; and that I must be permitted to delay the delivery of it until the next day, if I delivered it at all. I prevailed on him to wait until the next morning, when he called upon me again; said that nothing had occurred to change his determination; took the challenge and changed its phraseology; (I have not a copy of the first he put into my hands, nor do I recollect its terms;) and insisted that I should deliver it before the house met, on the 22d of February. I was prevailed on to do so; and accordingly, a few minutes before 12 m. on Friday the 22d, I called at Mr. Cilley's boarding house, and handed him the paper.

When I went into the sitting room at Mr. Birth's I met a gentleman whom I took to be Mr. Williams, the senator from Maine. We conversed a few minutes, and in a short time Mr. Pierce, the senator from New Hampshire, came in, followed by Mr. Cilley. Directly after saluting these gentlemen, Mr. Williams first, and Mr. Pierce soon after him, retired into an adjoining room, leaving Mr. Cilley and myself alone. I informed him that I bore him a note from Mr. Graves. He said, "I will receive it, sir." I handed him the challenge; he read it, and said, "Mr. Pierce, or some other friend, sir, will hand Mr. Graves my answer." I bowed and we parted. I went immediately to the house, and in the evening, after its adjournment, Mr. Jones came to my room, and handed Mr. Cilley's acceptance to Mr. Graves, as described in our joint statement. Mr. Graves, expecting to have a fight with pistols, had come to my room to examine a pair I had, and see whether they would suit him. He had not been practised in the use of any weapon, he told me, and desired me to have my pistols put in order to go out with him the next morning, and instruct him how to use them.

Soon after, Mr. Jones furnished me with the terms of the meeting. I left my room with Mr. Menefee, who had come in just as Mr. Jones and I were parting, about 6 p. m. I think, to show the terms to some of Mr. Graves's friends, and to submit to them whether they should be accepted. They were condemned as barbarous, and such as might properly be declined; but it was thought that they were intended to intimidate; that the distance was so great as, in some measure, to mitigate the severity of the weapon, and, therefore, I was advised that they should be accepted. Indeed, it was thought that the acceptance of such terms might avoid the duel altogether, inasmuch as the plain object of such propositions was either to make the duel fatal, or to deter Mr. Graves from accepting them; and if the latter was the object, the party proposing was most likely to fly from the terms himself.

I consented to accept the terms reluctantly, and before I did accept them, I endeavored to ascertain whether they could be complied with, by procuring a weapon within the appointed time. I rode to four different places to inquire whether a fit weapon could be got, and after a vain search for several hours, I went to Mr. Jones's room, and handed him my first note, about 9 o'clock, p. m. In that note I was particular to name that there should be but one ball to lessen the chances of a fatal shot, by confining the parties to the "downward horizontal position," until the word "fire," thus shortening the time in which they could take aim; and not knowing where to get a rifle or whether one could be got, the main object of the note was to gain time. I wished to gain time, not only to procure a fit rifle, but to afford an opportunity, if possible, to prevent the meeting. Indeed, I remarked to Mr. Jones verbally, that I knew of no person to whom I could apply with certainty of getting a tried weapon in the city of Washington, and I expected to be obliged to send to Philadelphia for one. He seemed to intimate that the time could not be postponed for that purpose: said that there must be fit weapons here, and asked if I could not procure one from the arsenal? I replied, that I should not risk an untried rifle, and told him that I would be obliged if he could inform me where a fit rifle could be got. I fixed upon the hour of 11 a. m. the next day, as the latest period when I would inform Mr. Jones whether Mr. Graves could be ready. I informed Mr. Graves of what I had done, and retired to rest.

About 2 o'clock at night, Mr. Menefee came to my room, awoke me out of sleep, and informed me that Mr. Graves's friends had procured for him a rifle, but, he said, it was in exceedingly bad order. The owner of it has since told me that it had not been used for more than eighteen months, and it was very rusty. I directed Mr. Menefee to have it cleaned as early as possible, and that it must be tried in the morning before Mr. Graves' life was hazarded on it.

Early the next morning, I went to the room of the hon. Mr. Hawes, where, according to appointment with Mr. Menefee the night previous, I expected to meet Mr. Graves. Not finding Mr. Graves there, I returned to Miss Queen's, my own boarding house, to breakfast, and found on my table, about 8 o'clock a. m. the note of Mr. Jones, informing me that he would be at Dr. Reilly's until 11 o'clock, a. m. on the 24th.

At ten o'clock, a. m. I went to Dr. Reilly's, and wrote Mr. Jones a note that Mr. Graves could not be ready by 12 m., and that I would inform him by 12 1-2 m. when he could be ready. I was still anxious to delay the meeting, and desirous to throw obstacles in the way of it for that day. At about

10 1-2 a. m. I found Mr. Graves at the arsenal, where he went to have the rifle cleaned, and I saw him try it several times at a mark. He was exceedingly awkward, shot badly, and I by no means liked the rifle he had. I feared very much the consequences of going out with him under such a total want of preparation, and skill, and was still more than ever anxious for delay, as were his other friends. But on my return to my room, about 11 1-2 a. m. I found two notes from Mr. Jones, a rifle, a powder flask, with powder and ball in it, lying on my table.

The first note, dated 10 1-2 a. m. in reply to mine of 10 a. m., stated that Mr. Jones had "the pleasure to inform" me that he had "an excellent rifle, in good order, which was at the service of Mr. Graves." The second note, which had not been delayed for an answer to the first, dated half an hour only after the first, tendered to me, "for the use of Mr. Graves the rifle referred to," and there were the rifle and its appendages. These notes and that rifle hastened the meeting. I dared delay no longer, without danger of a taunt for cowardice. Mr. Graves should have gone upon the ground, after this, under every disadvantage; but he should not have used the rifle sent him, because, though "an excellent rifle, in good order," Mr. Cilley had, of course, preferred another to it; and if Mr. Graves had missed with it, and been killed, I would have been justly chargeable with his death. The meeting was then to be had as soon as Mr. Graves' rifle could be cleaned, as a surgeon could be got, and as the parties could reach a field out of the District of Columbia. I saw Mr. Jones immediately, and we agreed upon 3 o'clock, p. m. as said in our joint statement.

I returned to Mr. Hawes' room, where Mr. Graves was, and informed him of the appointment. He then selected the hon. John J. Crittenden, of the senate, and the hon. R. H. Menefee, of the house, as the friends whom I was to consult. Mr. Graves retired, and whilst the rifle was being cleaned, I then submitted to Mr. Crittenden and Mr. Menefee the question, distinctly—*what should be done in case the parties missed?* We were all sure that Mr. Graves would miss often.

I understood positively from Mr. Graves, that he would not be satisfied with any admission short of what Mr. Cilley had made to him, verbally, in their interviews. Our object, then, was to adopt or suggest some form, or explanation, or admission, which should be as easy as possible for Mr. Cilley to make, and which should satisfy Mr. Graves. This was our study, and we unanimously decided that immediately after the first fire I should propose to Mr. Cilley, or his second, that he should assign some such reason, or make some such disclaimer, for declining to receive col. Webb's note from Mr. Graves, as he had made to Mr. Graves in their private conversation. Mr. Crittenden and Mr. Menefee wrote down what they thought Mr. Graves should be satisfied with. The one wrote:

"That in declining to receive from Mr. Graves the note from colonel Webb, Mr. Cilley was not influenced by considerations affecting the honor of col. Webb."

The other wrote:

"Mr. Cilley states that he did not decline to receive colonel Webb's communication from Mr. Graves in consequence of any personal exception to colonel Webb as a gentleman or a man of honor."

To these I added another form of admission, which should be accepted as satisfactory:

"Mr. Cilley declined to receive the communication from colonel Webb, at the hands of Mr. Graves, upon the ground that he, Mr. Cilley, did not hold himself answerable to colonel Webb for words spoken in debate, on the floor of the house of representatives."

These, or any admission approaching in substance to these, were to be considered satisfactory. I carried the written propositions with me, in my pocket, on the ground. The reason why Mr. Graves would not be satisfied with anything short of these, was because he alleged that Mr. Cilley had made both these admissions to him verbally.

As to what "transpired on the field," &c. &c., I must refer generally to the statement published by Mr. Jones and myself. But, as that statement is only of what occurred within our joint knowledge, besides the correspondence given upon information of others, I have a few particulars within my own knowledge to add.

The distance appointed was eighty yards. It is my firm belief that the distance stepped off by Mr. Jones and myself, which we did "pari passu," was nearer one hundred yards than eighty. The ground was measured before the choice of positions, and I believe that we both stepped with a view of preventing the parties from hitting each

other. The choice of position fell to me by lot. The giving of the word fell to Mr. Jones.

I kept my eye upon Mr. Cilley; it was my duty to see that he obeyed the rules. At the first exchange of shots, I thought that he fired, though perfectly fair, too hurriedly, and his ball did not reach Mr. Graves, because he did not raise his rifle sufficiently high. Mr. Graves fired after Mr. Cilley.

As the rifle was put into Mr. Cilley's hands the second time, I saw, though I could not hear, Mr. Jones giving him directions, as I thought, to be more deliberate. I had heard that he was a fine marksman, and I was extremely uneasy for the result. The word was given; Mr. Graves' rifle went off quickly, and, as he told me afterwards, accidentally, and into the ground. Mr. Cilley drew up very deliberately, aimed, I feared, a deadly shot, and fired. I thought he had hit Mr. Graves. I went to him, and inquired why he shot so quick? He said that he must have another shot; that Mr. Menefee had told him not to put his finger upon the guard, but the trigger was too easy, and that he would next time shoot his own way. His rifle had gone off accidentally, owing to his taking his finger off the guard, and insisted upon another shot.

It was very apparent to me that Mr. Cilley had shot at the life of Mr. Graves. If, when Mr. Graves' rifle went off, without harm to him, he had discharged in the air, or reserved his fire, the fight would have been at an end; he would not again have jeopardized Mr. Graves' life, and would have saved his own. Mr. Graves was not, however, touched by his ball, and I again withdrew the challenge, as before, for explanation.

It was between the second and third exchange of shots, and after the rifles were ordered to be again loaded for the third fire, the challenge having been renewed, that I proposed to Mr. Jones that Mr. Cilley should say that, "in declining to receive col. Webb's note, he meant no disrespect to Mr. Graves, either directly or indirectly." In making this proposition I went beyond my instructions; but, as I understood Mr. Jones, Mr. Cilley would not say those words alone nor without adding words which did away the effect of the word "indirectly," and which left the parties exactly where they were when they came upon the ground.

The statement of Mr. Jones and myself contains substantially all the propositions which I remember to have been made on the field for settling the difference. But here it is proper to remark, that when first the friends assembled at my instance, much was said by them upon both sides. A debate was likely to ensue, and lest a dispute or difference should arise among ourselves, it was suggested that the friends should consult apart with the respective seconds, and that the seconds should be the organs of announcing propositions for settling the difference in the hearing of all. This seemed to be acceded to by all parties. I noted nothing, therefore, as authorized, except what proceeded from Mr. Jones himself; and consequently, do not, and cannot, attempt to report what was said by others. I do not remember to have heard Mr. Cilley speak after he went on the ground. He and Mr. Graves were ordered to their positions, after being instructed as to the word, and they kept their positions, eighty yards apart, until the fight ended. The conference of seconds and friends were held exactly equi-distant from them—of course, forty yards off.

I made no proposition on the ground, and rejected none, without consulting Mr. Crittenden and Mr. Menefee; and I believe that every act of mine there, and throughout the whole affair, met with their approbation, and that of Mr. Graves.

It was at the instance of Mr. Graves himself, that I remarked to Mr. Jones, immediately previous to the last exchange of shots: "If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance." Mr. Graves had no confidence in his own shooting, at so long a distance, and directed me positively, if they missed repeatedly, to prevent a prolongation of the affair by proposing closer quarters.

The reason why Mr. Graves insisted upon Mr. Cilley's saying, "either that he declined to receive the note of colonel Webb, because he was not accountable for words spoken in debate," or "that, in declining to receive the note, he did not do so upon the ground of personal objection to col. Webb, as a gentleman," was because Mr. Cilley had made both these declarations, as Mr. Graves alleged to his friends, to him verbally. He would not be satisfied with the declarations announced on the ground, and his friends could not advise him to accept them as satisfactory, for the reason that they admitted nothing which Mr. Cilley did not admit in his written correspondence, and nothing

which he did admit in his conversation with Mr. Graves. Mr. Graves could not be satisfied on the field, whilst his adversary was before him with a rifle in his hand, with what he was not satisfied with before, whilst looking at a pen merely in his own hand.

I have now stated the facts, and the world can make its own deduction of the causes which led to the death of the honorable Mr. Cilley. If I am a proper judge of those causes, and am expected to say what they were, I will sum them up in order:

First. Mr. Cilley, as Mr. Graves affirmed, and still affirms, denied, in writing, a satisfactory answer which he had made to Mr. Graves verbally.

Second. He made this written denial in answer to a letter of Mr. Graves, which he had himself requested to be addressed to him, with a view to form a pretext for a written admission of the very facts he denied.

Third. He impeached the honor of one for whom, as a gentleman, Mr. Graves undertook, by the very act of bearing his note, to vouch.

For these causes, Mr. Graves challenged him to mortal combat; and

Fourth. When Mr. Graves called on him for "that satisfaction which is recognized among gentlemen," he prescribed barbarous and savage terms; an unusual weapon, the most deadly, at the distance selected, in the hands of a good shot.

Fifth. He precipitated the time of meeting, when the second of Mr. Graves was avowing a want of preparation and a desire for delay.

Sixth. A weapon, not one of a pair, was tendered for the use of Mr. Graves, in a manner that was considered taunting.

Seventh. In the second exchange of shots, Mr. Cilley fired deliberately at Mr. Graves' life, after the rifle of Mr. Graves had gone off accidentally, and without effect.

Eighth. Mr. Graves called Mr. Cilley out upon a point of sufficient importance, as he thought, to cause a challenge; he did not get the satisfaction he demanded, and he was not the man to leave the field without gaining that point, after any number of ineffectual fires.

And for reason of all these causes the combat proved mortal. Mr. Cilley was killed; death might have been the fate of Mr. Graves. Certain it is, that Mr. Graves did not hold Mr. Cilley accountable for the exercise of any privilege of a member of the house of representatives. There was no point of their controversy when the plea of Mr. Cilley's privilege of debate would not have been held sacred and sufficient by Mr. Graves and his friends. Mr. Graves held him accountable in defence only of his own veracity, and of the honor of one for whom he had undertaken to vouch as a gentleman.

Such are the more prominent causes known to me which made this duel bloody, which made Mr. Graves insist upon a second and a third exchange of shots, which brought Mr. Cilley to an untimely end.

Most respectfully,
HENRY A. WISE.

From the "Globe" of Tuesday, the 13th inst.
LETTER FROM THE HON. FRANKLIN PIERCE.

WASHINGTON, March 12, 1838.

SIR: I inclose herewith a number of "the Atlas," a paper printed at Boston, for the purpose of calling the attention of the committee to a letter dated in this city on the 5th instant; the perusal of which has filled me with equal pain and surprise. In a former letter in the same paper, it was stated that I was the second of Mr. Cilley in the late tragical duel. This I did not notice, because the correction had already gone abroad, and also for the reason that so far as the immediate relatives and friends of the deceased (who have occupied my thoughts almost exclusively since the melancholy occurrence) were concerned, it was a matter of no importance. But the letter to which I now call the attention of the committee, contains statements which must be of the most painful interest to those relatives as they are to me: statements into which a regard to their feelings and my own character alike demand a strict investigation. I extract those parts of the letter which relates particularly to myself, and into which I respectfully ask the committee to institute a rigid inquiry.

EXTRACTS.

1st. "If the matter be probed to the bottom, it will be found that Mr. Cilley was sacrificed by his own friends, who urged and induced him to fight in the confident expectation that he would kill Graves at the first fire."

2d. "But in the interval between that interview and the note he received from Mr. Graves containing a written statement of the substance of the con-

versation which he was requested to assent to, he had consulted, it is said, with his friend Mr. Pierce, of New Hampshire, and through Mr. Pierce, with that celebrated duellist—celebrated for killing his opponents by unfair advantages—Mr. Benton of Missouri. No doubt others were called into the council. Mr. Cilley's remarkable skill with the rifle was well known."

3d. "When the carriage, containing Mr. Cilley's body, drove up to the door of his boarding house, Mr. Pierce, who boards in the same house, is said to have run down stairs with an air of exultation, calling out for the news, and confident that his friend had been successful. The revulsion in his feelings, when he learned the real state of the case, may be imagined."

With regard to the first extract, I would state that I have been a friend of Mr. Cilley from the days of our college life, and suppose I may be one of the individuals alluded to, but that I never entertained or expressed a "confident expectation that he would kill Mr. Graves;" but on the contrary, I did express, both before the meeting and after the parties had left the city, an anxious hope that the difference might be settled without the effusion of blood. I never advised Mr. Cilley to accept the challenge, nor do I know any friend who did.

In relation to the second, I state that he did consult with me, and that I advised him by all means to avoid a personal difficulty; if he could, to make his first note in reply to Mr. Graves acceptable; and I particularly suggested to him to state that he neither denied or affirmed anything with regard to Mr. Webb's character, as I understood him to say he had done before, in order that Mr. Graves should have no cause to make it a matter personal to himself. At the time the note was written, I do not recollect to have heard from Mr. Cilley, or any other person, that he was accustomed to the use of the rifle at all.

When the second note was received, and the answer written, I suggested that he had better introduce the sentiment which I knew he entertained, that he regretted that his former note was not satisfactory, for the purpose of manifesting still his disposition for reconciliation. Mr. Cilley fully concurred in all my suggestions.

It is due to col. Benton to state that I never spoke with him on this subject, until Friday afternoon, when the challenge had been received, and Mr. Cilley had resolved to accept it.

In relation to the third extract quoted above, I have to state, that late in the afternoon, when on Pennsylvania avenue, at the foot of Third street, on which street were our lodgings, a messenger on horseback came up and informed me that he had come from the field, and that Mr. Cilley was killed. I proceeded immediately to our boarding-house, and announced the fact to Mr. Williams, general Wall, and the family. While we were standing in the entry, a note from Mr. Wise was brought in, stating that my friend was wounded, and that he had left him near the Anacosta bridge. I asked one of the gentlemen to take a carriage and go out with me. General Wall remarked, that he would probably be brought in before we could get out of the city. Mr. Williams went up stairs for an outside garment; before he returned, the carriage drove up with the remains of Mr. Cilley.

I trust the committee will be enabled to ascertain upon what authority statements so injurious to myself and others, have been made.

I am, very respectfully,

FRANKLIN PIERCE.

Hon. ISAAC TOUCEY,

Chairman of the committee of investigation.

The supreme court of the United States having been invited to attend the funeral of Mr. Cilley, adopted the following resolutions, which we copy from "the New York American."

Resolved, That the justices of the supreme court entertain a high respect for the character of the deceased, sincerely deplore his untimely death, and sympathize with his bereaved family in the heavy affliction which has fallen upon them.

Resolved, That with every desire to manifest their respect for the house of representatives, and the committee of the house, by whom they have been invited, and for the memory of the deceased, the justices of the supreme court cannot, consistently with the duties they owe to the public attend in their official characters, the funeral of one who has fallen in a duel.

Ordered, That these proceedings be entered on the minutes of the court, and that the chief justice enclose a copy to the chairman of the committee of the house of representatives.

The following resolves, introduced by Mr. Codman, of Portland, were unanimously passed

in the Maine house of representatives, on Monday the 12th inst.

Resolved, That the intelligence of the sudden death of the honorable Jonathan Cilley, a representative in congress from this state, has been received with unfeigned grief.

Resolved, That the people of this state hold in high estimation the distinguished talents and public services of the deceased, and feel the deepest sympathy for his afflicted widow, children and friends.

Resolved, That attested copies of these resolves be forwarded to the widow of the deceased, and to each of the senators and representatives in congress from this state.

After the above resolutions had been adopted, Mr. Gardiner, of Waterville, introduced several resolutions, condemning the practice of duelling, which were read, and assigned for a second reading.

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA,

On the sub-treasury bill: delivered in the senate of the United States, February 15, 1838.

I regard this measure, which has been so much denounced as very little more than an attempt to carry out the provisions of the joint resolutions of 1816 and the deposit act of 1836. The former provides that no notes but those of specie paying banks shall be received in the dues of the government, and the latter that such banks only shall be the depositories of the public revenues and fiscal agents of the government; but it omitted to make provisions for the contingency of a general suspension of specie payments, such as is the present. It followed, accordingly, on the suspension in May last, which totally separated the government and the banks, that the revenues were thrown in the hands of the executive, where it has since remained under its exclusive control, without any legal provision for its safe keeping. The object of this bill is to supply this omission; to take the public money out of the hands of the executive and place it under the custody of the laws, and to prevent the renewal of a connexion which has proved so unfortunate to both the government and the banks. But it is this measure, originating in an exigency caused by our own acts, and that seeks to make the most of a change effected by operation of law, instead of attempting to innovate, or to make another experiment, as has been erroneously represented, which has been denounced under the name of the sub-treasury with such unexampled bitterness.

In lieu of this bill, an amendment has been offered, as a substitute, by the senator from Virginia, furthest from the chair, (Mr. Rives,) which he informs us is the first choice of himself and those who agree with him, and the second choice of those with whom he is allied on this question. If I may judge from appearances, which can hardly deceive, he might have said their first choice, under existing circumstances; and have added, that despairing of a national bank, the object of their preference, they have adopted his substitute, as the only practical alternative at present. We have, then, the question thus narrowed down to this bill and the proposed substitute. It is agreed, on all sides, that one or the other must be selected, and that to adopt or reject the one, is to reject or adopt the other. The single question then is, which shall we choose? A deeply momentous question, which we are now called on to decide in behalf of the states of this union, and on our decision their future destiny must, in a great degree, depend, so long as their union endures.

In comparing the relative merits of the two measures, preparatory to a decision, I shall touch very briefly on the principles and details of the bill. The former is well understood by the senate and the country at large, and the latter has been so ably and lucidly explained by the chairman of the committee in his opening speech, as to supercede the necessity of further remarks on them at this stage of the discussion. I propose, then, to limit myself to a mere general summary, accompanied by a few brief observations.

The object of the bill, as I have already stated, is to take the public funds out of the hands of the executive, where they have been thrown by the operation of our acts, and to place them under the custody of law; and to provide for a gradual and slow, but a perpetual separation between the government and the banks. It proposes to extend the process of separating to the year 1845, receiving, during the first year of the series, the notes of such banks as may pay specie, and reducing thereafter the amount receivable in notes one-sixth annually, till the separation shall be finally consummated at the period mentioned.

The provisions of the bill are the most simple and effectual that an able committee could devise. Four

principal receivers, a few clerks, and a sufficient number of agents to examine the state of the public funds in order to see that all is right, at an annual charge not exceeding forty or fifty thousand dollars at most, constitute the additional officers and expenditures required, to perform all the functions heretofore discharged by the banks, as depositories of the public money and fiscal agents of the treasury. This simple apparatus will place the public treasury on an independent footing, and give to the government, at all times, a certain command of its funds to meet its engagements, and preserve its honor and faith inviolate. If it be desirable to separate from the banks, the government must have some independent agency of its own to keep and disburse the public revenue; and if it must have such an agency, none, in my opinion, can be devised more simple, more economical, more effectual and safe, than that provided by this bill. It is the necessary result of the separation, and to reject it, without proposing a better, (if, indeed, a better can be,) is to reject the separation itself.

I turn now to the substitute. Its object is directly the reverse of that of the bill. It proposes to revive the league of state banks, and to renew our connection with them, and which all acknowledge has contributed so much to corrupt the community, and to create a spirit of speculation, heretofore unexampled in our history.

The senator in offering it, whether wisely or not, has at least acted consistently. He was its advocate at first in 1834, when the alternative was between it and the recharter of the late Bank of the United States. He then defended it zealously and manfully, against the fierce assaults of his present allies, as he now defends it, when those, who then sustained him, have abandoned the measure. Whether wisely or not, there is something heroic in his adherence, and I commend him for it; but I fear I cannot say as much for his wisdom and discretion. He acknowledged with all others, the disasters that have followed the first experiment, but attributes the failure to inauspicious circumstances, and insists that the measure has not had a fair trial. I grant that a second experiment may succeed, after the first has failed; but the senator must concede, in return, that every failure must necessarily weaken confidence, both in the experiment and the experimenter. He cannot be more confident in making this second trial than he was in the first; and if I doubted the success then, and preferred the sub-treasury to his league of banks, he must excuse me for still adhering to my opinion, and doubting the success of his second trial. Nor ought he to be surprised, that those who joined him in the first should be rather shy of trying the experiment again, after having been blown into the air, and burnt and scalded by the explosion. But, if the senator has been unfortunate in failing to secure the co-operation of those who aided him in the first trial, he has been compensated by securing the support of those who were then opposed to him. They are now his zealous supporters. In contrasting their course then and now, I intend nothing personal. I make no charge of inconsistency, nor do I intend to imply it. My object is truth, and not to wound the feelings of any one, or any party. I know that to make out a charge of inconsistency, not only the question, but all the material circumstances must be the same. A change in either, may make a change of vote necessary; and, with a material variation in circumstances, we are often compelled to vary our course, in order to preserve our principles. In this case, I conceive that circumstances, as far as the present allies of the senator are concerned, have materially changed. Then the option was between a recharter of the late bank and a league of state banks; but now the former is out of the question, and the option is between such a league and a total separation from the banks. This being the alternative, they may well take that, which they rejected in 1834, without subjecting themselves to the charge of inconsistency, or justly exposing themselves to the imputation of change of principle, or opinion. I acquit them, then, of all such charges. They doubtless think now, as they formerly did, of the measure, which they then denounced and rejected, but which a change of circumstances now compel them to support. But in thus acquitting them of the charge of inconsistency, they must excuse me if I avail myself of the fact, that their opinion remains unchanged, as an argument in favor of the bill—against the substitute. The choice is between them. They are in the opposite scales. To take from the one is, in effect, to add to the other; and any objection against the one, is an argument equally strong in favor of the other. I then do avail myself of their many powerful objections in '34 against the measure, which this substitute proposes now to revive. I call to my aid, and press into my service every denunciation they then uttered, and every argu-

ment they then so successfully urged against it. They, no, we (for I was then, as now, irreconcilably opposed to the measure) charged against it, and proved what we charged, that it placed the purse and the sword in the same hands; that it would be the source of boundless patronage and corruption, and fatal in its consequences to the currency of the country; and I now avail myself of these, and all other objections, then urged by us, in as full force against this substitute, as if you were again to rise in your places and repeat them now; and of course, as so many arguments, in effect, in favor of the bill; and on their strength I claim your vote in its favor, unless, indeed, still stronger objections can be urged against it. I say stronger, because time has proved the truth of all that was then said against the measure now proposed to be revived by this substitute. What was then prediction is now fact. But whatever objections have been, or may be urged against the bill, however strong they may appear in argument, remain yet to be tested by the unerring test of time and experience. Whether they shall ever be realized must be admitted even by those who may have the greatest confidence in them, to be at least uncertain; and it is the part of wisdom and prudence, where objections are equally strong against two measures, to prefer that which is yet untried, to that which has been tried and failed. Against this conclusion, there is but one escape.

It may be said that we are sometimes compelled, in the midst of the many extraordinary circumstances in which we may be placed, to prefer that, which is of itself the more objectionable, to that which is less so; because the former may more probably lead, in the end, to some desired result, than the latter.—To apply the principle to this case, it may be said that the substitute, though of itself objectionable, is to be preferred, because it would more probably lead to the establishment of a national bank, than the bill which you believe to be the only certain remedy for all the disorders that affect the currency. I admit the position to be sound in principle, but it is one exceedingly bold and full of danger in practice, and ought never to be acted on, but in extreme cases, and where there is a rational prospect of accomplishing the object ultimately aimed at. The application, in this case, I must think, would be rashness itself. It may be safely assumed, that the success of either, whichever may be adopted, the bill or the substitute, would be fatal to the establishment of a national bank. It can never put down a successful measure to take its place; and, of course, that which is most likely to fail, and re-plunge the country into all the disasters of a disordered currency, is that which would most probably lead to the restoration of a national bank; and to prefer the substitute on that account is, in fact, to prefer it because it is the worst of the two. But are you certain that another explosion would be followed by a bank? We have already had two; and it is far more probable, that the third would impress, universally and indelibly, on the public mind, that there was something radically and incurably wrong in the system which would blow up the whole concern, national bank and all.

If I may be permitted to express an opinion, I would say, you have pursued a course on this subject unfortunate both for yourselves and country. You are opposed both to the league of banks, and the sub-treasury. You prefer a national bank; and regard it as the only safe and certain regulator of the currency, but consider it, for the present, out of the question, and are therefore compelled to choose between the other two. By supporting the substitute, you will be held responsible for all the mischief and disasters that may follow the revival of the pet bank system, as it has been called, with the almost certain defeat of your first and cherished choice; and those you oppose will reap all the benefits of the power, patronage and influence, which it may place in their hands, without incurring any portion of the responsibility. But that is not all. The success of the substitute would be the defeat of the bill, which would, in like manner, place on you the responsibility of its defeat, and give those you oppose, all the advantage of having supported it without any of the responsibility, that would have belonged to it, had it been adopted. Had a different course been taken—had you joined in aiding to extend the custody of the laws over the public revenue, in the hands of the Executive, where your own acts have placed it, and for which you, of course, are responsible, throwing the blame at the same time on those, to whom you attribute the present disordered state of the currency, the burthen of the responsibility, you would have stood ready to profit by events. If the sub-treasury, contrary to your anticipation, succeeded, as patriots, you would have cause to rejoice in the unexpected good. If it failed, you would have the credit of having anticipated the result, and might then after a double triumph of sagacity and

foresight, have brought forward your favorite measure, with a fair prospect of success, when every other had failed. By not taking this course, you have lost the only prospect of establishing a national bank.

Nor has your course, in my opinion, been fortunate for the country. Had it been different, the currency question would have been decided at the called session; and had it been decided then, the country would this day have been in a much better condition: at least the manufacturing and commercial section to the north, where the derangement of the currency is felt the most severely. The south is comparatively in an easy condition.

Such are the difficulties that stand in the way of the substitute at the very threshold. Those beyond are vastly greater, as I shall now proceed to show. Its object as I have stated, is to revive the league of state banks, and the first question presented for consideration is, how is this to be done—how is the league to be formed? how stimulated into life when formed; and what after it has been revived, would be the true character of the league or combination? To answer these questions we must turn to its provisions.

It provides that the secretary of the treasury shall select twenty-five specie paying banks, as the fiscal agents of the government, all to be respectable and substantial, and that the selection shall be confirmed by the joint vote of the two houses. It also provides, that they shall be made the depositories of the public money, and that their notes shall be receivable in the dues of the government; and that in turn, for these advantages, they shall stipulate to perform certain duties, and comply with various conditions, the object of which is, to give to the secretary of the treasury full knowledge of their condition and business, with the view to supervise and control their acts, as far as the interest of the government is concerned. In addition to these, it contains other and important provisions, which I shall not enumerate, because they do not fall within the scope of the objections, that I propose to urge against the measure.

Now I ask what does all this amount to? What but a proposal on the part of the government to enter into a contract or bargain, with certain selected state banks, on the terms and conditions contained. Have we the right to make such a bargain is the first question; and to that, I give a decided negative, which I hope to place on constitutional grounds, that cannot be shaken. I intend to discuss it, with other questions growing out of the connection of the government with the banks, as a new question for the first time presented for consideration and decision. Strange as it may seem, the questions growing out of it, as long as it has existed, have never yet been presented nor investigated in reference to their constitutionality. How this has happened, I shall now proceed to explain, preparatory to the examination of the question, which I have proposed.

The union of the government and the banks was never legally solemnized. It originated shortly after the government went into operation, not in any legal enactment, but in a short order of the treasury department of not much more than a half a dozen of lines, as if it were a mere matter of course. We thus glided imperceptibly into a connection, which was never recognized by law till 1816, (if my memory serves,) but which has produced, more important after consequences, and has had a greater control over the destiny of this country, than any one of the mighty questions, which have so often and deeply agitated the country. To it may be traced, as their seminal principle, the vast and extraordinary expansion of our banking system, our excessive import duties, unconstitutional and profuse disbursements, the protective tariff, and its associated system for spending what it threw into the treasury, followed in time by a vast surplus which the utmost extravagance of the government could not dissipate, and finally, by a sort of retributive justice, the explosion of the entire banking system, and the present prostrated condition of the currency, now the subject of our deliberation.

How a measure, fraught with such important consequences should at first, and for so long a time should have escaped the attention and the investigation of the public, deserves a passing notice. It is to be explained by the false conception of the entire subject of banking, which at that early period universally prevailed in the community. So erroneous was it, that a bank note was then identified in the mind of the public with gold and silver, and a deposit in bank was regarded, as under the most safe and sacred custody, that could be devised. The original impression, derived from the bank of Amsterdam, where every note, or certificate in circulation, was honestly represented by an equal and specific quantity of gold or silver in bank, and where

every deposit, was kept, as a sacred trust, to be safely returned to the depository, when demanded was extended to banks of discount, down to the time of the formation of our government, with but slight modifications. With this impression, it is not at all extraordinary, that the deposit of the revenue in banks for safe keeping, and the receipt of their notes in the public dues, should be considered, a matter of course, requiring no higher authority than a treasury order: and hence a connection, with all the important questions belonging to it and now considered of vast magnitude, received so little notice, till public attention was directed to it by its recent rupture. This total separation from the system, in which we now find ourselves placed, for the first time, authorizes and demands, that we shall investigate freely and fully, not only the consequences of the connection, but all the questions growing out of it, more especially those of a constitutional character; and I shall in obedience to this demand return to the question from which this digression has carried me so far.

Have we then the right to make the bargain proposed? Have we the right to bestow the high privileges, I might say prerogatives, on them of being made the depositories of the public revenue, and of having their notes received and treated as gold and silver in the dues of the government and in all its fiscal transactions? Have we the right to do all this in order to bestow confidence in the banks, with the view to enable them to resume specie payments? What is the state of the case? The banks are deeply indebted to the country, and are unable to pay; and we are asked to give them these advantages, in order to enable them to pay their debts. Can we grant the boon? In answering this important question, begin with the fact, that our government is one of limited powers. It can exercise no right but what is specifically granted; nor pass any law but what is necessary and proper to carry such power into effect. This small pamphlet (holding it up) contains the constitution. Its grants of power are few and plain and I ask gentlemen to turn to it, and point out the power, that authorizes us to do what is proposed to be done, or to show that, to pass this substitute, is necessary to carry any of the granted powers into effect. If neither can be shown, what is proposed cannot be constitutionally done; and till it is specifically pointed out, I am warranted in believing, that it cannot be shown.

Our reason is often confounded by a mere name. An act, in the minds of many, may become of doubtful constitutional authority, when applied to a bank which none would for a moment, hesitate to pronounce grossly unconstitutional, when applied to an individual. To free ourselves from this illusion, I ask, could this government constitutionally bestow on individuals, or a private association, the advantages proposed to be bestowed on the selected banks in order to enable them to pay their debts? Is there one who hears me, who would venture to say, yes even in the case of the most extensive merchant or mercantile concern, such as some of those in New York, or New Orleans, at the late suspension whose embarrassments involved entire sections in distress? But, if not, on what principle can a discrimination be made in favor of the banks? They are local institutions created by the states for local purposes composed, like private associations, of individual citizens, on whom the acts of the state cannot confer a particle of constitutional right under this constitution that does not belong to the humblest citizen. So far from it, if there be a distinction, it is against the banks. They are removed farther from the control of this government than the individual citizens, who by the constitution, are expressly subject to the direct action of this government in many instances while the state banks, as constituting a portion of the domestic institutions of the states, and resting on their reserved rights, are entirely beyond our control; so much so, as not to be the subject of a bankrupt law, although the authority to pass one is expressly granted by the constitution.

On what possible ground, then, can the right in question be placed, unless, indeed, on the broad principle that these local institutions, intended for state purposes, have been so extended and have so connected themselves with the general circulation and business of the country, as to effect the interest of the whole community, so as to make it the right and duty of congress to regulate them; or, in short on the broad principle of the general welfare? There is none other, that I can perceive: but this would be to adopt the old and exploded principle, at all times dangerous, but pre-eminently so at this time when such loose and dangerous conceptions of the constitution are abroad in the land. If the argument is good, in one case, it is good in all similar cases. If this government may interfere with any one of the domestic institutions of the states, on the ground of promoting the general welfare, it may with oth-

era. If it may bestow privileges to control them, it may also appropriate money for the same purpose; and thus a door might be opened to an interference with state institutions, of which we of a certain section ought at this time to be not a little jealous.

The argument might be pushed much farther. We not only offer to confer great and important privileges on the banks to be selected, but, in turn, ask them to stipulate to comply with certain conditions, the object of which is to bring them under the supervision and control of this government. It might be asked, where is the right to purchase or assume such supervision, or control? It might be repeated, that they are state institutions, incorporated solely for state purposes, and to be entirely under state control, and that all supervision on our part is in violation of the rights of the states. It might be argued that such supervision or control, is calculated to weaken the control of the states over their own institutions, and to render them less subservient to their peculiar and local interests, for the promotion of which they were established; and too subservient to other, and, perhaps conflicting interests, which might feel but little sympathy with those of the states. But I forbear. Other, and not less urgent objections claim my attention. To dilate too much on one, would necessarily sacrifice the claim of others.

I next object, that whatever may be the right to enter into the proposed bargain, the mode in which it is proposed to make it is clearly unconstitutional, if I rightly comprehend it. I am not certain that I do; but, if I understand it rightly, the plan is, for the secretary of the treasury to select twenty-five state banks, as described in the substitute, which are to be submitted to the two houses to be confirmed or rejected, by their joint resolutions, without the approval of the president; in the same mode, as they would appoint a chaplain, or establish a joint rule for the government of their proceedings.

In acting on the joint resolution, if what I suppose be intended, each house would have the right, of course, to strike from it the name of any bank and insert another, which would in fact vest in the two houses the uncontrollable right of making the selection. Now, if this be the mode proposed, as I infer from the silence of the mover, it is a plain and palpable violation of the constitution. The obvious intention is, to evade the veto power of the executive, which cannot be, without an infraction of an express provision of the constitution, drawn up with the utmost care, and intended to prevent the possibility of evasion. It is contained in the 1st article, 7th section, and the last clause, which I ask the secretary to read:

["Every order, resolution, or vote, to which the concurrence of the senate and house of representatives may be necessary, (except on a question of adjournment) shall be presented to the president of the United States, and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill."]

Nothing can be more explicit or full. It is no more possible to evade the executive veto, on any joint vote, than in the passage of a bill. The veto was vested in him not only to protect his own powers, but as an additional guard to the constitution. I am not the advocate of executive power, which I have been often compelled to resist of late, when extended beyond its proper limits, as I shall ever be prepared to do when it is. Nor am I the advocate of legislative or judicial. I stand ready to protect all, within the sphere assigned by the constitution, and to resist them beyond. To this explicit and comprehensive provision of the constitution, in protection of the veto, there is but a single exception, resulting, by necessary implication, from another portion of the instrument, not less explicit, which authorizes each house to establish the rules of its proceedings. Under this provision the two houses have full and uncontrollable authority within the limits of their respective walls, and over those subject to their authority, in their official character. To that extent, they may pass joint votes and resolutions, without the approval of the executive; but beyond that, without it, they are powerless.

There is in this case special reasons why his approval should not be evaded. The president is at the head of the administrative department of the government, and is especially responsible for its good management. In order to hold him responsible, he ought to have due power in the selection of its agents, and proper control over their conduct. These banks would be by far the most powerful and influential of all the agents of the government, and ought not to be selected without the concurrence of the executive. If this substitute should be adopted, and the provision in question be regarded such, as I consider it, there can be no doubt what must be the

fate of the measure. The executive will be bound to protect, by the intervention of its constitutional right, the portion of power clearly allotted to that department by that instrument, which would make it impossible for it to become a law, with the existing division in the two houses.

I have not yet exhausted my constitutional objections. I rise to higher and to broader, applying directly to the very essence of this substitute. I deny your right to make a general deposit of the public revenue in a bank. More than half of the errors of life may be traced to fallacies originating in an improper use of words; and among not the least mischievous is the application of this word to bank transactions, in a sense wholly different from its original meaning. Originally it meant a thing placed in trust, or pledged to be safely and sacredly kept, till returned to the depositor, without being used by the depository, while in his possession. All this is changed when applied to a deposit in bank. Instead of returning the identical thing, the bank is understood to be bound to return only an equal value; and instead of not having the use, it is understood to have the right to loan it out on interest, or to dispose of it as it pleases, with the single condition, that an equal amount be returned, when demanded, which experience has taught is not always done. To place, then, the public money in deposit, in bank, without restriction, is to give the free use of it, and to allow them to make as much as they can out of it, between the time of deposit and disbursement. Have we such a right? The money belongs to the people,—collected from them for specific purposes,—in which they have a general interest,—and for that only: and what possible right can we have to give such use of it to certain selected corporations? I ask for the provision of the constitution that authorizes it. I ask, if we could grant the use, for similar purposes, to private associations or individuals? Or if not to them, to individual officers of the government; for instance, to the four principal receivers under this bill, should it pass? And if this cannot be done, that the distinction be pointed out.

If these questions be satisfactorily answered, I shall propound others still more difficult. I shall then ask, if the substitute should become a law, and the twenty-five banks be selected, whether they would not in fact be the treasury? And if not, I would ask, where would be the treasury? But if the treasury, I would ask, if public money in bank would not be in the treasury? And if so, how can it be drawn from it to be lent for the purpose of trade, speculation, or any other use whatever, against an express provision of the constitution? Yes, as express as words can make it. I ask the secretary to read the 1st article, 9th section, and the clause next to the last.

"No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

How clear! How explicit! No money to be drawn from the treasury but in consequence of appropriations made by law;—that is, the object on which the expenditure is to be made, to be designated by law, and the sum allotted to effect it, specified; and yet we have lived in the daily and habitual violation of this great fundamental provision, from almost the beginning of our political existence to this day. Behold the consequences! It has prostrated and engulfed the very institutions which have enjoyed this illicit favor, and tainted, above all other causes, the morals and politics of the whole country. Yes, to this must be traced, as one of the main causes, the whole system of extensive revenue, excessive expenditure, and excessive surpluses; and to them, especially the last, the disastrous overthrow of the banks and the currency, and the unexampled degeneracy of public and private morals, which have followed. We have suffered the affliction, may the blessing, which follows chastisement, when its justice is confessed, come in due season.

But I take a still higher ground. I strike at the root of the mischief. I deny the right of this government to treat bank notes as money in its fiscal transactions. On this great question, I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions. In all instances, in which a national bank has come in question, I have invariably taken my ground, that if the government has the right to receive and treat bank notes as money, it had the right, and was bound under the constitution, to regulate them, so as to make them uniform and stable as a currency. The reasons for this opinion are obvious, and have been so often and fully expressed on former occasions, that it would be useless to repeat them now: but I never examined fully the right of receiving, or made up my mind on it, till since the catastrophe in May last, which, as I have said, entirely separated the govern-

ment from the banks. Previous to that period, it was an abstract question, with no practical bearing; as much so as is now the constitutional right of admitting Louisiana into the Union. Things are now altered. The connexion is dissolved; and it has become a practical question of the first magnitude.

The mover of the substitute assumed as a postulate, that this government had a right to receive in its dues, whatever it might think proper. I deny the position *in toto*. It is one, that ought not to be assumed, and cannot be proved, and which is opposed by powerful objections. The genius of our constitution is opposed to the assumption of power. Whatever power it gives is expressly granted; and if proof were wanted, the numerous grants of powers far more obvious and apparently much more safe to be assumed than the one in question, would afford it. I shall cite a few striking instances.

If any powers might be assumed, one would suppose, that of applying money to pay the debts of the government, and borrowing it to carry on its operations would be among them;—yet both are expressly provided for by the constitution. Again, to congress is granted the power to declare war and raise armies and navies; yet the power to grant letters of marque and reprisal and to make rules for the regulation of the army and navy are not left to assumption, as obvious as they are, but are given by express grant. With these and other instances not less striking, which might be added, it is a bold step to assume, without proof, the far less obvious power of the government receiving whatever it pleases in its dues as money. Such an assumption would be in direct conflict with the great principle which the state rights party, with which the senator (Mr. Rives) classes himself, have ever adopted in the construction of the constitution. But, if the former cannot be assumed, it would be in vain to attempt to prove that it has been granted, or that it is necessary and proper to carry any of the granted powers into effect. No such attempt has been made, nor can be, with success. On the contrary, there are strong objections to the power, which, in my opinion, cannot be surmounted.

If once admitted, it would lead by consequence to a necessary interference with individual and state concerns never contemplated by the constitution. Let us, for instance, suppose that, acting on the assumption of the senator, the government should choose to select tobacco as an article to be received in payment of its dues, which would be as well entitled to it as any other product, and in which the senator's constituents are so much interested. Does he not see the consequences? In order to make its taxes uniform, which it is bound to do by the constitution, and which cannot be done unless the medium in which it is paid is so, the government would have to assume a general control over the great staple in question; to regulate the weight of the hogshead or package; to establish inspections under its own officers in order to determine the quality, and whatever else might be necessary to make the payments into the treasury uniform. So likewise, if the still greater staple, cotton, be selected. The weight of the bale, the quality of the cotton, and its inspection would all necessarily fall under the control of the government; and does not the senator see that the exercise of a power that must lead to such consequences—consequences so far beyond the sphere assigned to this government by the constitution, must be unconstitutional? Nor does the objection extend only to these and other staple articles. It applies with equal, if not greater force, to receiving the notes of state banks, as proposed by the substitute, in the dues of the government and the management of its fiscal concerns. It must involve the government in the necessity of controlling and regulating state banks, as this substitute abundantly proves, as well as the whole history of our connection with them; and it has been shown that banks are, at least, as far removed from the control of this government as the cultivators of the soil, or any other class of citizens. To this I might add another objection; not less strong, that for the government to receive and treat bank notes as money in its dues, would be in direct conflict, in its effect, with the important power conferred expressly on congress of coining money and regulating the value thereof: but as this will come in with more propriety in answer to an argument advanced by the senator from Massachusetts, (Mr. Webster,) I shall now state his argument and reply to it.

He asserted again and again, both now and at the extra session, that it is the duty of the government not only to regulate, but to furnish a sound currency. Indeed, it is the principal argument relied on by the senator in opposition to the bill, which he says abandons this great duty. Now, if by currency be meant gold and silver coins, there will be but little difference between him and myself. To that extent the government has a clear and unquestionable right by express grant; but if he goes farther, and intends to assert

that the government has the right to make bank notes a currency, which it is bound to regulate, then his proposition is identical in effect, though differently expressed, with that of the senator from Virginia, (Mr. Rives,) and all the arguments I have urged against it are equally applicable to his. I hold, on my part, that the power of the government on this subject is limited to coining money and regulating its value, and punishing the counterfeiting of the current coins;—that is, of the coins made current by law, the only money known to the constitution. It is time to make a distinction between money, or currency, if you please—between that which will legally pay debts, and mere circulation, which has its value from its promise to be paid in the former, and under which classification, bank notes as well as bills or promissory notes of individuals fall. These are all in their nature private and local, and cannot be elevated to the level currency, or money, in the fiscal transactions of government, without coming into conflict, more or less, with the object of the constitution in vesting the very power in congress, which I shall now proceed to show.

It will hardly be questioned, that the object was to fix a standard in order to furnish to the union a currency of uniform and steady value, and was therefore united in the same sentence with the relative power to fix the standard of weights and measures,—the objects being similar. Now, if our experience has proved any thing, it has amply shown that so long as the government is connected with the banks, and their notes received in its transactions, as money, so long it is impossible to give any thing like stability to the standard of value; and that the power of coining, and regulating the coins, becomes in a great measure a mere nullity. Every dollar issued in bank notes, when it is made the substitute for money, drives out of circulation more or less of the precious metals; and when the issue becomes exorbitant, gold and silver almost entirely disappears, as our experience at this time proves. The effects are analogous to alloying or clipping the coin, as far as stability of standard is concerned; and it would be not less rational to suppose, that such a power on the part of individuals, would be consistent with a uniform and stable currency, than to suppose the receiving and treating bank notes as a substitute for money by the government, would be. The only check or remedy is to restrict them to their proper sphere, to circulate in common with bills of exchange or other private and local paper, for the convenience of business and trade. So far from such a course operating injuriously on the people, or from being liable to the charge of forming one currency for the people and another for the government, as has been so often and with such effect repeated,—it is the very reverse. Government by refusing to receive bank notes, as it is bound to do, would in fact furnish a choice to the people, to take either money or notes at their pleasure. The demand of the government will always keep a plentiful supply of the former in the country, so far as to afford the people a choice, while the opposite would expel the money and leave no option to them but to take bank notes or worse, as at present.

I have now shown how it is proposed to form the league of banks, and have presented the constitutional impediments that stand in the way. These are numerous and strong; so much so, that they ought to be irresistible with all, except the multitudinous in construction; but I cannot expect they will produce their full effect. I know too well the force of long entertained impressions, however erroneous, to be sanguine—how strongly the mind rebels against the expulsion of the old and the admission of new opinions. Yet, in this case, where we clearly see how gradually and silently error crept in under the disguise of words, applied to new and totally different ideas, without exciting notice or alarm; and when we have experienced such deep disasters in consequence of parting from the plain intent and meaning of the constitution, I cannot but hope that all who believe that the success of the government depends on a rigid adherence to the constitution, will lay aside all previous impressions, taken up without reflection, and give to the objections their due weight.

I come now to the next point, to show how this league is to be revived or stimulated into life. Till this can be done, the substitute should become a law, would be a dead letter. The selection is to be made for specie paying banks. None but such can receive the public deposits, or have their notes received in the dues of the government. There are none such now. The whole banking system lies inanimate; and must be vivified before it can be re-united with the government. No one is bold enough to propose an union with this lifeless mass. How then is the vital spark to be revived? how the breath of life, the promethean fire, to be breathed

into the system anew, is the question? This is the task.

The mover tells us, that it must be the work of the government. He says that it is bound to aid the banks to resume payments; and for that purpose ought to hold out to them some *adequate inducement*. He tells us, that they have been long preparing and had made great efforts, but can go no farther; have rolled the round, huge rock almost to the summit, but unless the government put forth its giant arm, and give the last push, it will recoil and rush down the steep to the bottom, and all past labor be lost. Now, what is this adequate inducement? What this powerful stimulus, which it is proposed the government should apply, in order to enable the banks to accomplish this herculean task? The substitute shall answer.

It proposes to fix the 1st of July next for the period of resumption; and as the inducement to resume, it proposes to select twenty-five of the most respectable and solid, out of the resuming banks to be the depositories of the public moneys, and the fiscal agents of the government, as has been already stated. It also proposes, and this is the stimulus, the essence of the whole,—to make the notes of such banks as may resume on or before that day exclusively receivable in the public dues. Here is a *quid pro quo*; something proposed to be done, for which something is to be given. We tell the banks plainly, if you resume, we, on our part, stipulate to make twenty-five of you our fiscal agents and depositories of the revenue; and we further stipulate that those who resume by the time fixed, shall have the exclusive privilege *for ever* of having their notes receivable in the dues of the government, in common with gold and silver. If the banks perform their part, we shall be bound in honor and good faith to perform ours. It would be a complete contract, as obligatory as if signed, sealed, and delivered. Such is the inducement.

The next question is, will it be adequate? Yes, abundantly adequate. The battery is strong enough to awaken the dead to life; the consideration sufficient to remunerate the banks for whatever sacrifice they may be compelled to make, in order to resume payment. It is difficult to estimate the value of these high privileges, or prerogatives, as I might justly call them. They are worth millions. If you were to enter into a similar contract with an individual, I doubt not, that he could sell out in open market for at least thirty, forty, or fifty millions of dollars. I do then the mover the justice to say, that his means are ample to effect what he proposes. As difficult as is the work of resumption,—and difficult it will turn out to be when tried,—the inducement will prove all sufficient. But the resumption, however desirable, may be purchased too dearly; and such would prove to be the case, should the project succeed. Not only is the offer too great, but the mode of effecting it is highly objectionable. Its operation would prove not less disastrous than the bargain has been shown to be unconstitutional, which I shall now proceed to establish.

The offer will have a double effect. It will act as a powerful stimulus to resumption, but will act at the same time with equal force to excite a struggle among the banks, not only to resume themselves, but to prevent others from resuming. The reason is clear. The advantage to each will increase, as the number of the resuming banks decreases; and of course, the great point of contest among the strong will be to restrict the proffered prize to the smallest number. The closer the monopoly the greater the profits. In this struggle, a combination of a few powerful and wealthy banks, the most respectable and solid, as designated in the substitute, will overthrow and trample down the residue. Their fall will spread desolation over the land. Whatever may be the fate of others in this desperate contest, there is one, in relation to which no doubt can be entertained: I refer to the United States Bank of Pennsylvania, a long name and a misnomer; and which, for the sake of brevity, but with no personal disrespect to the distinguished individual at the head, I shall call Mr. Biddle's bank. That, at least, will be one of the winners—one of the twenty-five to whom the prize will be assigned. Its vast resources, its wealth and influential connexions, both at home and abroad, the skill and ability of the officer at its head, and, what is less honorable, the great resource it holds, in the notes of the late United States Bank, of which more than six millions have been put into circulation, in violation, to say the least, of a trust, constituting more than five-sixths of all its circulation, and which it is not bound to pay,—with the still greater amount on hand, making in the whole more than twenty-six millions, and which may be used the same way, if not prevented, would place it beyond all doubt among the victors. He starts without proper

weights, and will lead the way from the first. Who the others may be is uncertain; this will depend mainly upon his good will and pleasure. It may be put down as certain, whoever they may be, that they will be powerful and influential, and not unfavorable to his interest or aggrandizement. But the mischievous effect will not be limited to this death-like struggle, in which so many must fall and be crushed, that might otherwise weather the storm. The forced resumption, for such it will be in effect, would be followed by wide spread desolation. It is easy to sink to suspension, but hard to return to resumption. Under the most favorable circumstances, and when conducted most leisurely and cautiously, the pressure must be severe; but, if coerced or precipitated by bankrupt laws or temptations such as this, it will be ruinous. To make it safe and easy must be the work of time. Government can do but little. The disease originates in excessive indebtedness, and the only remedy is payment or reduction of debts. It is estimated, that when the banks suspended payments, the community was indebted to them the enormous sum of \$475,000,000. To reduce this within the proper limits, is not the work of a few days, and can be but little aided by us. The industry and the vast resources of the country, with time, are the only remedies to be relied on for the reduction; and to these, with the state legislature, and the public opinion, the resumption must be left. To understand the subject fully, we must look a little more into the real cause of the difficulty.

This enormous debt was incurred in prosperous times. The abundant means of the banks, from the surplus revenue and a combination of other causes, induced them to discount freely. This increased the circulation, and with its increase, its value depreciated, and prices rose proportionably. With this rise, enterprise and speculation seized the whole community, and every one expected to make a fortune at once; and this in turn gave a new impulse to discounts and circulation, till the swelling tide burst its barriers and deluged the land. Then began the opposite process of absorbing the excess. If it had been possible to return it back to the banks, the sources from which it flowed, through its debtors, the speculating, enterprising, and business portion of the community, the mischief would have been in a great measure avoided. But circulation had flowed off into other reservoirs; those of the moneyed men and bankers, who hoard when prices are high, and buy when they are low. The portion thus drawn off and held in deposit, either in bank or the chests of individuals, was as effectually lost, as far as the debtors of the banks were concerned, as if it had been burnt. The means of payment was thus diminished; prices fell in proportion, and the pressure increased, as they fell. Though the amount in circulation be greatly reduced, yet the banks are afraid to discount, lest on resumption, the hoarded mass of deposits held by individuals or other banks, should be let loose, and, in addition to what might be put into circulation should discounts be made, would cause another inundation to be followed by another suspension. How is this difficulty to be safely surmounted, but by unlocking the hoarded means? And how is that to be done, without deciding the currency question? This is the first and necessary step. That done, all will be able to calculate, and determine what to do. The period of inaction and uncertainty would cease, and that of business revive. Funds that are now locked up, would be brought again into operation, and the channels of circulation be replenished in the only mode that can be done with safety. Thus thinking, I am now and have been from the first in favor of an early decision, and adverse to all coercion, or holding out temptation to resume; leaving the disease to the gradual and safe operation of time, with as little tempering as possible. In the mean time, I hold it to be unwise to cease discounting, and to adopt an indiscriminate system of curtailment. Its effects are ruinous to the business of the country, and calculated to retard, rather than to accelerate a resumption. The true system I would say, would be to discount with business paper as freely as usual, and curtail gradually on permanent debts. The former would revive business, and would increase the debts to the bank less than it would increase the ability of the community to pay them.

Having now shown how this league, or combination of banks is to be formed and revived, with the difficulties in the way, it remains to determine, what will be the true character and nature of the combination when formed. It will consist of state banks retaining their original powers, that of discounting and all, without being in the slightest degree impaired. To these the substitute proposes to add important additions; to receive their notes

as gold and silver in the public dues; to give them the use of the public deposits, and to organize and blend the whole into one, as the fiscal agent of the government, to be placed under the immediate supervision and control of the secretary of the treasury. Now what does all this amount to? Shall I name the word—be not startled; a bank—a government bank—the most extensive, powerful and dangerous, that ever existed. This substitute would be the act of incorporation; and the privileges it confers, so much additional banking capital, increasing immensely its powers, and giving it an unlimited control over the business, and exchanges of the country.

The senator from Virginia (Mr. Rives) was right in supposing that this new trial of the experiment would be made under very different circumstances from the first, and would have a very different termination. That too, like this, was a bank—a government bank, as distinguished from the late bank, to which it was set up, as a rival, and was at the time constantly so designated in debate. But the circumstances now are indeed different—very different, and so would be the result of the experiment. This bank would not be the same rickety concern as the former. That ended in anarchy, and this would in despotism. I will explain.

The former failed not so much in consequence of the adverse circumstances of the times or any essential defect in the system, as from the want of a head—a common sensorium, to think, to will, and to decide,—for the whole, which was indispensably necessary to ensure concert and give unity of design and execution. A head will not be wanting now. Mr. Biddle's bank will supply the defect. His would be not only one of the resuming banks, as I have shown, but would also be one of the 25 to be selected. If there should be the temerity to omit it, the present project would share the fate of its predecessor. Mr. Biddle's bank at the head of those excluded, would be an overmatch for the selected, in skill, capital and power; and the whole league would inevitably be overthrown. But if selected, the position of his bank in league would be certain. Its vast capital, its extensive connections, its superior authority, and his skill, abilities and influence, would place it at the head, to think and act for the whole. The others would be as dependent on his, as the branches of the late bank were on the mother institution. The whole would form one entire machine, impelled by a single impulse, and making a perfect contrast with its predecessor in the unity and energy of its operations.

Nor would its fate be less dissimilar. Anarchy was inscribed on the first iron from the beginning. Its deficiency in the great and essential element, to ensure concert, was radical and could not be remedied. Its union with the government could not supply it, nor avert its destiny. But very different would be the case of the present. Add its intimate union with the government, for which the substitute provides, to its other sources of power, and it would become irresistible. The two, government and bank, would unite and constitute a single power; but which would gain the ascendancy;—whether the government would become the bank, or the bank the government, is neither certain nor material; for whichever it might be, it would form a despotic money-craze, (if I may be permitted to unite an English and a Greek word,) altogether irresistible.

It is not a little surprising, that the senator from Virginia (Mr. Rives) whose watchful jealousy could detect, as he supposed, the embryo of a government bank in the bill, should overlook this regular incorporation of one by his own substitute. Out of the slender materials of treasury warrants and drafts to pay public creditors, or transfer funds from place to place, as the public service might require, and four principal receivers to keep the public money, he has conjured up, with the aid of a vivid imagination, a future government bank, which he told us, with the utmost confidence, would rise like a cloud, at first as big as a hand, but which would soon darken all the horizon. Now, it is not a little unfortunate for his confident predictions, that these seminal principles from which the bank is to spring, have all existed from the commencement of our government in full force, except the four receivers, without showing the least tendency to produce the result he anticipates. Not only ours, but every civilized government has the power to draw treasury warrants, and transfer drafts; nor has the power in a single instance terminated in a bank. Nor can the fact, that the money is to be kept by receivers, contribute in the least to produce one. The public funds in their hands will be as much beyond the control of the executive, as it was in the vaults of the banks. But, to shorten discussion, I would ask, how can there be a bank without the power to discount or to use the deposits and out of which of the provisions of the bill could the treasury, by any possibility obtain

either, under the severe penalties of the bill, which prohibits the touching of the public money, except on warrants or drafts, drawn by those having authority, in due form, and for the public service.

But the danger which an excited imagination anticipates hereafter from the bill would exist in sober reality under the substitute. There it would require neither fancy nor conjecture to create one. It would exist with all its faculties and endowments complete; discount, deposits, and all,—with which immense means, guided by a central and directing head, and blended and united with the government, so as to form one great mass of power. What a contrast with the bill! How simple and harmless the one, with its four principal receivers, twice as many clerks, and five inspectors, compared with this complex and mighty engine of power! And yet there are many, both intelligent and patriotic, who oppose the bill and support the substitute, on the ground that the former would give more patronage and power than the latter! How strange and wonderful the diversity of the human mind!

So far from being true, the very fact of the separation of the government from the banks, provided for in the bill, would, of itself, be the most decisive blow that could be given against government patronage; and the union of the two, the most decisive in its favor. When their notes are received in the public dues, as cash, and the public money deposited in their vaults, the banks become the allies of the government on all questions connected with its fiscal action. The higher its taxes and duties, the greater its revenue and expenditure; and the larger its surplus, the more their circulation and business, and, of course, the greater their profit; and hence on all questions of taxation and disbursements, and the accumulations of funds in the treasury, their interest would throw them on the side of the government and against the people.

All this is reversed, when separated. The higher the taxation and disbursements, and the larger the surplus, the less would be their profits; and their interest in that case, would throw them with the people, and against the government. The reason is obvious. Specie is the basis of banking operations; and the greater amount they can command, the greater will be their business and profits; but when the government is separated from them and collects and pays away its dues in specie instead of their notes, it is clear that the higher the taxes and disbursements, and the greater the surplus in the treasury, the more specie will be drawn from the use of the banks and the less will be left as the basis of their operations; and, consequently, the less their profit. Every dollar withdrawn from them would diminish their business four-fold at least; and hence a regard to their own interest would inevitably place them on the side to which I have assigned them.

The effects on the politics of the country would be great and salutary. The weight of the banks would be taken from the side of the *tax consumers*, where it has been from the commencement of the government, and placed on the side of the *tax payers*. This great division of the community necessarily grows out of the fiscal action of the government. Take taxation and disbursement together, and it will always be found that one portion of the community pays into the treasury, in the shape of taxes, more than it receives back in that of disbursements, and that another receives back more than it pays. The former are the tax payers, and the latter the consumers,—making the great, essential, and controlling division in all civilized communities. If, with us, the government has been thrown on the side of the consumers, as it has, it must be attributed to its alliance with the banks, whose influence has been, in consequence, at all times steadily and powerfully on that side. It is to this mischievous and unholy alliance that may be traced almost all the disasters that have befallen us, and the great political degeneracy of the country. Hence the protective system; hence its associated and monstrous system of disbursements; hence the collection of more money from the people than the government could require; hence the vast and corrupting surpluses; hence legislative and executive usurpations; and finally, hence the prostration of the currency and the disasters which give rise to our present deliberations. Revive this fatal connection; adopt this substitute, and all this train of evils will again follow with redoubled disasters and corruption. Refuse the connection; adopt this bill, and all will be reversed, and we shall have some prospect of restoring the constitution and the country to their primitive simplicity and purity. The effect of the refusal on the patronage of the government would be great and decisive. Burke has wisely said, that the "revenue is the state in modern times." Violence and coercion are no longer the instruments of government in civilized communities. Their reign is past. Every thing is now done by money. It is not only the sinew of war, but of politics; over which,

in the form of patronage, it exercises almost unlimited control. Just as the revenue increases or diminishes, almost in the same proportion, is patronage increased or diminished.

But admit for a moment, that neither the separation nor the connection would have any sensible effect to increase or diminish the revenue; and that it would be of the same amount, whether the bill or substitute should be adopted; yet, even on that supposition, the patronage of the latter would be an hundred fold greater than the former. In estimating the amount of patronage of any measure, three particulars must be taken into the calculation; the number of persons who may be effected by it; their influence in the community, and the extent of the control exercised over them. It will be found on comparison, that the substitute combines all these elements in a far greater degree, than the bill, as I shall now proceed to show. I begin with the number.

The bill provides, as has been stated, for four principal receivers, eight or ten clerks, and a suitable number of agents to act as inspectors, making in the whole, say 25 individuals. These would constitute the only additional officers to keep and disburse the public money. The substitute, in addition to the officers now in service, provides for the selection of 25 banks, to be taken from the most powerful and influential, and which would have, on an average, at the least, 100 officers and stockholders each, making in the aggregate, 2,500 persons, who would be directly interested in the bank's, and of course, under the influence of the government.

As to the relative influence of the officers and the selected banks over the community, every impartial man must acknowledge, that the preponderance would be greater on the side of the latter. Admitting the respectability of the receivers and other officers provided for in the bill, and the officers and stockholders of the banks to be individually the same, still the means of control at the disposition of the former, would be as nothing compared in that of the latter. They could not touch a cent of public money. Their means would be limited to their salary, which would be too small to be felt in the community. Very different would be the case with the officers and stockholders of the banks. They, of all persons, are by far the most influential in the community. A greater number depend on them for accommodation and favor and the success of their business and prospects in life, than any other class in society; and this would be especially true of the banks connected with the government.

It only remains now to compare the extent of the control that may be exercised by the government over the two, in order to complete the comparison, and here again the preponderance will be found to be strikingly on the same side. The whole amount of expenditure under the bill would not exceed \$30,000 or \$40,000 annually at the very farthest; and this constitutes the whole amount of control which the government can exercise. There would be no perquisites, no contracts, jobs or incidental gains. The offices and salaries would be all. To that extent, those who may hold them, would be dependent on the government, and thus far they may be controlled. How stands the account on the other side? What value shall be put on the public deposits in the banks? What on the receivability of their notes, as cash, by the government? What on their connection with the government, as their fiscal agent, which would give so great a control over the exchanges and business of the country? How many millions shall these be established at, and how insignificant must the paltry sum of \$30,000 or \$40,000 appear to those countless millions held under the provisions of the substitute at the pleasure of the government!

Having now finished the comparison as to the relative patronage of the two measures, I shall next compare them as fiscal agents of the government; and here let me say, at the outset, that this discussion has corrected an error, which I once entertained. I had supposed, that the hazard of keeping the public money under the custody of officers of the government, would be greater, than in bank. The senators from New Hampshire and Connecticut, (Messrs. Hubbard and Niles) have proved from the record, that the hazard is on the other side; and that we have lost more by the banks, than by the collecting and disbursing officers combined. What can be done to increase the security by judicious selection of officers, and proper organization, is strongly illustrated by the facts stated by the chairman (Mr. Wright,) in his opening speech; that in the war department, there has been no loss for 15 years,—from '21 to '36,—on an expenditure certainly not less than \$100,000,000. I take some pride in this result of an organization, which I originated and established when secretary of war against the most formidable opposition.

As to the relative expense of the two agencies, that of the bill, as small as it is, we are to judge *appearances*, is the greatest; but if by *facts*, the substitute would be much the most so, provided we charge it with all the advantages, which the banks would derive from their connection with the government, as ought in fairness to be done, as the whole ultimately comes out of the pockets of the people.

In a single particular the banks have the advantage as fiscal agents. They would be the more convenient. To this they are entitled, and I wish to withhold from them no credit, which they may justly claim.

The senator from Virginia (Mr. Rives) appeared to have great apprehension, that the collection of the public dues in specie might lead to hoarding. He may dismiss his fears on that head. It is not the genius of modern and civilized governments to hoard; and if it were, the banks will take care, that there shall be no extraordinary accumulation of cash in the treasury. Pass the bill, and I under-write, that we shall never have again to complain of a surplus. It would rarely, if ever in peace and settled times, exceed three or four millions at the outside. Nor is his apprehension that hoarding of specie would lead to war, less groundless. The danger is in another quarter. War is the harvest of banks, when they are connected with government. The vast increase of revenue and expenditures, and the enormous public loans, which necessarily ensue mainly to their advantage, swell their profits in war to the utmost limits. But separate them from government, and war would then be to them, a state of famine, for reasons which must be apparent after what has been said, which would throw their weight on the side of peace and against war; just as certainly, as I have shown, that the separation would throw it on the side of tax payers, and against the tax consumers.

I come now to the comparison of the effects of the two measures on the currency of the country. In this respect, the senator from Virginia (Mr. Rives) seemed to think, that his substitute would have a great superiority over the bill; but his reasons were to me wholly unsatisfactory. If we are to judge from experience, it ought to be pronounced to be the worst possible measure. It has been in operation but twice (each for but a few years) since the commencement of the government; and it has so happened, that the only two explosions of the currency occurred during those periods. But, without relying on these disastrous occurrences, we have seen enough to satisfy the most incredulous that there are great and radical defects in our bank circulation, which no remedy heretofore applied, has been able to remove. It originates in the excess of paper, compared to specie, and the only effective cure is to increase the latter and reduce the former; and this the substitute itself implicitly acknowledges by proposing a remedy that would prove wholly inoperative. It proposes that, after a certain period mentioned, none of the banks to be selected, should issue notes under ten dollars. The effects would clearly be, not a diminution of the circulation of small notes, but a new division of the banking business, in which the issue of large notes would fall to the lot of the selected banks and the small to the others, without restricting, in the least, the aggregate amount of paper circulation.

But what the substitute would fail to do, the bill would effectually remedy. None doubt, but the separation from the banks would greatly increase the proportion of specie to paper; but the senator from Virginia (Mr. Rives) apprehends, that its operation would be too powerful; so much so, in fact, as to destroy the banks. His argument is, that specie would be always at a premium, and that it would be impossible for the banks to do business, so long as that was the case. His fears are groundless. What he dreads would be but a temporary evil. The very fact, that specie would bear a premium would have the double effect, to diminish paper circulation, and increase the importation of specie, till an equilibrium between the two would be restored, when they would be at par. At what point this would be effected, is a little uncertain; but the fear is, that with our decreasing revenue, instead of the specie being increased to excess, it would not be increased sufficiently to give the desired stability to the currency.

In this connection, the senator urged an objection against the bill, which I regard as wholly groundless. He said, that the payment of the dues of the government in specie, would create a double demand; a domestic, as well as a foreign; the effects of which would be to increase greatly, its fluctuations; and so deeply was he impressed with the idea, that he drew a vivid picture of its alternate flow from the coast to the interior, and from north to south, and back again. All this is the work of imagination. The effect would be directly the reverse. The more numerous the demands, the less the fluctuation; so much so, that the greatest stability would

be, where it exclusively performed the function of circulation, and where each individual must keep a portion to meet his daily demands. This is so obvious, that I shall not undertake to illustrate it.

But the superiority of the bill over the substitute would not be limited only to a more favorable proportion between specie and paper. It would have another important advantage that cannot be well over-estimated; it would make a practical distinction between currency and circulation, —between the currency of the country, and private and local circulation, under which head bank paper would be comprehended. The effects would be, to render a general explosion of the circulation almost impossible. Whatever derangements might occur, would be local and confined to some one particular commercial sphere; and even, within its limits, there would be a sound currency to fall back on, not partaking of the shock, and which would greatly diminish the intensity and duration of the distress. In the mean time, the general business and finances of the country would proceed, almost without feeling the derangement.

With a few remarks on the comparative effects of the two measures on the industry and business of the country, I shall conclude their comparison. What has been said on their relative effects on the currency, goes far to decide the question of their relative effects on business and industry.

I hold a sound and stable currency to be among the greatest encouragements to industry and business generally; and an unsound and fluctuating one, now expanding and now contracting, so that no honest man can tell what to do, as among the greatest discouragements. The dollar and the eagle are the measure of value, as the yard and the bushel are of quantity; and what would we think of the incorporation of companies to regulate the latter—to expand or contract, or shorten or lengthen them at pleasure, with the privilege to sell by the contracted or shortened, and buy by the expanded or lengthened? Is it not seen that it would place the whole industry and business of the country under the control of such companies? But it would not more certainly effect it, than a similar control possessed by the money institutions of the country, over the measure of value. But I go further, and assert confidently, that the *excess of paper currency, as well as its unsteadiness*, is unfavorable to the industry and business of the country. It raises the price of every thing, and consequently increases the price of production and consumption; and is, in the end, hostile to every branch of industry.

I hold that specie and paper have each their proper sphere; the latter for large and distant transactions, and the former for all others; and that the nearer our circulation approaches gold and silver, consistently with convenience, the better for the industry and the business of the country. The more specie the better, till that point is reached. When attained, it would combine in the greatest possible degree, soundness and facility, and would be favorable to the productive classes universally; I mean men of business, planters, merchants, and manufacturers, as well as operatives. It would be particularly favorable to the south. Our great staples are cash articles every where; and it was well remarked by the senator from Mississippi, (Mr. Walker,) at the extra session, that we sold at cash prices and brought at paper prices; that is, sold low and bought high. The manufacturing, commercial and navigating interests would also feel its beneficial effects. It would cheapen productions and be to manufacturers in lieu of a protective tariff. Its effects would be to enable them to meet foreign competition, not by raising prices by high duties, but by enabling them to sell as cheap or cheaper than the foreigner, which would harmonize every interest, and place our manufactures on the most solid basis. It is the only mode by which the foreign market can ever be commanded; and commanded it would be, with a sound and moderately expanded currency. Our ingenuity, invention, and industry are equal to any people; and all our manufacturers want, is a sound currency and an even chance, to meet competition with success any where, at home or abroad. But with a bloated and fluctuating paper circulation, this will be impossible. Among its many drawbacks, it levies an enormous tax on the community.

I have already stated, that the community is estimated to have been indebted to the banks \$475,000,000 at the suspension of specie payments. The interest on this sum, estimated at six per cent. (it ought to be higher,) would give an annual income to those institutions of upwards of thirty millions; and this is the sum yearly paid by the community for bank accommodations, to the excess of which we owe our bloated and unstable circulation. Never was a circulation so worthless, furnished at so dear a rate. How much of this vast income may be considered as interest on real capital, it is difficult to es-

timate; but it would, I suppose, be ample to set down ten millions to that head, which would leave upwards of twenty millions annually, as the profits derived from banking privileges over and above a fair compensation for the capital invested, which some body must pay, and which must ultimately fall on the industry and business of the country. But this enormous expansion of the system is not astonishing; so great is the stimulus applied to its growth. Ingenious men of other ages, devoted themselves in vain to discover the art of converting the baser metals into gold and silver; but we have conferred on a portion of the community, an art still higher,—of converting paper to all intents and purposes, into the precious metals; and ought we to be surprised, that an article so cheap to the manufacturers, and so dear to the rest of the community, should be so greedily over supplied, and without any reference to the interest, or to the wants of the community?

If we are to believe the senator from Virginia, and others on the same side, we owe almost all our improvements and prosperity to the banking system;—and if it should fail, the age of barbarism would again return. I had supposed that the bases of our prosperity were our free institutions; the wide spread and fertile region we occupy, and the hereditary intelligence and energy of the stock, from which we are descended; but it seems, that all these go for nothing, and that the banks are every thing. I make no war on them. All I insist on is, that the government shall separate from them, which I believe to be indispensable, for the reasons I have assigned, both now and formerly. But I cannot concur in attributing to them our improvements and prosperity. That they contributed to give a strong impulse to industry and enterprise in the early stages of their operation, I doubt not. Nothing is more stimulating than an expanding and depreciating currency. It creates a delusive appearance of prosperity, which puts every thing in motion. Every one feels as if he was growing richer, as prices rise, and that he has it in his power, by foresight and exertion, to make his fortune. But it is the nature of stimulus, moral as well as physical, to excite at first, and to depress afterwards. The draught, which at first causes unnatural excitement and energy is sure to terminate in corresponding depression and weakness; nor is it less certain that the stimulus of a currency, expanding beyond its proper limits, follows the same law. We have had the exhilaration, and the depression has succeeded. We have had the pleasure of getting drunk, and now experience the pain of becoming sober. The good is gone and the evil has succeeded; and on a fair calculation, the latter will be found to be greater than the former. Whatever impulse the banking system was calculated to give to our improvement and prosperity, has already been given; and the reverse effects will hereafter follow, unless the system should undergo great and radical changes; the first step towards which, would be the adoption of the measure proposed by this bill.

I have, Mr. President, finished what I intended to say. I have long anticipated the present crisis, but did not expect its arrival in my time. When I saw its approach, I resolved to do my duty be the consequences to me what they might, and I offer my thanks to the Author of my being, that he has given me the resolution and opportunity to discharge, what I honestly believe to be that duty on this great subject.

How the question will be decided, is acknowledged to be doubtful, so nearly are the two houses supposed to be divided; but whatever may be its fate now, I have the most perfect confidence in its final triumph. The public attention is roused. The subject will be thoroughly investigated, and I have no fears but the side I support, will prove to be the side of truth, justice, liberty, civilization, and moral and intellectual excellence.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

March 17. The senate met, and, after the reading of the journal, adjourned, to attend the funeral of the hon. Timothy Jarvis Carter, late a representative from the state of Maine.

March 19. The Vice-President presented, from the state department, a report, called for by a senate resolution, offered by Mr. Benton, in relation to the contract with the publishers of the documentary history of the revolution. Laid on the table, and ordered to be printed.

Also, from the post office department, the remainder of the correspondence, &c. called for by resolution of the 9th instant, offered by Mr. Niles in relation to the conduct of the Metropolis Bank of this city, as a public fiscal agent. Laid on the table, and ordered to be printed, together with the documents on the same subject from the treasury department.

By Mr. Linn: from the Missouri iron company, asking that they may be permitted to enter 500,000 acres of the public lands on a credit of five years, with a view to secure the wood upon it for the use of the company; also asking a right of way through the public lands for a railroad from the iron mountain to the Mississippi, the neighborhood of which Mr. L. recommended as the best possible site for a national foundry. Referred.

By Messrs. Swift, Wright, and Morris: Various petitions on slavery and the slave trade. Motions to receive severally laid on the table.

By Messrs. Wright and Morris: remonstrating against the admission of Texas. Laid on the table.

By Mr. Buchanan, from H. Binney and other citizens of Philadelphia, with statements of the large amount of property employed in the book-selling and book-publishing business, which would be at stake on the passage of the proposed international copyright law. Laid on the table, and ordered to be printed. Mr. B. intimating that he would call it up hereafter, if it should be necessary, to effect the object of the petitioners in opposition to the proposed copyright law.

By Mr. Wall: from citizens of Essex county, New Jersey, friends of a tried and sound currency, expressing their views in favor of a United States bank for that purpose, and in decided opposition to the sub-treasury scheme. Referred, and ordered to be printed.

By Mr. Ruggles: from citizens of Maine, in opposition to the sub-treasury, and in favor of a national bank. Laid on the table. By Mr. Lyon and Mr. Preston: from individuals. Referred. Mr. Grundy, from the committee on the judiciary, reported the substitute of the house, referred to that committee, for the senate bill altering the time of holding the United States courts in the 9th circuit without amendment, together with communications on the subject of the bill from the two judges, Wayne and McKinley, of that circuit.

[This bill was subsequently taken up, the two above named communications were read, together with extracts from letters from the clerks of the courts; an amendment was offered to the substitute of the house, by Mr. Sevier, (to change the holding of the Arkansas circuit court to October instead of March, as proposed,) and the bill was then informally passed over, the morning hour having expired.]

Mr. Morris offered a resolution, immediate action on which being objected to by Mr. Clay, of Alabama, lies over one day, instructing the committee on the judiciary to inquire whether the present laws of the United States on the subject of the slave trade prohibited that trade, or the transfer of slaves between this country and Texas.

Mr. Knight, on leave, introduced a bill for the relief of the heirs of Benjamin King. Read twice and referred.

The senate resumed the consideration of the sub-treasury bill.

Mr. Benton concluded his remarks in favor of the bill. On motion of Mr. Southard, the senate adjourned.

March 20. Mr. McKean presented the proceedings of a large meeting of the friends of the late and present administrations of the general government, and opposed to the sub-treasury bill, recently held at Pittsburgh, on which occasion George A. Cook presided. Mr. McK. said, on looking over the names of the gentlemen who made the call and took part in this meeting, he knew many of them to be what they profess to be, "friends and supporters of the late and present administrations;" he knew also that they were men of respectability and democrats of the old school. Read, laid on the table and ordered to be printed.

Several petitions from individuals, &c. were presented and referred.

A number of bills were reported:

Mr. Morris, from the committee on the judiciary, reported the bill referred to them, establishing the territory of Iowa from a portion of that of Wisconsin, with an amendment, which was read.

The resolution offered by Mr. Norvell, for declaring the sense of the senate that no one engaged in a duel ought to be appointed to office under the U. S. government, was taken up, and without debate, laid on the table, on motion of Mr. Clay, of Alabama.

The resolution offered by Mr. Morris, for instructing the committee on the judiciary to inquire in regard to the relations of the United States with Texas in regard to slavery, under existing laws, and whether any legislation is necessary or expedient on this subject, was taken up, and, without debate, laid on the table, on motion of Mr. Walker, as follows:

YEAS—Messrs. Allen, Brown, Buchanan, Clay, of Alabama, Clay, of Kentucky, Clayton, Cuthbert,

Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Sevier, Smith, of Connecticut, Southard, Spence, Strange, Tallmadge, Tipton, Trotter, Walker, White, Wright, Young—32.

NAYS—Messrs. Linn, McKean, Morris, Niles, Prentiss, Robbins, Smith, of Indiana, Swift, Williams—9.

On motion of Mr. Wall, the committee on the judiciary was discharged from the further consideration of the subject of increasing the compensation of the United States district attorney for Indiana.

Also, of allowing mileage to the judges of the United States courts for the purpose of equalizing their salaries.

Mr. Wall, from the same committee, reported the bill referred to them supplementary to the act regulating the processes in the courts of the United States providing compensation for jurors, witnesses, &c. with a motion for its indefinite postponement. Laid on the table.

Also, a motion to discharge the same committee from the farther consideration of the subject of paying jurors in the United States district court in Mississippi. Laid on the table.

The bill for the relief Michael Caskett was read a third time, and passed.

The senate resumed the consideration of the bill to change the time of holding the courts of the United States in the ninth circuit.

The amendment before offered by Mr. Sevier to the substitute of the other house for the bill, was adopted.

Mr. Sevier moved farther to amend the substitute by declaring it a high misdemeanor for any judge to fail or refuse to hold the courts as required by the law, except in the case of sickness.

Mr. Preston and Mr. Clay, of Alabama, objected to this amendment as redundant, or as interfering with the provision of the constitution that judges should hold their office during good behavior, a point that must, in any case, be decided under the constitution, in pursuance of a process of impeachment.

Mr. Sevier, on account of several successive failures to hold the court in Arkansas, insisted on trying the question on his amendment, though he was willing to amend it by adding other proper and sufficient excuses besides that of sickness.

The morning hour having expired, the bill was informally passed over.

The senate again took under consideration the sub-treasury bill.

Mr. Southard spoke in opposition to the bill, and in reply to Mr. Calhoun and Mr. Benton. Before he had concluded,

The senate adjourned, after an executive session.

March 21. After the presentation of petitions, on motion of Mr. Linn, 5,000 extra copies of the report on the subject of acclimating tropical plants in Florida, were ordered to be printed.

On motion of Mr. Tipton, the committee on the post office and post roads were instructed to inquire into the expediency of establishing a post route from Corydon to Harrison county, in Indiana.

Mr. Tipton also offered a resolution directing the expenditure of an appropriation heretofore made for the removal of the United States troops from Fort Gibson. Read, and ordered to a second reading.

Mr. King, from the committee on commerce, reported the house bills referred to them, for the relief of George Dyer, and of Squier Stearns, with a notice that when they should come up he should move for their indefinite postponement.

The senate resumed the consideration of the bill to alter the time of holding the United States courts in the ninth district.

Mr. Sevier withdrew his amendment, making it a high misdemeanor for a judge to refuse or fail to hold the courts as required by law, except in case of sickness.

The question recurring on the substitute of the house for the bill as amended by the senate,

Mr. Preston opposed the substitute on the ground that it added to the circuit of Judge Wayne the state of Alabama, in which Judge McKinley resides, thus also relieving one of them from certain duties, and imposing them on another, when the duties of both respectively were well known to them when they accepted their appointments.

Mr. Clay, of Alabama, repudiated all personal considerations relating to the judges, and urged the propriety and expediency of the substitute, (joining Alabama to Georgia and South Carolina,) on the ground of public utility.

Mr. White expressed his concurrence in the sentiment of Mr. Clay, that legislation should be conducted with a view to the public interests, and not

to men. He, however, objected to the residence of two judges within the same circuit; and, on this principle, in connexion with the unreasonable amount of duties which would be imposed on judge Wayne, he opposed the substitute.

On motion of Mr. Buchanan, the bill was laid on the table.

A message was received from the president of the United States, on the subject of the northeastern boundary. Laid on the table, and 1,000 extra copies ordered to be printed.

The senate resumed the consideration of the sub-treasury bill.

Mr. Southard concluded his remarks in opposition to the bill.

The question was then put on Mr. Rives's substitute for the bill, and it was lost by the following vote:

YEAS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—22.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, Young—30.

Mr. Cuthbert expressed great regret for differing at all from his political friends; he was not unwilling to separate the government from the banks, but still would not concur in refusing to take the paper of the banks, which constituted and must constitute the principal medium of commerce and currency of the people. He therefore moved to strike out the 23d section of the bill, which provides that the government should gradually cease entirely to receive the notes of other banks.

Mr. Calhoun said he regarded this as a very important provision of the bill; and before taking the question on striking it out, he wished to be heard on this point, and also in the expression of his views in a general argument in favor of the bill.—He therefore moved that the senate adjourn; whereupon

The senate went informally into executive session, after which it adjourned.

HOUSE OF REPRESENTATIVES.

Saturday, March 17. Immediately after the reading of the journal of Thursday, general George M. Krim, a member elected from the state of Pennsylvania, to supply the vacancy occasioned by the resignation of Mr. Muhlenberg, appeared, was qualified, and took his seat.

At half past twelve o'clock the funeral service was performed in the hall of the house of representatives, by the Rev. Mr. Reese, chaplain of the house, and immediately after the procession moved to the place of interment in the following order:

The chaplains of both houses.

Physicians who attended the deceased.

The committee of arrangements, viz:

Mr. Evans, of Maine,
Mr. McKean, of Pa. Mr. Pope, of Ky.
Mr. Whittlesey of Ct. Mr. Hamer, of Ohio.
Mr. Pickens, of S. C. Mr. Gray, of N. Y.

Pall bearers, viz:

Mr. Phillips, of Mass. Mr. Worthington, of Md.
Mr. Campbell, of Te. Mr. Holsey, of Ga.
Mr. Taylor, of N. Y. Mr. Casey, of Illinois.

THE CORPSE.

The family and friends of the deceased.

The members of the house of representatives and senators from Maine, as mourners.

The sergeant-at-arms of the house of representatives.

The house of representatives, preceded by their speaker and clerk.

The other officers of the house.

The sergeant-at-arms of the senate.

The senate of the United States, preceded by the vice president, and their secretary.

The other officers of the senate.

The president of the United States.

The heads of departments.

Judges of the supreme court, and its officers.

Foreign ministers.

Citizens and strangers.

Monday, March 19. The Speaker laid before the house the following executive communications:

A letter from the secretary of war accompanied by the report and map of the survey of the harbor and mouth of Connecticut river, called for by the house on the 19th Feb. last.

A letter from the secretary of war, accompanied by the reports of the surveys of the harbors of New Buffalo and Twenty Mile creek, called for by the house on the 5th of March inst.

A letter from the secretary of war, accompanied by the papers in the case of William Lomar.

A letter from the secretary of war, transmitting a statement showing the relative cost attending the enlistment, equipment, &c. of mounted men or cavalry and infantry, called for by the house on the 19th of February.

A letter from the secretary of war, transmitting information respecting the practicability and expense of removing obstructions in the Atchafalaya river, called for on the 5th inst.

A letter from the secretary of the treasury, transmitting a statement, exhibiting, as far as practicable, the amount disbursed in each year, and in each state and territory, for 1831, 1835, 1836, 1837, for fortifications, light-houses, and their support, revolutionary and other pensions, and internal improvements, &c. prepared in obedience to the order of the house of the 5th instant.

A letter from the secretary of the navy, in obedience to the order of the house of the 19th of February, relative to the exploring expedition.

The *Chair* proceeded, under the rule, to call the different states for the presentation of resolutions, when more than eighty-seven were offered, among which were the following.

Mr. Underwood offered the following, which lies over one day.

Resolved, That the president of the United States be requested to inform this house, if not deemed incompatible with the public interests, whether he has given authority to major gen. T. S. Jesup, or any other person, to treat with the Seminole Indians, and to allow them to retain a part of the territory of Florida as a permanent residence, or whether he has instructed said Jesup to make no such treaty or stipulation with said Indians, in case they should make such proposition, and offer peace upon condition of being allowed to remain in Florida.

Resolved further, That the president be requested to inform this house, if not deemed incompatible with the public interests, whether said Indians have offered to be at peace upon condition that they be allowed to remain in Florida.

On motion of Mr. Montgomery, as modified,

Resolved, That the secretary of war be directed to furnish this house with a copy of his answer to the letter of general Jesup, dated fort Jupiter, Feb. 11, 1838.

On motion of Mr. Cushing, it was

Resolved, That the president of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to the house whatever information may be in his possession relative to the intermeddling of any foreign government, or the subjects or officers thereof, with the Indian tribes in Michigan, Wisconsin, the territory beyond the Rocky mountains, or elsewhere within the limits of the United States, by the supply of munitions of war, the stated distribution of gratuities, or pension, or otherwise; and likewise all correspondence or communications had with any foreign government, respecting the title or occupation of the aforesaid territory of the United States beyond the Rocky mountains.

On motion of Mr. Reed, it was

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of authorizing and instructing the postmaster general to bargain and contract with any company, or companies, to take a mail for the United States to and across the isthmus of Panama to the Pacific ocean and back again, provided such contract can be made upon reasonable terms in the judgment of the postmaster general.

On motion of Mr. Duvee,

Resolved, That the speaker communicate to the governor of the state of Maine that a vacancy has occurred in its representation in the house of representatives, by the decease of Timothy J. Carter, late a member thereof.

On motion of Mr. Nojes,

Resolved, That the secretary of the treasury be directed to furnish to this house a statement of the number of arrivals and clearances, with their tonnage and value of cargoes, of British and American vessels respectively, to and from ports in the British provinces of New Brunswick and Nova Scotia, in the year commencing January 1, and ending December 31, 1823, and also in the year commencing January 1, and ending Dec. 31, 1837, in the following districts, to wit: Passamaquoddy, Portland and Falmouth, Boston and Charleston, and New York.

On motion of Mr. Mallory,

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of allowing to the officers of revenue cutters during the time they shall be co-operating with the navy of the United States the same pay and rations to which

officers in the navy of a like rank are by law now entitled to receive.

On motion of Mr. Deberry,

Resolved, That the committee on revolutionary pensions be instructed to inquire into the expediency of extending the benefits of the pension law of June, 1832, to such persons as performed the requisite service in the capacity of mechanics or wagoners when put to such service by the officers in command.

Mr. Hylan offered the following, which was considered and disagreed to by the house:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of providing by law for an increase of the number of cadets in the military academy at West Point.

Mr. Lincoln offered the following, which lies one day:

Resolved, That the 16th rule of the house be amended by adding thereto the following to wit: *And provided also*, That resolutions and memorials from the legislatures of the several states and territorial governments of the union shall not be construed to be within the application of the rule, but it shall be in order to present such resolutions or memorials on any day within the first hour of the session of the house.

On motion of Mr. Grennell,

Resolved, That the committee on revolutionary pensions be instructed to inquire into the expediency of extending the benefits which are provided in certain cases for widows of officers and soldiers of the revolution by the third section of the pension act of July 4, 1836, to the widows of such officers and soldiers as have died since the passage of said act.

Mr. Loomis offered the following, which lies over one day:

Resolved, That the postmaster general furnish to this house an estimate, showing as near as he can ascertain—

1. What proportion of the mails of the United States consists of free parcels estimated by weight:

2. What proportion consists of free parcels estimated by amount of postage on parcels that pay postage, and accounting all printed documents at pamphlet postage;

3. What would the proportion of the amount of postage to be paid by government, in case all free parcels were charged to government at the same rate as private parcels are charged;

4. To how low a rate the tariff of postage would be reduced, and sustain the department, in case all parcels conveyed by mail were chargeable with postage;

5. To how low a rate the tariff of postage can be reduced, now or prospectively, within two years retaining the present franking privilege, and sustain the department, with a rate of tariff deemed judicious and proper by him, in case such reduction should be ordered.

On motion of Mr. Pratt,

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of lessening the rates of postage on letters, so as to make it only equal to the cost of transporting the mails, as near as may be.

On motion of Russell,

Resolved, That the secretary of state be directed to report to this house a statement of the number of emigrants from foreign countries which have arrived within the United States annually during the last ten years, the places at which they have arrived, the countries from which they came, the expense of their transportation hither, by whom defrayed, and their circumstances and condition generally, as far as may be in his power with such other information relating to the introduction into the United States of foreign paupers by the authority of foreign governments as he may possess.

Mr. Henry offered the following, which lies over one day:

Resolved, That the dissemination of knowledge to all classes of citizens is of the first importance, for in the intelligence of the people depend the permanence and stability of our republican institutions, and one important medium through which knowledge is communicated is that of the press, in the circulation of public newspapers. That facilities may be more amply afforded to the poorer portion of our fellow citizens to acquire, as far as practicable, all information in relation to our public affairs, the committee on the post office and post roads be instructed to inquire into the expediency of repealing the law that requires the payment of postage on public newspapers, so far as relates to those that are carried in the mail within the city or county where such papers are printed and published, and that in future the same shall be carried without charge.

Mr. Toland offered the following, which lies over one day:

Resolved, That the committee on the judiciary be directed to bring in a bill to abolish the punishment of death for all offences against the United States, except treason and murder, and to abolish the punishment of whipping for all offences against the United States.

On motion of Mr. Garland, of Virginia,

Resolved, That the secretary of the treasury be directed to communicate to this house the names of the late deposit banks as have availed themselves of the benefit of the 1st section of the act of the 12th day of October last, by giving the requisite security, and such as have discharged the balances due from them at that time, and such as have failed to comply with the act, and the amount of balance due from them.

On motion of Mr. McKay,

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of fixing by law the number of officers, petty officers and seamen to be employed in the naval service, or of fixing the number of officers, petty officers and seamen to be employed on board of frigates, sloops, and other vessels of war respectively.

Resolved, further, That said committee inquire whether any and what provisions by law are necessary to secure the accountability of officers, or agents entrusted with the custody or safe-keeping of property belonging to the United States, for the use of the navy.

On motion of Mr. Thompson,

Resolved, That the secretary of the treasury be directed to furnish this house with a statement of the amount of revenue received in each state or territory during the year 1836; and also the amount, as nearly as the same can be ascertained, expended during that year in each state and territory; and also with a statement of the whole bank capital of the United States, designating the capital of each bank, and the place where located.

On motion of Mr. Peck,

Resolved, That the secretary of war be directed to communicate to this house whether the annuity granted to the New York Seneca Indians for 1837 has been paid, and if not, whether the funds have been remitted to the paying agent; and if so, when and the causes why said annuity has not been paid; and that he communicate all the correspondence to and with the department or commissioner of Indian affairs upon this subject. And further, whether goods have been offered to said Indians in part payment of such annuity, and, if so, by what authority.

On motion of Mr. Chapman,

Resolved, That the committee on public lands be instructed to inquire into the expediency of providing by law for issuing patents to those persons who hold the equitable title to Indian reservations, after the sale by the original purchaser.

On motion of Mr. Cray,

Resolved, That the secretary of war be directed to communicate to this house a copy of the report of the superintendent of the public works at St. Joseph, in Michigan, and Michigan city, in Indiana, for the year 1837, and of the papers accompanying the same.

Mr. Lyon offered the following which lies over one day:

Resolved, That the 13th rule of the house be so amended as to embrace the commissioner of Indian affairs as one of the persons entitled to admission within the hall of the house of representatives.

On motion of Mr. Ewing,

Resolved, That the committee on public lands be instructed to inquire into the expediency of providing concessions or donation grants within our territorial boundary west of the Rocky mountains, to all citizens, heads of families, who shall have settled upon and improved the same previous to the 1st day of January of the year 1841.

On motion of Mr. Cusey,

Resolved, That the committee on public lands be instructed to inquire into the expediency of making a grant of land to the state of Illinois, to aid in the completion of the various works of internal improvement in which said state is engaged.

Mr. Snyder offered the following, which lies over one day:

Resolved, That the committee on public lands be instructed to inquire into the expediency of reporting a bill granting to each soldier who served in any of the campaigns against the Indians, in the northwestern territory, between the years 1781, and 1796, a tract of land not less than 320 acres each, to be located on any surveyed lands of the general government not otherwise disposed of.

Mr. Snyder offered the following, which lies over one day:

Resolved, That the committee on commerce be instructed to report a bill repealing the law which provides for the payment of debentures to fishing vessels.

Mr. Martin offered the following, which lies over one day.

Resolved, That the committee on public lands be instructed to inquire as to the best mode of disposing of the public lands within the several states of this union, at as early a day as the same may be done, having a proper regard for the interests of the government and the rights of the states, and that they be instructed to report a bill for that purpose.

Mr. Shields offered the following, which lies over one day:

Whereas, many of the troops employed in the service of the United States, in the present Florida Seminole war, lost their horses and baggage in said service, without any fault of theirs, because the United States had failed to provide forage for said horses, and consequently said troops were dismounted, many hundred miles from home, and required to perform, and did perform, after they were dismounted, on foot, the same services which were required of mounted men; and, notwithstanding their monthly pay while mounted was twenty dollars, it was reduced after they had sustained such loss to eight dollars per month; and, whereas, the horses of many of said troops died from excessive fatigue in executing extraordinary orders of the commanding officers, without any fault of their riders, and the said horses were killed by accident or casualty while under the immediate orders and direction of said officers, to which they would not otherwise have been liable; therefore,

Resolved, That the committee on claims be instructed to inquire into the expediency of allowing to said dismounted men, who performed services as above stated, additional pay, so as to make their monthly wages equal to that of mounted men in said service; and, also, of providing that the property lost in said service, in any of the troops above mentioned, shall be paid for by the United States.

Mr. Davies offered the following, which was disagreed to by the house.

Resolved, That hereafter the stated hour of meeting of this house shall be half past eleven o'clock.

Mr. Cushman offered a similar resolution, fixing the time of meeting at 11 o'clock, which was also rejected.

On motion of Mr. Rice Garland,

Resolved, That the secretary of the treasury be directed to communicate to this house what progress has been made in issuing patents for land in the state of Louisiana since the last report made to this house on that subject, stating particularly how many patents have been issued for private land claims; how many for lands purchased under the credit system; how many for lands purchased under the cash system at public sales, and by private entry of lands that have been offered for sale; how many for lands sold under the different laws authorizing the entry at private sale of the back lands in that state; how many for purchasers under each of the pre-emption laws of 1814, of May 29, 1830, and June 19, 1834; and how many under any other description of title. Also, how many remain yet to be issued of each of said description of titles, and the causes that delay the issuing of said patents; also, when it is probable the patents now suspended will be issued; also, what progress has been made in the examination of the certificates of purchase under the pre-emption law of June 19, 1834; when the examination will probably terminate; and under what law or laws the said secretary of the treasury, or the commissioner of the general land office, they, or either of them, have suspended the issuing of patents under said act.

On motion of Mr. Sawyer,

Resolved, That the committee on commerce be instructed to inquire into the expediency of establishing a light boat off Bluff Point, on Albemarle sound.

On motion of Mr. Phillips, it was

Resolved, That the committee on commerce be instructed to inquire into the expediency of remodeling the consular establishment of the United States.

Mr. Adams offered the following, which lies over:

Resolved, That the clerk of this house be directed to cause to be made out, and reported to this house, a list of all the petitions, memorials and papers presented to the house, at the late session, and at the present session of congress, and laid on the table without being read, printed, debated, or referred; specifying the names of the first petitioner, and the number of signatures to each paper so laid on the table; specifying also the state from which each petition, memorial remonstrance, or resolution came; and distinguishing all such as have been laid on the table under the general resolution of the 21st December, 1837, from those which have been laid on the table by separate motions, and

showing the object prayed for in each of said petitions, memorials, remonstrances and resolution.

On motion of Mr. Everett, it was

Resolved, That the secretary of war be directed to lay before this house a copy of his answer to a letter of general Jesup, of the 20th December, 1837.

Mr. Patton moved the suspension of the rules for the purpose of taking up the resolutions, offered by himself, on a former day, on the subject of the executive power, and the manner of its exercise, and proposing the appointment of a select committee to inquire whether any "honest, capable, and faithful" officers have been dismissed from offices not on grounds of error, negligence, incapacity, misconduct, or unfitness; and, also, to consider and report whether any and what restrictions can be imposed by law upon the executive patronage, so as more effectually to guard against abuse and corruption in the exercise of the power of removal from and appointment to office.

And upon this motion Mr. Patton demanded the yeas and nays, which were ordered.

Mr. Cambreleng asked if it was the object of the mover to make the consideration of this resolution the special order.

Mr. Patton replied that it was his object to move for the assignment of a particular day for the consideration of the resolution.

Mr. Boon wished to vote understandingly. He would ask how far back this inquiry was to go?

Mr. Patton said he was willing that it should go back to the beginning of the government.

The resolutions were again read at the request of several members, and, the question being taken, resulted as follows: Yeas, 71, nays 68. So that, (more than a hundred members being absent,) two-thirds not voting for the motion, the house refused at this time to give preference to the consideration of Mr. Patton's resolutions.

Petitions.

The states were then called upon, in order, for the presentation of petitions, when they were presented by the following gentlemen, viz:

From Maine, by Messrs. Fairfield and Davee.
From Massachusetts, by Messrs. Cushing, Briggs, Fletcher, Calhoun, Lincoln, Reed, Adams, and Phillips.

From Connecticut, by Mr. Ingham.

From Vermont, by Mr. Everett.

From New York, by Messrs. Jackson, Noble, Childs, Curtis, Marvin, Filmore, Sibley, Loomis, Peck, DeGraff, Russell, Bronson, and Hoffman.

From New Jersey, by Mr. Maxwell.

From Pennsylvania, by Messrs. Davis, Henry, McClure, Naylor, Paynter, Plumer, Hubley, Morris, Toland, and Biddle.

From Maryland, by Mr. Howard.

From Virginia, by Messrs. Pennybacker, Wise, Johnson, and Hopkins.

From North Carolina, by Mr. Montgomery.

From South Carolina, by Messrs. Richardson, Rhett, and Legare.

From Tennessee, by Messrs. Stone, Carter, J. L. Williams, the Speaker, and McClellan.

From Ohio, by Messrs. Hamer and Kilgore.

From Indiana, by Messrs. Ewing, White, and Herod.

From Illinois, by Mr. Snyder.

From Missouri, by Mr. Harrison.

From Alabama, by Messrs. Chapman and Lyon.

From Michigan, by Mr. Cray.

From Florida, by Mr. Downing.

Memorials in relation to the late duel, and the subject of duelling generally, were presented by Messrs. Fairfield, Davee, Adams, McClellan, Sibley, Loomis, De Graff, Maxwell, Henry, McClure, Biddle, Polk, Kilgore, and Phillips, and referred to the select committee on that subject.

Remonstrances against the annexation of Texas were presented by Messrs. Fletcher, Lincoln, and Naylor, and laid on the table.

Memorials relating to slavery, were presented by Messrs. Cushing, Briggs, Fletcher, Lincoln, Adams, Everett, Davis, Henry, Naylor, Kilgore, and Herod.

The house then adjourned.

Tuesday, March 20. On motion of Mr. E. Whittlesey, the Speaker was requested to appoint a member of the committee of claims, vice Mr. Carter, deceased.

After a number of committees had reported, the house took up the unfinished business of the morning, which was the resolution of Mr. Wm. C. Johnson, in relation to the appropriation of public lands for public schools already debated by that gentleman for several days during that hour. He had not finished when the time appropriated to morning business elapsed.

On motion of Mr. Cambreleng, the house went into committee of the whole on the state of the

union, (Mr. Casey in the chair,) and resumed the consideration of the civil and diplomatic appropriation bill.

Mr. Cambreleng proposed to amend the bill by increasing the same to be appropriated for the protection of seamen, from thirty thousand dollars, as proposed in the bill, to forty thousand dollars.

Mr. Adams complained that it had not been shown to be clearly necessary to appropriate so large an additional sum to that already appropriated for this object at the extra session. He wanted an inquiry into this subject.

It was also objected by Mr. A. H. Shepperd, that the accounts of the officers, employed to disburse this money, as foreign consuls, &c. were not before the house; and that an investigation of these accounts should be had.

Mr. Howard attributed the necessity of making an additional appropriation for this object to the difference of exchange, which has made the expenditure greater, and which will have the same effect for some time to come.

Mr. A. H. Shepperd contended that the great sin in this matter is that sums are represented as being expended, which are yet in the hands of disbursing officers. He was for an inquiry into this subject.

Mr. Adams made some explanations as to the mode in which drafts were made for the purpose under consideration, by foreign consuls, and urged still further the necessity of the inquiry he had proposed. Mr. A. thought there was a good deal in the remark of the gentleman from Maryland, (Mr. Howard,) that the difference in exchange was the cause of an increased expenditure in this department. He said that this had been adverted to as a good argument in favor of the sub-treasury scheme. This he had hardly expected: but he hoped that the chairman of the committee of ways and means, or some other skilful financier in this house, would bring forward some measure, which would have the effect to relieve the country from such an onerous tax as that to which allusion was made by the chairman of the committee on foreign affairs.

Mr. Phillips made statements to show that there had latterly been a great increase in the number of cases, calling for the expenditure of this appropriation, and to demonstrate the necessity of the proposed amendment.

Some explanations ensued, between Messrs. Cambreleng, A. H. Shepperd, and Adams, as to the mode of remitting, drawing, and disbursing the fund for the relief of distressed seamen.

Mr. McKay contended that the whole matter required to be regulated and revised, and showed the necessity of this by comparing the present usage with the requisitions of the law of 1803. He was opposed to the amendment.

Mr. McKim thought the amendment proposed one of the most important items in the bill before the committee. The object was most useful, and the necessity of the case required that the proposed increase should now be made.

The question was then taken on the proposed amendment, yeas 44, nays 19; no quorum voting.

The Speaker resumed the chair, and the chairman announced the fact that no-quorum was present.

Mr. Reed rose to move that the house adjourn, and called for the yeas and nays, with the view of ascertaining who were present. He should vote against adjournment.

The yeas and nays were ordered, and the house refused to adjourn by the following vote: yeas 9, nays 121.

A quorum appearing, Mr. Casey resumed the chair, and the amendment under consideration was adopted without a division.

On motion of Mr. Cambreleng, (who stated that there was no other head under which the appropriations could be presented,) the bill was so amended as to provide for the second payment of Luigi Persico, under a joint resolution of both houses, \$4000; and for the second payment to artists employed upon the pictures for the rotundo, \$8000.

Mr. Bell offered the following amendment to the bill:

"Sec. . . And be it further enacted, That, from and after the first day of October next, the salaries of all the officers for the payment of which provision is made in this act, and all compensations and allowances to agents or other persons authorized by law, the payment of which is provided for in this act except the president and judges of the courts of the United States, and except also, such officers, agents, diplomatic or commercial, whose duties require them to reside without the limits of the United States and the territories thereof, shall be reduced one-fourth, or twenty-five per cent. of the amount now authorized by law: provided, that any time before the said first day of October, the bill reported from the committee on ways and means to

the house of representatives, entitled "a bill to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue," or any other bill of a similar tendency, or in which provision shall be made for the collection and disbursement of the public revenue in gold and silver, treasury notes, or other evidences of debt issued under the authority of the United States, to the exclusion of current bank notes shall become the law of the land."

Mr. *Cambreleg* objected that this amendment was not in order, as to the bill under consideration, under the rules of the house.

The Chair decided it not to be in order.

Mr. *Bell* took an appeal from this decision. The rule in question provides that "no motion or proposition on a subject, different from that under consideration, should be admitted under color of amendment." This objection did not apply to this amendment, he contended; it had reference to the specific subject-matter of the bill. He also answered other supposed objections to the presentation of his proposition as an amendment to the bill under consideration; and insisted that the construction of the rule, set up by the gentleman from New York, (Mr. *Cambreleg*), as an objection to this amendment, was a new construction of a rule acted upon for many years without such objections.

Mr. *Williams*, of North Carolina, defended the appropriateness of the proposed amendment to this bill. He gave instances to show that the practice of the house was in favor of such a construction of the rule. He hoped the committee would overrule the decision of the chair upon this question of order, whether the amendment itself were or were not adopted.

Mr. *Cambreleg* opposed the appeal, and contended that the letter of the rule should be adhered to, whatever might have been the practice of the house under that rule hitherto.

Mr. *Bell* further contended that his amendment was not on a different subject from that under consideration, and urged its adoption upon that ground, as well as upon the uniform practice of the house.

Mr. *Halstead* sustained the appeal. What was the subject of the bill? The payment of the salaries of public officers. And what was the subject of the proposed amendment? The reduction of the amounts of those salaries. Nor did that portion of the amendment which makes it contingent at all after that view of the question. He was in favor of the amendment, and of its coming in under the bill before the committee, as a course sanctioned by the custom and usage of the house.

Mr. *Reed* defended the proposition to append the proposed amendment to the general appropriation bill upon the same grounds as those stated by the gentleman last up.

Mr. *Cushman* supported the chair.

The question upon sustaining the decision of the chair was taken by tellers, and resulted as follows: ayes 66, noes 57. So the chair was sustained.

Mr. *Reed* rose and made a correction of an error in the report of some remarks of his upon a former day, in relation to certain expenditures of the post office department.

Jet d'eau, in the yard of the capitol, &c.

Mr. *Halstead* moved to strike from the bill the item of \$4,000 for the *jet d'eau* on the southern foot path in the capitol grounds, and was about to make another amendment he wished to make, when

The Chair reminded him that the committee had decided to act upon one amendment at a time.

Mr. *Halstead* said he was about to give his reasons for opposing this and other items in the bill, and the whole bill. He was proceeding to do this, when he gave way to a motion that the committee rise, which motion prevailed; and then, on motion, The house adjourned at 4 o'clock.

Wednesday, March 21. The following, among other reports, were presented to-day.

By Mr. *Cambreleg*, from the committee of ways and means, a bill making appropriations for preventing and suppressing Indian hostilities for 1838, and for arrearages for 1837.

By Mr. *Fry*, from the committee on revolutionary pensions, against the resolution of February 19, to amend the pension law of July 4, 1836; also, against the petitions of Hannah Brown and Catharine Coffin; and a bill granting a pension to Stephen Olney.

By Mr. *Harlan*, from the same committee, reported unfavorably upon the subject of reviving the acts granting bounty lands and extra pay to certain Canadian volunteers.

By Mr. *Kemble*, from the committee on military affairs, against the petition of Ann C. Stephenson.

By Mr. *Ingham*, from the committee on naval affairs, a bill to authorize the employment of two additional clerks in the office of the secretary of the navy, two additional clerks in the office of the

navy commissioners, and to increase the compensation of the warrant clerk of the navy department.

On motion of Mr. *Thomas*,

Resolved, That the clerk be directed to purchase a full and perfect copy of the laws of the United States for the use of each of the standing committees of the house of representatives, and to pay for the same out of the contingent fund.

The house took up and concurred in the following resolution, moved by Mr. *Slade* on the 11th of January last:

"*Resolved*, That the secretary of the treasury be directed to lay before this house a statement, showing the number of acres of the public lands which have been purchased under laws granting the right of pre-emption, distinguishing the several laws under which, and the several states and territories in which such purchases have been made. And that he also be directed to communicate any information which may be in possession of his department touching any associations which may have been formed by intruders on public lands, for the purpose of adjusting their relative rights of occupancy, and putting down competition at the public sales of such lands."

Mr. *Johnson* of Maryland, being indisposed to-day, the consideration of his resolution, in relation to public lands and public schools, on motion of Mr. *Everett*, of Vermont, was postponed until to-morrow morning.

The resolution of Mr. *Everett*, which was laid on the table on the 28th December, calling upon the department of state, for information relative to the correspondence of this government with that of Mexico, was then taken up, and passed.

Mr. *Cushman* moved that the house go into committee of the whole, during the remainder of the hour, upon the bill from the senate, for testing experiments for the purpose of preventing the explosion of steamboat boilers.

Mr. *Adams* objected, on the ground that several resolutions remained on the speaker's table, requiring immediate action; and that the morning hour should be devoted to their consideration.

Mr. *Cushman's* motion to suspend the rules was lost.

Mr. *Clark* asked leave to introduce at this time a resolution, fixing a day for the special consideration of the sub-treasury bill, reported by the committee of this house; to which objection was made. Mr. *C.* made an unsuccessful motion to suspend the rules for this purpose.

The resolution of Mr. *Miller*, offered on the 29th December, and laid on the table for consideration, for the purpose of ordering an inquiry into the expediency of making certain improvements in the harbor of St. Louis, was taken up, and adopted.

Two resolutions offered by Mr. *Jones* on the same day and laid over, authorizing certain surveys of rivers in the territory of Wisconsin, were taken up, and, on motion of Mr. *Bond*, referred to the committee on roads and canals.

A resolution offered by the same, on the same day, and laid over, in relation to the surveys of certain mineral lands in that territory, was taken up and adopted.

The resolution of Mr. *Everett*, offered and laid over on the 9th January, calling for inquiry as to the capture of certain Seminoles, under a flag of truce, by general Jesup, was next taken up, and passed.

The resolution of Mr. *Fillmore*, calling for information from the executive relative to the burning of the steamboat *Caroline*, at Schlosser, which was offered on the 19th of February, and laid over, came next in order for consideration.

Mr. *McKim* said that, in the absence of the chairman of the committee on foreign affairs, he would move to lay this resolution on the table.

Mr. *Fillmore* expressed the hope that the resolution would not thus be disposed of. It was offered a month ago, and the information it called for was of importance.

Mr. *McKim* insisting on his motion,

Mr. *Fillmore* demanded the yeas and nays; when Mr. *McKim* said he would change his motion, and moved to postpone the further consideration of the resolution until to-morrow.

Mr. *Fillmore* would like to know for what reason the gentleman from Maryland had interposed this objection.

Mr. *McKim* had already said that the chairman of the committee on foreign affairs was not in his place.

Mr. *Fillmore* said he had the best reason to know that that gentleman was in favor of, or rather was not opposed to, the adoption of this proposition.

Mr. *McKim* could only speak for himself. He was, himself, opposed to the adoption of it. Every thing was now going on right, with regard to that affair, and the tendency of this proposition would only be to excite and irritate feeling.

Mr. *Fillmore*. It would be recollected that the affair alluded to in this proposition occurred some three months ago. The resolution of inquiry had already been on the table a month. The information it seeks is in the hands of the executive. To obtain it was a matter of as much importance to his constituents as it could possibly be to the gentleman from Maryland, who has easier access to its source. It was discretionary with the executive to grant or to withhold this information, as he should think best. The gentleman from Maryland might certainly so far confide in the executive as to leave such a matter to him.

Mr. *Adams*, hoped the gentleman from Maryland would withdraw his motion to postpone. The information asked for was of such a character as to allay, not to excite feeling. The house was the proper arbiter of all questions touching peace and war, and should first receive all important information upon topics like that under consideration. Yet the intelligence of the day had contained official correspondence upon the subject, which this very resolution a month ago demanded, and which now comes before the house from Canada.

Mr. *McKim* had read this correspondence, and saw in it only additional reason why this resolution ought not now to be adopted. It would only keep up the feverish anxiety of the country to know that which the proper time for knowing had not yet come. The whole affair was the subject of negotiation at the court of St. James, and it would be improper to anticipate the result. He could not withdraw his motion to postpone.

Mr. *Fillmore* and Mr. *Fletcher*, of Vermont, insisted upon the importance of this information to the whole country, and to their constituents in particular, and hoped the motion would not prevail.

The motion to postpone was rejected without a division; and the resolution was then adopted.

On motion of Mr. *Cambreleg*, the house resolved itself into committee of the whole on the state of the union, (Mr. *Casey* in the chair,) upon the general appropriation bill.

An amendment offered yesterday by Mr. *Halstead*, proposing to strike out the appropriation of \$4,000 for a jet d'eau in the capitol yard, being under consideration, and the mover having possession of the floor,

Mr. *Halstead* went at length into an examination of the expenditures of the last and present administrations, and those of Mr. *Adams'* administration, urging the necessity of their reduction, and of the interposition of a check to alleged increasing extravagances.

Mr. *Bynum* responded to the remarks of Mr. *Halstead*. His observations applied to the strictures of the gentleman from New Jersey upon the extravagance of the administration, and were chiefly of a personal character.

Mr. *Lincoln* expressed his surprise that the gentleman from New Jersey should have introduced his review of the expenditures upon an amendment so unimportant. He defended the appropriation under consideration, and did not consider that, as chairman of the committee on the public buildings, he had acted in opposition to democratic principles in putting that item into the estimates upon which the bill before the committee was based. He was opposed to rash and indiscriminate denunciations against the administration, and believed that such a course impeded, rather than aided desirable reforms.

Mr. *Bell* said that the country was under obligation to the gentleman from New Jersey for his effort in bringing up the instances of extravagance in expenditure in the administration of the government, whether in the legislative or executive departments. He believed that that gentleman would find that some of the items to which he had alluded were not the proper subjects of animadversion; but as to the great mass of those items, he was correct. Mr. *B.* was sorry to perceive the tone in which that gentleman had been responded to. If the positions of gentlemen upon this subject were to be sanctioned by the house, there was an end to free debate and free inquiry into the expenditures of the government forever. He thought the present the proper occasion for the introduction of this discussion, as to the general expenditures of government.

Mr. *Cambreleg* made some remarks in reference to the pressing necessity of the immediate passage of the appropriation bills.

Mr. *Mercer*, as a member of the committee on the public buildings, sustained the particular item in the bill now to be stricken out.

Mr. *Halstead* took the floor, and gave way to Mr. *Bell*, who moved that the committee rise; which was ordered, 63 to 48.

On motion of Mr. *Underwood*, the house adjourned at ten minutes past 5 o'clock.

NILES' NATIONAL REGISTER.

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[VOL. LIV.—WHOLE No. 1,832.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

Our present sheet contains Mr. Clay's speech on the sub-treasury bill. It has been in type for some time, waiting an insertion in the order of the debate. In our next we will publish Mr. Webster's speech, and follow it with Mr. Calhoun's reply to Mr. Clay, and the desultory debate which occurred between those gentlemen.

Since our last general Scott arrived in this city, and is, we are pleased to learn, in excellent health.

The "Globe" on Wednesday night says:—"We regret to learn that the Hon. Mr. McKim of Maryland, has been confined to his chamber by indisposition since Thursday last, which will account for his name not being found in the vote of the house since that day."

THE SUB-TREASURY BILL, as amended in various particulars, was ordered to be engrossed on Saturday night last by a vote of 27 yeas to 25 noes, and by the same vote passed on Monday last. On Tuesday it was reported to the house by the speaker, and, after a short debate, on motion of Mr. Patton ordered to lie on the table—yeas 106, nays 98. We have inserted the bill as it passed the senate, and all the proceedings upon it in that body and in the house, in subsequent pages, to which our readers are referred.

MANDAMUS CASE. On Thursday last the circuit court of the District of Columbia, was moved to issue their process of attachment against Amos Kendall, esq. postmaster general, for contempt in disobeying the mandamus heretofore issued in this case. Mr. R. S. Cox, who read the application, as we learn from the "Intelligencer," made a short statement of the facts which had transpired since the decision of the supreme court, and read a correspondence with the postmaster general on the subject. The court has not made known its decision.

NEW HAMPSHIRE. The New "Hampshire Patriot," of the 26th inst. says, Mr. Hill's majority is 3033, and five small towns to be heard from, which gave in 1832, 101 for Jackson and 23 for Clay.

Of the state of parties in the legislature we have nothing certain. But the Concord Statesman, (W.), of about 240 members of the house, puts down 114 as whigs, 10 or 12 as conservatives, and the balance as friends of the administration.

CANADIAN AFFAIRS. Gen. Sutherland, of the patriot army, an account of whose capture we published sometime since, is now under trial by a military court martial at Toronto. He is arraigned under an act, passed at the recent session of the Upper Canada legislature, "to protect the inhabitants of the province from aggression from the frontier or neighboring countries."

On his arraignment he called himself a lawyer—which would seem to contradict the story of his being a deserter from the U. S. marines.

After his arraignment, as we learn from the New York American, he made an unsuccessful attempt to destroy himself. Complaining of indisposition, he induced the jailor to send him a basin of warm water, and at the same time asking for some writing materials; they were sent, together with a pen-knife. Having induced the sentinel stationed in his room to lie down and sleep, Sutherland attempted to destroy himself, by putting his feet and hands in the warm water, and with the penknife opening the veins of the arms and legs. The faintness caused by the loss of blood, caused him to fall on the floor, which aroused the sentinel; immediate assistance was procured. The wounds bound up, and the prisoner removed to the hospital.

The Hamilton (U. C.) Express, of the 17th inst. says:

Colonel Prince has gone to Toronto to give evidence against Sutherland, Theller, and others, before the court martial, which has been organized for their trial. We understand that colonel Prince said the spot where Sutherland was taken has been measured by the American authorities, and declared by them to be within our territory. If this be so, it cuts off all hope which the miserable wretch may have clung to for the prolongation of his life.

M. Papineau, ex-speaker of the house of assembly.

bly of Lower Canada, and leader, as was supposed, of the recent insurrection, has, according to a letter from Dr. Nelson, a co-patriot, deserted back again to the royal authorities, and abandoned the cause of revolution—induced thereto, says the aforesaid doctor, "through selfish and family motives regarding the seignories and inveterate love of the old French bad laws."

A more miserable failure, or a more weak, un-purposed and unconcerted attempt to overthrow an established government, was never made than in the case of the recent outbreaks in Canada.

BANKS, CURRENCY, &c. The Albany Argus of Saturday last contains a statement of the condition of the banks of New York, for the month ending the 1st inst. A comparison with previous reports shows the following results:

	June 1.	Feb. 1.	March 1.
Loans and disc'ts,	64,391,999	53,393,854	52,338,338
Specie,	2,802,313	3,919,332	4,092,793
Circulation,	14,940,498	11,545,850	11,107,350
Due canal fund,	3,052,598	3,249,730	2,833,221
state treasurer,	2,152,950	147,527	31,169
U. S. treasurer,	4,143,389	199,443	174,996
Ind. depositors,	14,516,813	14,950,163	14,375,291
Profits,	6,329,726	8,010,450	8,057,769

The above statements show a diminution of loans and discounts for the last month, of \$1,095,566; an increase of specie of \$173,461; a diminished circulation of \$408,500; a decrease of the canal fund deposits of \$386,509; of individual deposits, \$574,872; and of the state treasurer's deposit of \$158,273.

The Boston Daily Advertiser publishes the following:

Resumption of specie payments. The late bank convention at New York, adjourned to meet again in that city on the 2nd Wednesday in April. The associated banks of this city have appointed the same delegates who attended the former convention, with instructions, we believe, which authorize them to agree to a resumption of specie payments on the part of the banks of this city, at as early a period as the convention may deem it expedient. We have no doubt that the banks of this city will be fully prepared to resume at the earliest date which can be named by the convention.

The presidents of the New Orleans banks held a preparatory meeting on the 16th inst. to consult on their joint action with regard to the emission of post notes, &c., of which Mr. H. D. F. Burthe, of the Carrollton bank, was appointed chairman. It was adjourned till next day, for the purpose of acquiring correct information as to the present circulation of each bank.

The board of trade of New York, at a meeting on Saturday evening, adopted the following resolution by an almost unanimous vote:

Resolved, That the board of trade consider the charges, contained in a memorial to the legislature, on the Phoenix bank, fully proved, and that its charter ought to be repealed, and its affairs closed by competent receivers.

The New York Journal of Commerce says that a few days have produced great fluctuations in the rates of domestic exchanges. The rate on Mississippi is now twenty-five per cent. discount, Tennessee 20; Alabama bank notes of large denominations, 17; Georgia, 10; Ohio, 8; Michigan, 12, and Wild Cat, 25. The recent change has been chiefly in exchange on Georgia, Alabama, Mississippi and Tennessee. It is said that the banks of the two latter states have large funds on the Atlantic, which they refuse altogether to employ in redeeming their paper, until, by holding off, they get it still lower. They have bought immense quantities of cotton at high prices, part of which has been credited towards debts due to the banks, and the balance has been settled by large issues of their notes. These notes constitute the local currency, and serve to pay the debts due from their merchants to those on the Atlantic cities. Many eastern merchants have taken these notes, and now the banks contrive to throw on them the whole loss which would otherwise accrue on the high prices they have paid. Instead of employing the proceeds of their cotton to equalize exchanges by buying up their bills as fast

as they have funds, which would make the loss to eastern merchants bad enough in all conscience, they hold those funds in reserve until the accumulation of their notes depresses the price of them low enough to satisfy their plans, when they will probably buy them up. The difficulty with the other states, is a real indebtedness, and too liberal issues from the banks. Their policy of present ease will be liable to recoil at the last in heavier calamity. Exchanges on the great point of New Orleans remain steady, and on Boston, we are happy to say, have been brought down within one-fourth or one-half per cent. of par. The operation has been somewhat severe, but the result has been quickly brought about, and will prepare the way for speedy relief and expansion. Money is scarce here in a general way, yet plenty in some circles. The five per cent. treasury notes are a good deal bought up for the sake of the interest they bear.

On the 22d instant, the house of representatives of Massachusetts rejected the motion of Mr. Sturgis to instruct the committee to bring in a bill declaring that the charters of all the banks in the commonwealth were forfeited in consequence of the temporary suspension of specie payments. In favor of rejecting 218, nays 193.

In the senate, on the same day, after a long debate, the following resolution was passed by a unanimous vote, thirty-six senators voting in favor of it, viz:

"Resolved, That the suspension of specie payments by the banks of this commonwealth in May last was, under the circumstances, necessary, expedient, and for the interest of the people."

REVENUE OF 1837. The statement of the register of the treasury, recently presented to congress, shows the amount of gross revenue which accrued from duties on imports and tonnage in the ports of the United States to be \$31,690,356. Of this amount \$17,176,908 accrued in the city of New York; 4,439,472 in Boston; in Philadelphia 3,195,339; New Orleans 2,291,544; Baltimore 1,492,424; Charleston 693,389; Savannah 153,223; Richmond 152,575; Mobile 140,762; Portland 134,837; and Salem 128,081.

The amount of duties on imports which accrued in the city of New York in the year ending Sept. 30, 1837, was \$10,855,201. The amount which accrued in the same period in Boston was 2,966,109; in Philadelphia, 2,073,778; Baltimore, 1,220,751; New Orleans, 1,670,758; Salem, 151,237.

The amount of debentures, bounties, &c., was \$4,722,663, of which \$1,376,844 was for expenses of collection. The amount of debentures and other deductions in New York was 1,467,782.

We find in the French papers the following notice published by the bank recently established in Paris under the chief direction of M. Laffitte:

"After the 1st January, the bank will issue notes bearing interest as follows:

2 per cent. on notes payable at 3 days sight,	
2 1-2 do. do. payable at 12 do	12 do
4 do. do. payable at 30 do	30 do

The interest will be paid only to the day of their first presentation.

These notes given in exchange for money deposited with the bank are transferable by endorsement.

Drafts on all the cities in the departments will be furnished falling due at any period that may be required."

[N. Y. Courier.]

EMANCIPATION AND COLONIZATION. The New Orleans Picayune of the 13th inst. says—"We understand that six hundred negroes, belonging to a gentleman of this city, lately deceased, are to be liberated according to his will, provided they are willing to go to Africa, in which case ample provision is to be made for their transportation."

A STEAMER LOST. We learn, says the St. Louis Bulletin, "that the steamboat American, Lusk, master, on her passage from Natchez to this port, loaded with iron, struck a snag at the foot of Big Eddy, and sunk immediately in eight feet water; fortunately no lives were lost. The deck passengers have lost all the property they had on board. The Wilmington brought up the crew and passengers to this place."

SUB-TREASURY BILL.

The following is the bill as it passed the senate on Saturday night last:

A bill to impose additional duties as depositaries upon certain public officers, to appoint receivers general of public money, and to regulate the safe-keeping, transfer, and disbursement of the public moneys of the United States.

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That there shall be prepared and provided, within the new treasury building now erecting at the seat of government, suitable and convenient rooms for the use of the treasurer of the United States, his assistants and clerks; and sufficient and secure fire proof vaults and safes, for the keeping of the public moneys in the possession and under the immediate control of the said treasurer; which said rooms, vaults, and safes, are hereby constituted and declared to be, the treasury of the United States. And the said treasurer of the United States shall keep all the public money which shall come to his hands in the treasury of the United States as hereby constituted, until the same are drawn therefrom according to law.

SEC. 2. *And be it further enacted,* That the mint of the United States, in the city of Philadelphia, in the state of Pennsylvania, and the branch mint, in the city of New Orleans, in the state of Louisiana, and the vaults and safes thereof, respectively, shall be places of deposit and safe-keeping of the public moneys at those points respectively; and the treasurer of the said mint and branch mint respectively, for the time being, shall have the custody and care of all public moneys deposited within the same, and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursements of all such moneys, according to the provisions hereinafter contained.

SEC. 3. *And be it further enacted.* That there shall be prepared and provided, within the custom-houses now erecting in the city of New York, in the state of New York, and in the city of Boston, in the state of Massachusetts, suitable and convenient rooms for the use of the receivers general of public moneys, hereinafter directed to be appointed at those places respectively; and sufficient and secure fire proof vaults and safes for the safe-keeping of the public moneys collected and deposited with them, respectively; and the receivers general of public money, from time to time appointed at those points, shall have the custody and care of the said rooms, vaults and safes respectively, and of all the public money deposited within the same, and shall perform all the duties required to be performed by them in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions of this act.

SEC. 4. *And be it further enacted,* That there shall be erected, prepared, and provided, at the expense of the United States, at the city of Charleston, in the state of South Carolina, and at the city of St. Louis, in the state of Missouri, offices with suitable and convenient rooms for the use of the receivers general of public money hereinafter directed to be appointed at the places above named; and sufficient and secure fire proof vaults and safes for the keeping of the public money collected and deposited at those points respectively; and the said receivers general, from time to time appointed at those places, shall have the custody and care of the said offices, vaults, and safes, so to be erected, prepared, and provided, and of all the public moneys deposited within the same; and shall perform all the duties required to be performed by them, in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, according to the provisions hereinafter contained.

SEC. 5. *And be it further enacted,* That the president shall nominate, and, by and with the advice and consent of the senate, appoint four officers, to be denominated "receivers general of public money," which said officers shall hold their respective offices for the term of four years unless sooner removed therefrom; one of which shall be located at the city of New York, in the state of New York; one of which shall be located at the city of Boston, in the state of Massachusetts; one of which shall be located at the city of Charleston, in the state of South Carolina; and the remaining one of which shall be located at the city of St. Louis, in the state of Missouri; and all of which said officers shall give bonds to the United States, with sureties, according to the provisions hereinafter contained, for the faithful discharge of the duties of their respective offices.

SEC. 6. *And be it further enacted,* That the treasurer of the United States, the treasurer of the mint of the United States, the treasurers, and those acting as such, of the various branch mints already

erected and now erecting, all collectors of the customs, all surveyors of the customs acting also as collectors, all receivers general of public moneys, all receivers of public moneys, all receivers of public moneys at the several land offices, and all postmasters, except as is hereinafter particularly provided, be, and they are hereby, required to keep safely, without loaning or using, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered by the proper department or officer of the government to be transferred or paid out: and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the government, which may be imposed by this or any other acts of congress, or by any regulation of the treasury department, made in conformity to law; and also to do and perform all acts and duties required by law, or by direction of any of the executive departments of the government, as agents for paying pensions, or for making any other disbursements which either of the heads of those departments may be required by law to make, and which are of a character to be made by the depositaries hereby constituted, consistently with the other official duties imposed upon them.

SEC. 7. *And be it further enacted,* That the treasurer of the United States, the treasurer of the mint of the United States, the treasurer of the branch mint at New Orleans, and the receivers general of public money hereinafter directed to be appointed, shall, respectively, give bonds to the United States, in such form, and for such amounts, as shall be directed by the secretary of the treasury, and by and with the advice and consent of the president, with sureties to the satisfaction of the solicitor of the treasury; and shall from time to time, renew, strengthen, and increase their official bonds, as the secretary of the treasury, with the consent of the president, may direct; any law in reference to any of the official bonds of any of the said officers to the contrary notwithstanding.

SEC. 8. *And be it further enacted,* That it shall be the duty of the secretary of the treasury, at as early a day as possible after the passage of this act, to require from the several depositaries hereby constituted, and whose official bonds are not hereinafter provided for, to execute bonds new and suitable in their terms to meet the new and increased duties imposed upon them respectively by this act, and with sureties, in sums, such as shall seem reasonable and safe to the solicitor of the treasury, and from time to time require such bonds to be renewed and increased in amount and strengthened by new sureties, to meet any increasing responsibility which may grow out of accumulations of money in the hands of the depositary, or out of any other duty or responsibility arising under this or any other law of congress.

SEC. 9. *And be it further enacted,* That all collectors and receivers of public money, of every character and description, within the District of Columbia, shall, as frequently as they may be directed by the secretary of the treasury so to do, pay over to the treasurer of the United States at the treasury thereof, all public moneys collected by them, or in their hands; that all such collectors and receivers of public moneys within the cities of Philadelphia and New Orleans, shall, upon the same direction, pay over to the treasurers of the mints in their respective cities, at the said mints, all public moneys collected by them, or in their hands; and that all such collectors and receivers of public moneys within the cities of New York, Boston, Charleston, and St. Louis, shall, upon the same direction, pay over to the receivers general of public money in their respective cities, at their offices respectively, all the public moneys collected by them, or in their hands, to be safely kept by the said respective depositaries, until otherwise disposed of according to law; and it shall be the duty of the said secretary to direct such payments, by the said collectors and receivers, at all the said places, at least as often as once in each month, and as much more frequently, in all cases, as he, in his discretion, may think proper.

SEC. 10. *And be it further enacted,* That it shall be lawful for the secretary of the treasury to transfer the moneys in the hands of any depositary hereby constituted, to the treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to

require. And for the purpose of payments on the public account, it shall be lawful for the treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both.

SEC. 11. *And be it further enacted,* That the moneys in the hands, care, and custody, of any of the depositaries constituted by this act, shall be considered and held as deposited to the credit of the treasurer of the United States, and shall be, at all times, subject to his draft, whether made for transfer or disbursement, in the same manner as though the said moneys were actually in the treasury of the United States; and each depositary shall make returns to the treasury department of all moneys received and paid by him, at such times, and in such form, as shall be directed by the secretary of the treasury.

SEC. 12. *And be it further enacted,* That whenever public moneys shall accumulate in the hands of any depositary constituted by this act, other than the treasurer of the United States, the treasurer of the mint of the United States, the treasurer of the branch mint at New Orleans, and the receivers general of public money, to an amount beyond that secured by the bond of the officer, or which the secretary of the treasury shall, for any cause, consider unsafe, and it shall not be desirable to transfer the moneys so accumulated to any other depositary, it shall be lawful for the said secretary to direct the said moneys, or any portion thereof, to be specially deposited in such bank of the state, or territory, wherein the depositary who is to make the deposit is located, as he, the said secretary, shall select and name: *Provided,* The bank so selected will agree to receive and keep the moneys deposited with it upon the terms and conditions in the next section of this act prescribed.

SEC. 13. *And be it further enacted,* That the special deposits of the public moneys authorized by the last preceding section of this act to be made in banks, shall be made upon the following terms and conditions, and upon no other, namely:

First. All such deposits shall be strictly special deposits; and the banks holding them shall be prohibited in the most effectual manner, from making any use of the moneys deposited, by way of loans, discounts, or in any other manner, or for any other purpose whatsoever; and to secure the fulfilment of this condition, the secretary of the treasury is authorized, in his discretion, to furnish the banks selected as deposit banks with safes for the keeping of the public moneys exclusively, and under the joint control of the bank and some designated officer of the government, or to adopt such other guards as they shall prefer.

Second. Nothing but gold or silver, or such notes, bills, or paper, issued under the authority of the United States, as may be directed by law to be received in payment of the public dues, shall be offered for deposit, or received by the bank as a deposit, under the provisions of this act.

Third. All deposits shall be passed, upon the books of the bank, to the credit of the depositary making the same; but no moneys deposited in pursuance of this act shall be withdrawn without the express order of the secretary of the treasury, for the payments; and no drafts of the treasurer of the United States, or orders or warrants of the secretary of the treasury, for ordinary transfer or disbursement, shall be made upon any bank selected as a deposit bank under this act.

Fourth. A commission, such as shall be agreed upon between the secretary of the treasury and the bank, not in any case to exceed one eighth of one per centum upon the moneys deposited with it, shall be allowed and paid by the United States, in full satisfaction of all claims on the part of the bank for trouble and risk growing out of the receipt, safe keeping and repayment of the special deposits herein authorized to be made; all accounts for commissions to be audited and paid at the treasury of the United States.

SEC. 14. *And be it further enacted,* That, in case no bank within the state or territory wherein the depositary, directed to make deposits, is located, will consent to receive the moneys of the government upon special deposit, according to the foregoing conditions and regulations, then it shall be lawful for the secretary of the treasury to select some bank in an adjoining state, or territory, such as may be most convenient for the officer to make deposits, and the public service; and in case no convenient bank of either character can be found willing to receive such deposits upon the terms proposed, the secretary may transfer the same to the treasury of the United States, to the mint, or branch mints, or to the officers of either of the receivers general of public money, as shall be most convenient to the depositary from whom the mo-

ney is to be transferred, or to the wants of the public service in reference to disbursements.

Sec. 15. *And be it further enacted*, That the secretary of the treasury shall be, and he is hereby, authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositories constituted by this act; and for that purpose to appoint special agents, as occasion may require with such compensation as he may think reasonable, to be fixed and declared at the time of each appointment, which said examinations, in all cases where the sum on hand usually exceeds three-fourths of the amount of the officer's bond, shall not be made less frequently than once in each year, and as much more frequently, in those and all other cases, as the secretary, in his discretion, shall direct. The agents selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

Sec. 16. *And be it further enacted*, That in addition to the examinations provided for in the last preceding section, and as a further guard over the public moneys, it shall be the duty of each naval officer and surveyor, as a check upon the receiver general of public moneys, or collector of the customs, of their respective districts; of each register of a land office, as a check upon the receiver of his land office; and of the director and superintendent of each mint and branch mint, when separate offices, as a check upon the treasurers, respectively, of the said mints, or the persons acting as such, at the close of each quarter of the year, and as much more frequently as they shall be directed by the secretary of the treasury to do so, to examine the books, accounts, returns, and money on hand, of the receivers general of public money, collectors, receivers of land offices, treasurers, and persons acting as such, and to make a full, accurate and faithful return to the treasury department of their condition.

Sec. 17. *And be it further enacted*, That the said officers respectively, whose duty it is made by this act to receive, keep, and disburse the public moneys, as the fiscal agent of the government, may be allowed any necessary additional expenses of safe-keeping, transferring, and disbursing said moneys; all of such expenses of every character to be first expressly authorized by the secretary of the treasury, whose directions upon all the above subjects, by way of direction and otherwise, are to be strictly followed by all the said officers: *Provided* that the whole number of clerks to be appointed by virtue of this section of this act, shall not exceed ten, and that the aggregate compensations of the whole shall not exceed eight thousand dollars, nor shall the compensation of any one clerk, so appointed, exceed eight hundred dollars per annum.

Sec. 18. *And be it further enacted*, That the secretary of the treasury shall, with as much promptitude as the convenience of the public business and the safety of the public funds will permit, withdraw the balances remaining with the present depositories of the public moneys, and confine the safe-keeping, transfer, and disbursement of those moneys to the depositories established by this act.

Sec. 19. *And be it further enacted*, That all marshals, district attorneys, and others, having public money to pay to the United States, and all patentees wishing to make payment for patents to be issued, may pay all such moneys to the treasurer of the United States, at the treasury, to the treasurer of either of the mints, in Philadelphia or New Orleans, to either of the receivers general of the public money, or to such other depository constituted by this act, as shall be designated by the secretary of the treasury, in other parts of the United States, to receive such payments, and give receipts or certificates of deposit therefor.

Sec. 20. *And be it further enacted*, That all officers charged by this act with the safe-keeping, transfer, and disbursement of the public moneys, are hereby required to keep an accurate entry of each sum received, and of the kind of money in which it is received, and of each payment or transfer, and of the kind of currency in which it is made; and that if any one of the said officers shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with, or without interest, any portion of the public moneys entrusted to him for safe-keeping, disbursement, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used or loaned, which is hereby declared to be a high misdemeanor, and any officer or person

convicted thereof before any court of the United States of competent jurisdiction, shall be sentenced to imprisonment for a term not less than two, nor more than five years, and to a fine equal to the amount of the money embezzled.

Sec. 21. *And be it further enacted*, That, until the rooms, offices, vaults, and safes, directed by the first four sections of this act to be constructed and prepared for the use of the treasurer of the United States, the treasurers of the mints at Philadelphia and New Orleans, and the receivers general of public money at New York, Boston, Charleston, and St. Louis, can be constructed and prepared for use, it shall be the duty of the secretary of the treasury to procure suitable rooms for offices for those officers at their respective locations, and to contract with such banks, incorporations, or individuals, as may be willing to contract for such use of their vaults and safes as may be required for the safe-keeping of the public moneys in the charge and custody of those officers respectively, the expense to be paid by the United States.

Sec. 22. *And be it further enacted*, That it shall not be lawful for the secretary of the treasury to make or continue in force, any general order which shall create any difference between the different branches of revenue, as to the funds or medium of payment, in which debts or dues accruing to the United States may be paid.

Sec. 23. *And be it further enacted*, That it shall be the duty of the secretary of the treasury to issue and publish regulations to enforce the speedy presentation of all government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositories from the seat of government, within which all drafts upon them, respectively shall be presented for payment; and in default of such presentation, to direct any other mode and place of payment which he may deem proper.

Sec. 24. *And be it further enacted*, That the receivers general of public moneys directed by this act to be appointed, shall receive, respectively, the following salaries, per annum, to be paid quarter yearly, at the treasury of the United States, to wit: the receiver general of public money at New York shall be paid a salary of three thousand dollars per annum; the receiver general of public money at Boston shall be paid a salary of two thousand five hundred dollars per annum; the receiver general of public money at Charleston shall be paid a salary of two thousand five hundred dollars per annum; and the receiver general of public money at St. Louis, shall be paid a salary of two thousand five hundred dollars per annum; and these salaries, respectively, shall be in full for the services of the respective officers; nor shall either of them be permitted to charge, or receive, any commission, pay, or perquisite, for any official service, of any character or description whatsoever; and the making of any such charge, or the receipt of any such compensation, is hereby declared to be a misdemeanor, for which the officer convicted thereof, before any court of the United States of competent jurisdiction, shall be subject to punishment by fine, or imprisonment, or both, at the discretion of the court before which the offence shall be tried.

Sec. 25. *And be it further enacted*, That the treasurer of the United States be, and he is hereby authorized to receive at the treasury, and at such other points as he may designate, payments in advance for public lands, the payments so made, in all cases, to be evidenced by the receipt of the said treasurer of the United States; which receipts so given shall be current at the several land offices of the United States, as cash, at any public or private sale of lands, in the same manner as the currency authorized by law to be received in payment for the public lands: *Provided, however*, that the receipts given by the treasurer of the United States, pursuant to the authority conferred in this section, shall not be negotiable or transferable, by delivery or assignment, or in any other manner whatsoever, but shall, in all cases, be presented in payment for lands by or for the person to whom the receipt was given, as shown upon its face.

Sec. 26. *And be it further enacted*, That for the purchase of sites, and for the construction of offices of the receivers general of public money, by this act directed, to be erected at Charleston, S. C. and at St. Louis, Missouri, there shall be, and hereby is, appropriated, to be paid out of any money in the treasury not otherwise appropriated, the sum of ten thousand dollars, to be expended under the direction of the secretary of the treasury, who is hereby required to adopt plans for the said offices, and the vaults and safes connected therewith, and to cause the same to be constructed and prepared for use, with as little delay as shall be consistent with the public interests, and the convenient location and security of the buildings to be

erected: *Provided, however*, That if, the secretary of the treasury shall find, upon inquiry and examination, that suitable rooms for the use of the receiver general at Charleston can be obtained in the custom house now owned by the United States at that place, and that secure vaults and safes can be constructed in that building for the safe-keeping of the public money, then he shall cause such rooms to be prepared and fitted up, and such vaults and safes to be constructed in the custom-house at Charleston, and no independent office shall be there erected.

Sec. 27. *And be it further enacted*, That for the payment of the expenses authorized by this act, other than those herein before provided for, a sufficient sum of money be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated.

MR. CLAY'S SPEECH

ON THE SUB-TREASURY BILL.

Delivered in the Senate of the United States Feb. 19, 1838.

Mr. CLAY, of Kentucky, rose and addressed the senate as follows: I have seen some public service, passed through many troubled times, and often addressed public assemblies, in this capital and elsewhere; but never before have I risen in a deliberative body, under more oppressed feelings, or with a deeper sense of awful responsibility. Never before have I risen to express my opinions upon any public measure fraught with such tremendous consequences to the welfare and prosperity of the country, and so perilous to the liberties of the people, as I solemnly believe the bill under consideration will be. If you knew, sir, what sleepless hours reflection upon it has cost me; if you knew with what fervor and sincerity I have implored Divine assistance to strengthen and sustain me in my opposition to it, I should have credit, with you, at least, for the sincerity of my convictions, if I shall be so unfortunate as not to have your concurrence as to the dangerous character of the measure. And I have thanked my God that he has prolonged my life until the present time, to enable me to exert myself in the service of my country, against a project far transcending, in pernicious tendency, any that I have ever had occasion to consider. I thank him for the health I am permitted to enjoy; I thank him for the soft and sweet repose which I experienced last night; I thank him for the bright and glorious sun which shines upon us this day.

It is not my purpose, at this time, Mr. President, to go at large into a consideration of the causes which have led to the present most disastrous state of public affairs. That duty was performed by others, and myself, at the extra session of congress. It was then clearly shown that it sprang from the ill-advised and unfortunate measures of executive administration. I now will content myself with saying that, on the 4th day of March, 1829, Andrew Jackson, not by the blessing of God, was made president of the United States; that the country then was eminently prosperous; that its currency was as sound and safe as any that a people were ever blessed with; that, throughout the wide extent of this whole union, it possessed a uniform value; and that exchanges were conducted with such regularity and perfection, that funds could be transmitted from one extremity of the union to the other, with the least possible risk or loss. In this encouraging condition of the business of the country it remained for several years, until after the war, wantonly waged against the late Bank of the United States, was completely successful, by the overthrow of that invaluable institution. What our present situation is, it is as needless to describe as it is painful to contemplate. First felt in our great commercial marts, distress and embarrassment have penetrated into the interior, and now pervade almost the entire union. It has been justly remarked by one of the soundest and most practical writers that I have had occasion to consult, that "all convulsions in the circulation and commerce of every country must originate in the operation of the government, or in the mistaken views and erroneous measures of those possessing the power of influencing credit and circulation; for they are not otherwise susceptible of convulsion, and, if left to themselves, they will find their own level, and flow nearly in one uniform stream."

Yes, Mr. President, we all have but too melancholly a consciousness of the unhappy condition of our country. We all too well know that our noble and gallant ship lies helpless and immovable upon breakers, dismantled, the surge beating over her venerable sides, and the crew threatened with instantaneous destruction. How came she there? Who was the pilot at the helm when she was stranded? The party in power! The pilot was aided by all the science and skill, by all the charts and instruments of such distinguished navigators as Washington, the Adamases, Jefferson, Madison, and Monroe; and yet he did not, or could not, save the public vessel. She was placed in her present miserable condition by his bungling navigation, or by his want of skill and judgment. It is impossible for him to escape from one or the other horn of that dilemma. I leave him at liberty to choose between them.

I shall endeavor, Mr. President, in the course of the address I am about making, to establish certain propositions, which I believe to be incontestable; and, for the sake of perspicuity, I will state them severally to the senate. I shall contend—

1st. That it was the deliberate purpose and fixed design of the late administration to establish a government bank—a treasury bank—to be administered and controlled by the executive department.

2d. That, with that view, and to that end, it was its aim and intention to overthrow the whole banking system, as existing in the United States when the administration came into power, beginning with the Bank of the United States, and ending with the state banks.

3d. That the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the state banks.

4th. That the present administration, by its acknowledgements, emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy of the preceding administration, and stands solemnly pledged to complete and perfect them.

And, 5th. That the bill under consideration is intended to execute the pledge, by establishing, upon the ruins of the late Bank of the United States, and the state banks, a government bank, to be managed and controlled by the treasury department, acting under the commands of the president of the United States.

I believe, solemnly believe, the truth of every one of these five propositions. In the support of them, I shall not rely upon any gratuitous surmises or vague conjectures, but upon proofs, clear, positive, undeniable, and demonstrative. To establish the first four, I shall adduce evidence of the highest possible authenticity, or facts admitted or undeniable, and fair reasoning founded on them. And as to the last, the measure under consideration, I think the testimony, intrinsic and extrinsic, on which I depend, stamps, beyond all doubt, its true character as a government bank, and ought to carry to the mind of the senate the conviction which I entertain, and in which I feel perfectly confident the whole country will share.

1. My first proposition is, that it was the deliberate purpose and fixed design of the late administration to establish a government bank—a treasury bank—to be administered and controlled by the executive department. To establish its truth, the first proof which I offer is the following extract from president Jackson's annual message of December, 1833:

"The charter of the Bank of the United States expires in 1836, and its stockholders will most probably apply for a renewal of their privileges. In order to avoid the evils resulting from precipitancy, in a measure involving such important principles, and such deep pecuniary interests, I feel that I cannot, in justice to the parties interested, too soon present it to the consideration of the legislature and the people. Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow-citizens; and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency."

"Under these circumstances, if such an institution is deemed essential to the fiscal operations of the government, I submit to the wisdom of the legislature, whether a national one, founded upon the credit of the government and its revenues, might not be devised, which would avoid all constitutional difficulties, and, at the same time, secure all the advantages to the government and the country that were expected to result from the present bank."

This was the first open declaration of that implacable war against the late Bank of the United States, which was afterwards waged with so much ferocity. It was the sound of the distant bugle, to collect together the dispersed and scattered forces, and prepare for battle. The country saw with surprise the statement that "the constitutionality and expediency of the law creating this bank are well questioned by a large portion of our fellow citizens," when, in truth and in fact, it was well known that but few then doubted the constitutionality, and none the expediency of it. And the assertion excited much greater surprise, that "it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency." In this message, too, whilst a doubt is intimated as to the utility of such an institution, president Jackson clearly first discloses his object to establish a national one, founded upon the credit of the government and its revenues. His language is perfectly plain and unequivocal. Such a bank, founded upon the credit of the government and its revenues, would secure all the advantages to the government and the country, he tells us, that were expected to result from the present bank.

In his annual message of the ensuing year, the late president says:

"The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of congress to the subject. Nothing has occurred to lessen in any degree the dangers which many of our citizens apprehended from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles as to obviate constitutional and other objection."

"It is thought practicable to organize such a bank, with the necessary officers, as a branch of the treasury department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the government; and the

expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange, to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors and property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests of large masses of the community, it would be shorn of the influence which makes that bank formidable."

In this message, president Jackson, after again alluding to the imaginary dangers of a bank of the United States, recurs to his favorite project, and inquires "whether it be not possible to secure the advantages afforded by the present bank, through the agency of a bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections." And to dispel all doubts of the timid, and to confirm the wavering, he declares that it is thought practicable to organize such a bank, with the necessary officers, as a branch of the treasury department. As a branch of the treasury department! The very scheme now under consideration. And, to defray the expenses of such an anomalous institution, he suggests that the officers of the treasury department may turn bankers and brokers, and sell bills of exchange to private individuals at a moderate premium!

In his annual message of the year 1831, upon this subject, he was brief and somewhat covered in his expressions. But the fixed purpose which he entertained is sufficiently disclosed to the attentive reader. He announces that,

"Entertaining the opinions heretofore expressed in relation to the Bank of the United States, as at present organized, I felt it my duty, in my former messages, frankly to disclose them, in order that the attention of the legislature and the people should be seasonably directed to that important subject, and that it might be considered, and finally disposed of, in a manner best calculated to promote the ends of the constitution, and subserve the public interests."

What were the opinions "heretofore" expressed we have clearly seen. They were adverse to the Bank of the United States, as at present organized, that is to say, an organization with any independent corporate government; and in favor of a national bank which should be so constituted as to be subject to exclusive executive control.

At the session of 1831-'32, the question of the recharter of the Bank of the United States came up; and although the attention of congress and the country had been repeatedly and deliberately before invited to the consideration of it by president Jackson himself, the agitation of it was now declared by him and his partisans to be precipitate and premature. Nevertheless, the country and congress, conscious of the value of a safe and sound uniform currency, conscious that such a currency had been eminently supplied by the Bank of the United States, and unmoved by all the outcry raised against that admirable institution, the recharter commanded large majorities in both houses of congress. Fatally for the interests of this country, the stern self-will of general Jackson prompted him to risk every thing upon its overthrow. On the 10th of July, 1833, the bill was returned with his veto; from which the following extract is submitted to the attentive consideration of the senate:

"A bank of the United States is, in many respects, convenient for the government and useful to the people. Entertaining this opinion, and deeply impressed with the belief that some of the powers and privileges possessed by the existing bank are unauthorized by the constitution, subversive of the rights of the states, and dangerous to the liberties of the people, I felt it my duty, at an early period of my administration, to call the attention of congress to the practicability of organizing an institution, combining all its advantages, and obviating these objections. I sincerely regret that, in the act before me, I can perceive none of those modifications of the bank charter which are necessary, in my opinion, to make it compatible with justice, with sound policy, or with the constitution of our country."

"That a bank of the United States, competent to all the duties which may be required by government, might be so organized as not to infringe upon our own delegated powers, or the reserved rights of the states, I do not entertain a doubt. Had the executive been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. In the absence of such a call, it is obviously proper that he should confine himself to pointing out those prominent features in the act presented, which, in his opinion, make it incompatible with the constitution and sound policy."

President Jackson admits, in the citation which has just been made, that a bank of the United States is, in many respects, convenient for the government; and reminds congress that he had, at an early period of his administration, called its attention to the practicability of so organizing such an institution as to secure all its advantages, without the defects of the existing bank. It is perfectly manifest that he alludes to his previous recommendations of a government—a treasury bank. In the same message he tells congress, that if he had been called upon to furnish the project of such an institution, the duty would have been cheerfully performed. Thus it appears that he had not only settled in his mind the general principle, but had adjusted the details of a government bank, to be subjected to executive control: and congress is even chided for not calling upon him to present them. The bill now under con-

sideration, beyond all controversy, is the very project which he had in view, and is to consummate the work which he began. I think, Mr. President, that you must now concur with me in considering the first proposition as fully maintained. I pass to the second and third, which, on account of their intimate connexion, I will consider together.

2. That, with a view of establishing a government bank, it was the settled aim and intention of the late administration to overthrow the whole banking system of the United States, as existing in the United States when that administration came into power, beginning with the Bank of the United States, and ending with the state banks.

3. That the attack was first confined, from considerations of policy, to the Bank of the United States; but that, after its overthrow was accomplished, it was then directed, and has since been continued, against the state banks.

We are not bound to inquire into the motives of president Jackson for desiring to subvert the established monetary and financial system which he found in operation; and yet some examination into those which probably influenced his mind is not without utility. These are to be found in his peculiar constitution and character. His egotism and vanity prompted him to subject every thing to his will; to change, to remould, and retouch every thing. Hence the proscription which characterized his administration, the universal expulsion from office, at home and abroad, of all who were not devoted to him, and the attempt to render the executive department of government, to use a favorite expression of his own, a complete "unit." Hence his seizure of the public deposits in the Bank of the United States, and his desire to unite the purse with the sword. Hence his attack upon all the systems of policy which he found in practical operation—on that of internal improvements, and on that of the protection of national industry. He was animated by the same sort of ambition which induced the master-mind of the age, Napoleon Bonaparte, to impress his name upon every thing in France. When I was in Paris, the sculptors were busily engaged chiseling out the famous N., so odious to the Bourbon line, which had been conspicuously carved on the palace of the Tuilleries, and on other public edifices and monuments in the proud capital of France. When, Mr. President, shall we see effaced all traces of the ravages committed by the administration of Andrew Jackson? Society has been uprooted, virtue punished, vice rewarded, and talents and intellectual endowments despised; brutality, vulgarity, and loco-focoism upheld, cherished, and countenanced. Ages will roll around before the moral and political ravages which have been committed will, fear, cease to be discernible. General Jackson's ambition was to make his administration an era in the history of the American government, and he has accomplished that object of his ambition; but I trust that it will be an era to be shunned as sad and lamentable, and not followed and imitated as supplying sound maxims and principles of administration.

I have heard his hostility to banks ascribed to some collision which he had with one of them, during the late war, at the city of New Orleans; and it is possible that may have had some influence upon his mind. The immediate cause, more probably, was the refusal of that perverse and unaccommodating gentleman, Nick Biddle, to turn out of the office of president of the New Hampshire branch of the Bank of the United States, at the instance of his excellency Isaac Hill, in the summer of 1839, that giant-like person, Jeremiah Mason—giant in body, and giant in mind. War and strife, endless war and strife, personal or national, foreign or domestic, were the aliment of the late president's existence. War against the bank, war against France, and strife and contention with a countless number of individuals. The wars with Black Hawk and the Seminoles were scarcely a luncheon for his voracious appetite. And he made his exit from public life, denouncing war and vengeance against Mexico and the state banks.

My acquaintance with that extraordinary man commenced in this city, in the fall of 1815 or 1816. It was short, but highly respectful, and mutually cordial. I beheld in him the gallant and successful general, who, by the glorious victory of New Orleans, had honorably closed the second war of our independence, and I paid him the homage due to that eminent service. A few years after, it became my painful duty to animadvert, in the house of representatives, with the independence which belongs to the representative character, upon some of his proceedings in the conduct of the Seminole war, which I thought illegal and contrary to the constitution and the law of nations. A non-intercourse between us ensued, which continued until the fall of 1824, when, he being a member of the senate, an accommodation between us was sought to be brought about by the principal part of the delegation from his own state. For that purpose, we were invited to dine with them at Claxton's boarding house, on capitol hill, where my venerable friend from Tennessee, (Mr. White) and his colleague on the Spanish commission, were both present. I retired early from dinner, and was followed to the door by general Jackson and the present minister of the United States at the court of Madrid. They pressed me earnestly to take a seat with them in their carriage. My faithful servant and friend, Charles, was standing at the door waiting for me, with my own. I yielded to their urgent politeness, directed Charles to follow with my carriage, and they sat me down at my own door. We afterwards fre-

quently met, with mutual respect and cordiality; dined several times together, and reciprocated the hospitality of our respective quarters. This friendly intercourse continued until the election, in the house of representatives, of a president of the United States came on in Feb. 1825. I gave the vote which, in the contingency that happened, I told my colleague, (Mr. Crittenden,) who sits before me, prior to my departure from Kentucky, in November, 1824, and told others, that I should give. All intercourse ceased between general Jackson and myself. We have never since, except once accidentally, exchanged salutations, nor met, except on occasions when we were performing the last offices tenderly disclosed. Speaking of a sound currency, he says:

"In considering the means of obtaining so important an end, [that is, a sound currency,] we must set aside all calculations of temporary convenience, and be influenced by those only that are in harmony with the true character and permanent interests of the republic. We must recur to first principles, and see what it is that has prevented the legislation of congress and the states on the subject of currency from satisfying the public expectation, and realizing results corresponding to those which have attended the action of our system when truly consistent with the great principle of equality upon which it rests, and with that spirit of forbearance and mutual concession and generous patriotism which was originally, and must ever continue to be, the vital element of our Union."

"On this subject, I am sure that I cannot be mistaken in ascribing our want of success to the undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers, and the use of corporations clothed with privileges, the effect of which is to advance the interests of the few at the expense of the many. We have felt but one class of these dangers, exhibited in the contest waged by the Bank of the United States against the government for the last four years. Happily, they have been obviated for the present by the indignant resistance of the people; but we should recollect that the principle whence they sprang is an ever-active one, which will not fail to renew its efforts in the same and in other forms, so long as there is a hope of success, founded either on the inattention of the people, or the treachery of their representatives to the subtle progress of its influence."

"We are now to see whether, in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly, and practically prove, in respect to the currency, as well as other important interests, that there is no necessity for so extensive a resort to it as that which has been heretofore practised."

"It has been seen that without the agency of a great moneyed monopoly the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the legislatures of several of the states have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium."

As in the instance of the attack upon the Bank of the United States, the approach to the state banks is slow, cautious, and insidious. He reminds congress and the country that all calculations of temporary convenience must be set aside; that we must recur to first principles; and that we must see what it is that has prevented legislation of congress and the states on the subject of the currency from satisfying public expectation. He declares his conviction that the want of success has proceeded from undue countenance which has been afforded to the spirit of monopoly. All the serious dangers which our system has yet encountered may be traced to the resort to implied powers, and to the use of corporations. We have felt, he says, but one class of these dangers in the contest with the Bank of the United States, and he clearly intimates that the other class is the state banks. We are now to see, he proceeds, whether in the present favorable condition of the country, we cannot take an effectual stand against this spirit of monopoly. Reverting to his favorite scheme of a government bank, he says it is ascertained that, instead of being made necessary to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which he is desirous of accomplishing. Immediately after my vote, a notorious war was commenced against me, and all the barbed darts let loose upon me. I shall not trace it during its ten years' bitter continuance. But I thank my God that I stand here, firm and erect, unbent, unbroken, unsubdued, unswayed, and ready to denounce the mischievous measures of his administration, and ready to denounce this, its legitimate offspring, the most pernicious of them all.

His administration consisted of a succession of astounding measures, which fell on the public ear like repeated bursts of loud and appalling thunder. Before the reverberations of one peal had ceased, another and another came, louder and louder, and more terrifying. Or rather, it was like a volcanic mountain, emitting frightful eruptions of burning lava. Before one was cold and crusted; before the voice of the inhabitants of

buried villages and cities were hushed in eternal silence, another, more desolating, was vomited forth, extending wider and wider the circle of death and destruction.

Mr. President, this is no unnecessary digression. The personal character of such a chief as I have been describing, his passions, his propensities, the character of his mind, should be all thoroughly studied, to comprehend clearly his measures and his administration. But I will now proceed to more direct and strict proofs of my second and third propositions. That he was resolved to break down the Bank of the United States, is proven by the same citations from his messages which I have made, to exhibit his purpose to establish a treasury bank, is proven by his veto message, and by the fact that he did destroy it. The war against all other banks was not originally announced, because he wished the state banks to be auxiliaries in overthrowing the Bank of the United States, and because such an announcement would have been too rash and shocking upon the people of the United States for even his tremendous influence. It was necessary to proceed in the work with caution, and to begin with that institution against which could be embodied the greatest amount of prejudice. The refusal to recharter the Bank of the United States was followed by a determination to remove from its custody the public money of the United States. That determination was first whispered in this place, denied, again intimated, and finally, in September, 1833, executed. The agitation of the American public which ensued, the warm and animated discussions in the country and in congress, to which that unconstitutional measure gave rise, are all fresh in our recollection. It was necessary to quiet the public mind, and to reconcile the people to what had been done, before president Jackson seriously entered upon his new career of hostility to the state banks. At the commencement of the session of congress, in 1834, he imagined a sufficient calm had been produced, and, in his annual message of that year, the war upon the state banks was opened. In that message he says:

"It seems due to the safety of the public funds remaining in that bank, and to the honor of the American people, that measures be taken to separate the government entirely from an institution so mischievous to the public prosperity, and so regardless of the constitution and laws. By transferring the public deposits, by appointing other pension agents, as far as it had the power, by ordering the discontinuance of the receipt of bank checks in payment of the public dues after the first day of January next, the executive has exerted all its lawful authority to sever the connection between the government and this faithless corporation."

In this quotation it will be seen that the first germ is contained of that separation and divorce of the government from banks, which has recently made such a conspicuous figure. It relates, it is true, to the late Bank of the United States, and he speaks of separating and severing the connection between the government and that institution. But the idea, once developed, was easily susceptible of application to all banking institutions. In the message of the succeeding year, his meditated attack upon the state banks is more disorganizing to introduce. The designs of president Jackson against the state banks are more fully developed and enlarged upon in his annual message of 1836, from which I beg leave to quote the following passages:

"I beg leave to call your attention to another subject intimately associated with the preceding one—the currency of the country."

"It is apparent, from the whole context of the constitution, as well as the history of the times that gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals. These, from their peculiar properties, which rendered them the standard of value in all other countries, were adopted in this, as well to establish its commercial standard, in reference to foreign countries, by a permanent rule, as to exclude the use of a mutable medium of exchange, such as of certain agricultural commodities, recognised by the statutes of some states as a tender for debts, or the still more pernicious expedient of a paper currency."

"Variableness must ever be the characteristic of a currency of which the precious metals are not the chief ingredient, or which can be expanded or contracted without regard to the principles that regulate the value of those metals as a standard in the general trade of the world. With us, bank issues constitute such a currency, and must ever do so, until they are made dependent on those just proportions of gold and silver, as a circulating medium, which experience has proved to be necessary, not only in this, but in all other commercial countries. Where those proportions are not infused into the circulation, and do not control it, it is manifest that prices must vary according to the tide of bank issues, and the value and stability of property must stand exposed to all the uncertainty which attends the administration of institutions that are constantly liable to the temptation of an interest distinct from that of the community in which they are established."

"But although various dangers to our republican institutions have been obviated by the failure of that bank to extort from the government a renewal of its charter, it is obvious that little has been accomplished, except a salutary change of public opinion, towards restoring to the country the sound currency provided for in the constitution. In the acts of several of the states prohibiting the circulation of small notes, and the auxiliary enactments of congress at the last session, forbidding their reception or payment on public account, the true policy of the country has been advanced, and a larger portion

of the precious metals infused into our circulating medium. These measures will probably be followed up in due time by the enactment of state laws, banishing from circulation bank notes of still higher denominations; and the object may be materially promoted by further acts of congress, forbidding the employment, as fiscal agents, of such banks as issue notes of low denominations, and throw impediments in the way of the circulation of gold and silver."

"The effects of an extension of bank credits and over-issues of bank paper, have been strikingly illustrated in the sales of the public lands. From the returns made by the various registers and receivers in the early part of last summer, it was perceived that the receipts arising from the sales of public lands were increasing to an unprecedented amount. In effect, however, these receipts amount to nothing more than credits in banks. The banks lent out their notes to speculators; they were paid to the receivers, and immediately returned to the banks, to be lent out again and again, being mere instruments to transfer to speculators the most valuable public land, and pay the government by a credit on the books of the banks. Those credits on the books of some of the western banks, usually called deposits, were already greatly beyond their immediate means of payment, and were rapidly increasing. Indeed, each speculation furnished means for another; for no sooner had one individual or company paid in the notes, than they were immediately lent to another for a like purpose; and the banks were extending their business and their issues so largely as to alarm considerate men, and render it doubtful whether these bank credits, if permitted to accumulate, would ultimately be of the least value to the government. The spirit of expansion and speculation was not confined to the deposit banks, but pervaded the whole multitude of banks throughout the union, and was giving rise to new institutions to aggravate the evil."

"The safety of the public funds, and the interest of the people generally, required that these operations should be checked; and it became the duty of every branch of the general and state governments to adopt all legitimate and proper means to produce that salutary effect. Under this view of my duty, I directed the issuing of the order, which will be laid before you by the secretary of the treasury, requiring payment of the public lands sold to be made in specie, with an exception until the 15th of the present month in favor of actual settlers. This measure has produced many salutary consequences. It checked the career of the western banks, and gave them additional strength in anticipation of the pressure which has since pervaded our eastern as well as the European commercial cities. By preventing the expansion of the credit system, it measurably cut off the means of speculation, and retarded its progress in monopolizing the most valuable of the public lands. It has tended to save the new states from a non-resident proprietorship—one of the greatest obstacles to the advancement of a new country and the prosperity of an old one. It has tended to keep open the public lands for entry by emigrants at government prices, instead of their being compelled to purchase of speculators at double or treble prices. And it is conveying into the interior large sums in silver and gold, there to enter permanently into the currency of the country, and place it on a firmer foundation. It is confidently believed that the country will find, in the motives which induced that order, and the happy consequences which have ensued, much to commend and nothing to condemn."

It is seen that he again calls the attention of congress to the currency of the country, alleges that it was apparent from the whole context of the constitution, as well as the history of the times that gave birth to it, that it was the purpose of the convention to establish a currency consisting of the precious metals; imputes variableness and a liability to inordinate contraction and expansion to the existing paper system, and denounces bank issues as being an uncertain standard. He felicitates himself upon the dangers which have been obviated by the overthrow of the Bank of the United States, but declares that little has been yet done, except to produce a salutary change of public opinion towards restoring to the country the sound currency provided for in the constitution. I will here say, in passing, that all this outcry about the precious metals, gold, and the constitutional currency, has been put forth to delude the people, and to use the precious metals as an instrument to break down the banking institutions of the states, and to thus pave the way for the ultimate establishment of a great government bank. In the present advanced state of civilization, in the present condition of the commerce of the world, and in the actual relations of trade and intercourse between the different nations of the world, it is perfectly chimerical to suppose that the currency of the United States should consist exclusively, or principally, of the precious metals.

In the quotations which I have made from the last annual message of general Jackson, he speaks of the extension of bank credits, and the over-issues of bank paper, in the operations upon the sales of public lands. In his message of only the preceding year, the vast amount of those sales had been dwelt upon with peculiar complaisance, as illustrating the general prosperity of the country, and as proof of the wisdom of his administration. But now that which had been announced as a blessing is deprecated as a calamity. Now, his object being to assail the banking institutions of the states, and to justify that fatal treasury order, which I shall hereafter have occasion to notice, he expresses his apprehension of the danger to which we are exposed of losing

the public domain, and getting nothing for it but *bank credits*. He describes, minutely, the circular process by which the notes of the banks passed out of those institutions to be employed in the purchase of the public lands, and returned again to them in the form of credits to the government. He forgets that Mr. secretary Taney, to reconcile the people of the United States to the daring measure of removing the public deposits, had simulated the banks to the exercise of great liberality in the grant of loans. He informs us, in that message, that the safety of the public funds and the interests of the people generally, required that these copious issues of the banks should be checked, and that the conversion of the public lands into mere bank credits should be arrested. And his measure to accomplish these objects was that famous treasury order, already adverted to. Let us pause here for a moment, and contemplate the circumstances under which it was issued. The principle of the order had been proposed and discussed in congress. But one senator, as far as I know, in this branch of the legislature, and not a solitary member, within my knowledge, in the house of representatives, was in favor of it. And yet, in about a week after the adjournment of congress, the principle, which met with no countenance from the legislative authority, was embodied in the form of a treasury edict, and promulgated under the executive authority, to the astonishment of the people of the United States.

If we possessed no other evidence whatever of the hostility of president Jackson to the state banks of the United States, that order would supply conclusive proof. Bank notes, bank issues, bank credits, were distrusted and denounced by him. It was proclaimed to the people that they were unworthy of confidence. The government could no longer trust in their security. And at a moment when the banking operations were extended, and stretched to their utmost tension; when they were almost all tottering and ready to fall, for the want of that metallic basis on which they all rested, the executive announces its distrust, issues the treasury order, and enters the market for specie, by a demand of an extraordinary amount to supply the means of purchasing the public lands. If the sales had continued in the same ratio they had been made during the previous year, that is, at about the rate of twenty-four millions *per annum*, this unprecedented demand created by government for specie must have exhausted the vaults of most of the banks, and produced much sooner the catastrophe which occurred in May last. And, what is more extraordinary, this wanton demand for specie upon all the banks of the commercial capitals, and in the busy and thickly peopled portions of the country, was that it might be transported into the wilderness, and, after having been used in the purchase of public lands, deposited to the credit of the government in the books of western banks, in some of which, according to the message, there were already credits to the government "greatly beyond their immediate means of payment." Government, therefore, did not itself receive, or rather did not retain, the very specie which it professed to demand as the only medium worthy of the public lands. The specie, which was so uselessly exacted, was transferred from one set of banks, to the derangement of the commerce and business of the country, and placed in the vaults of another set of banks in the interior, forming only those bank credits to the government upon which president Jackson placed so slight a value.

Finally, when general Jackson was about to retire from the cares of government, he favored his countrymen with a farewell address. The solemnity of the occasion gives to any opinions which he has expressed in that document a claim to peculiar attention. It will be seen on perusing it, that he denounces, more emphatically than in any of his previous addresses, the bank paper of the country, corporations, and what he chooses to denominate the spirit of monopoly. The senate will indulge me in calling its attention to certain parts of that address, in the following extracts:

"The constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. But the establishment of a national bank by congress, with the privilege of issuing paper money receivable in payment of the public dues, and the unfortunate cause of legislation in the several states upon the same subject, drove from general circulation the constitutional currency, and substituted one of paper in its place."

"The mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control; from the multitude of corporations, with exclusive privileges, which they have succeeded in obtaining in the different states, and which are employed altogether for their benefit; and unless you become more watchful in your states, and check this spirit of monopoly and thirst for exclusive privileges, you will, in the end, find that the most important powers of government have been given or bartered away, and the control over your dearest interests has passed into the hands of these corporations."

"But it will require steady and persevering exertions on your part to rid yourselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope that the conflict will be a short one, nor success easy. My humble efforts have not been spared, during my administration of the government, to restore the constitutional currency of gold and silver: and something, I trust, has been done towards the accomplishment of this most desirable object. But enough

yet remains to require all your energy and perseverance. The power, however, is in your hands, and the remedy must and will be applied, if you determine upon it."

The mask is now thrown off, and he boldly says that the constitution of the United States unquestionably intended to secure to the people a circulating medium of gold and silver. They have not enjoyed, he says, that benefit, because of the establishment of a national bank, and the unfortunate course of legislation in the several states. He does not limit his condemnation of the past policy of his country to the federal government, of which he had just ceased to be the chief, but he extends it to the states also, as if they were incompetent to judge of the interests of their respective citizens. He tells us that the mischief springs from the power which the moneyed interest derives from a paper currency, which they are able to control, and the multitude of corporations; and he stimulates the people to become more watchful in their several states, to check this spirit of monopoly. To invigorate their fortitude, he tells the people that it will require steady and persevering exertions on their part, to rid themselves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly. They must not hope that the conflict will be a short one, nor success easy. His humble efforts have not been spared during his administration, to restore the constitutional currency of gold and silver; and although he has been able to do something towards the accomplishment of that object, *enough yet remains* to require all the energy and perseverance of the people.

Such, Mr. President, are the proofs and the argument on which I rely to establish the second and third propositions which I have been considering. Are they not successfully maintained? Is it possible that any thing could be more conclusive on such a subject?

I pass to the consideration of the fourth proposition.

4. That the present administration, by acknowledgments emanating from the highest and most authentic source, has succeeded to the principles, plans, and policy, of the preceding administration, and stand solemnly pledged to complete and perfect them.

The proofs on this subject are brief; but they are clear, direct, and plenary. It is impossible for any unbiassed mind to doubt for a moment about them. You, sir, will be surprised, when I shall array them before you, at their irresistible force. The first that I shall offer is an extract from Mr. Van Buren's letter of acceptance of the nomination of the Baltimore convention, dated May 23d, 1835. In that letter he says:

"I content myself, on this occasion, with saying that I consider myself the honored instrument, selected by the friends of the present administration, to carry out its principles and policy; and that, as well from inclination as from duty, I shall, if honored with the choice of the American people, endeavor generally to follow in the footsteps of president Jackson, happy if I shall be able to perfect the work which he has so gloriously begun."

Mr. Van Buren announces that he was the honored instrument selected by the friends of the present administration, to carry out its principles and policy. The honored instrument! That word, according to the most approved definition, means *tool*. He was, then, the honored tool—to do what? to promote the honor, and advance the welfare, of the people of the United States, and to add to the glory of his country? No, no; his country was not in his thoughts. Party, party, filled the place in his bosom which country should have occupied. He was the honored tool to carry out the principles and policy of gen. Jackson's administration; and, if elected, he should, as well from inclination as from duty, endeavor, generally, to tread in the footsteps of gen. Jackson—happy if he should be able to perfect the work which he had so gloriously begun. Duty to whom? to the country, to the whole people of the United States? No such thing; but duty to the friends of the then administration; and that duty required him to tread in the footsteps of his illustrious predecessor, and to perfect the work which he had begun! Now, the senate will bear in mind that the most distinguishing features of gen. Jackson's administration related to the currency; that he had denounced the banking institutions of the country; that he had overthrown the Bank of the United States; that he had declared, when that object was accomplished, only one-half the work was completed; that he then commenced a war against the state banks, in order to finish the other half; that he constantly persevered in, and never abandoned, his favorite project of a great government treasury bank; and that he retired from the office of chief magistrate, pouring out, in his farewell address, anathemas against paper money, corporations, and the spirit of monopoly. When all these things are recollected, it is impossible not to comprehend clearly what Mr. Van Buren means, by carrying out the principles and policy of the late administration. No one can mistake that those principles and that policy require him to break down the local institutions of the states, and to discredit and destroy the paper medium which they issue. No one can be at a loss to understand that, in following in the footsteps of president Jackson, and in perfecting the work which he begun, Mr. Van Buren means to continue attacking, systematically, the banks of the states, and to erect on their ruins that great government bank, begun by his predecessor, and which he is the honored instrument selected to complete. The next proof which I shall offer is supplied by Mr. Van Buren's inaugural address, from which I request permission of the senate to read the following extract:

"In receiving from the people the sacred trust twice

confided to my illustrious predecessor, and which he has discharged so faithfully and so well, I know that I cannot expect to perform the arduous task with equal ability and success. But, *united as I have been in his councils*, a daily witness of his exclusive and unsurpassed devotion to his country's welfare, *agreeing with him in sentiments* which his countrymen have warmly supported, and permitted to partake largely of his confidence, I may hope that somewhat of the same cheering approbation will be found to attend upon my path?"

Here we find Mr. Van Buren distinctly avowing, what the American people well knew before, that he had been united in the councils of gen. Jackson; that he had agreed with him in sentiments, and that he had partaken largely of his confidence. This intimacy and confidential intercourse could not have existed without the concurrence of Mr. Van Buren in all those leading and prominent measures of his friend, which related to the establishment of a government bank, the overthrow of the Bank of the United States, the attack upon the state institutions, and the denunciation of the paper currency, the spirit of monopoly, and corporations. Is it credible that general Jackson should have aimed at the accomplishment of all those objects, and entertained all these sentiments, without Mr. Van Buren's participation?

I proceed to another point of powerful evidence, in the conduct of Mr. Van Buren, in respect to the famous treasury order. That order had been promulgated, originally, in defiance of the opinion of congress, had been continued in operation in defiance of the wishes and will of the people, and had been repealed by a bill passed at the last ordinary session of congress, by overwhelming majorities. The fate of that bill is well known. Instead of being returned to the house in which it originated, according to the requirement of the constitution, it was sent to one of the pigeon-holes of the department of state, to be filed away with an opinion of a convenient attorney general, always ready to prepare one in support of executive encroachment. On the 5th of March last not a doubt was entertained, as far as my knowledge or belief extends, that Mr. Van Buren would rescind the obnoxious order. I appeal to the senator from Missouri, who sits near me, (Mr. *Lin*), to the senator from Mississippi, who sits farthest from me, (Mr. *Walker*), to the senator from Alabama, (Mr. *King*), and to the whole of the administration senators, if such was not the expectation of all of them. Was there ever an occasion in which a new administration had so fine an opportunity to signalize its commencement by an act of grace and wisdom, demanded by the least interests and most anxious wishes of the people? But Mr. Van Buren did not think proper to embrace it. He had shared too largely in the confidence of his predecessor, agreed too fully with him in his councils, to rescind an order which constituted so essential a part of the system which had been deliberately adopted to overthrow the state banks.

Another course pursued by the administration, after the catastrophe of the suspension of specie payments by the banks, demonstrates the hostile purposes towards them of the present administration. When a similar event had occurred during the administration of Mr. Madison, did he discredit and discountenance the issues of the banks, by refusing to receive them in payment of the public dues? Did the state governments, upon the former or the late occasion, refuse to receive them in payment of the dues to them, respectively? And if irredeemable bank notes are good enough for state governments and the people, are they not good enough for the federal government of the same people? By exacting specie, in all payments to the general government, that government presented itself in the market as a powerful and formidable competitor with the banks, demanding specie at a moment when the banks were making unexampled struggles to strengthen themselves, and prepare for the resumption of specie payments. The extent of this government demand for specie does not admit of exact ascertainment; but when we reflect that the annual expenditures of the government were at the rate, including the post office department, of about thirty-three millions of dollars, and that its income, made up either of taxes or loans, must be an equal sum, making together an aggregate of sixty-six millions, it will be seen that the amount of specie required for the use of government must be immensely large. It cannot be precisely determined, but would not be less probably than fifteen or twenty millions of dollars per annum. Now, how is it possible for the banks, coming into the specie market in competition with all the vast power and influence of the government, to provide themselves with specie in a reasonable time to resume specie payments? That competition would have been avoided, if, upon the stoppage of the banks, the notes of those of whose solidity there was no doubt, had been continued to be received in payment of the public dues, as was done in Mr. Madison's administration? And why, Mr. President, should they not have been? Why should not this government receive the same description of medium which is found to answer all the purposes of the several state governments? Why should they have resorted to the expedient of issuing an inferior paper medium, in the form of treasury notes, and refusing to receive the better notes of safe and solid banks? Do not misunderstand me, Mr. President. No man is more averse than I am to a permanent inconvertible paper medium. It would have been as a temporary measure only that I should have thought it expedient to receive the notes of good local banks. If, along with

that measure, the treasury order had been repealed, and other measures adopted to encourage and coerce the resumption of specie payments, we should have been much nigher that desirable event than, I fear, we now are. Indeed, I do not see when it is possible for the banks to resume specie payments, as long as the government is in the field making war upon them, and in the market demanding specie.

Another conclusive evidence of the hostility to the state banks, on the part of Mr. Van Buren, is to be found in that extraordinary recommendation of a bankrupt law contained in his message at the extra session. According to all the principles of any bankrupt system with which I am acquainted, the banks, by the stoppage of specie payments, had rendered themselves liable to its operation. If the recommended law had been passed, commissions of bankruptcy could have been immediately sued out against all the suspended banks, their assets seized, and the administration of them transferred from the several corporations to which it is now intrusted, to commissioners appointed by the president himself. Thus, by one blow, would the whole of the state banks have been completely prostrated, and the way cleared for the introduction of the favorite treasury bank; and is it not in the same spirit of unfriendliness to those banks, and with the same view of removing all obstacles to the establishment of a government bank, that the bill was presented to the senate a few days ago by the senator from Tennessee (Mr. Grundy) against the circulation of the notes of the old Bank of the United States? At a time when there is too much want of confidence, and when every thing that can be done should be done to revive and strengthen it, we are called upon to pass a law denouncing the heaviest penalty and ignominious punishment against all who shall reissue the notes of the old Bank of the United States, of which we are told that about seven millions of dollars are in circulation; and they constitute the best portion of the paper medium of the country; the only portion of it which has a credit everywhere, and which serves the purpose of a general circulation; the only portion with which a man can travel from one end of the continent to the other; and I do not doubt that the senator who has flung these severe pains and penalties against that best part of our paper medium, provides himself with a sufficient amount of it, whenever he leaves Nashville, to take him to Washington. [Here Mr. Grundy rose, and remarked: No, sir; I always travel on specie.] Ah! continued Mr. Clay, my old friend is always specious. I am quite sure that members from a distance in the interior generally find it indispensable to supply themselves, on commencing their journey, with an adequate amount of these identical notes to defray its expenses. Why, sir, will any man in his senses deny that these notes are far better than those which have been issued by that government banker, Mr. Levi Woodbury, aided though he be by the chancellor of the exchequer, (I beg his pardon, I mean the ex-chancellor,) the senator from New York, (Mr. Wright?) I am not going to stop here to inquire into the strict legality of the reissue of these notes; that question, together with the power of the government to pass the proposed bill, will be taken up when it is considered. I am looking into the motive of such a measure. Nobody doubts the perfect safety of the notes; no one can believe that they will not be fairly and fully paid. What, then, is the design of the bill? It is to assail the only sure general medium which the people possess. It is because it may come in competition with treasury notes or other government paper. Sir, if the bill had not been proposed by my old friend from Tennessee, I would say its author better deserved a penitentiary punishment than those against whom it is directed. I remember to have heard of an illustrious individual, now in retirement, having, on some occasion, burst out into the most patriotic indignation, because of a waggish trick played off upon him, by putting a note of the late Bank of the United States into his silk purse with his gold.

But it is unnecessary to dwell longer on the innumerable proofs of the hostility against the state banks, and the deliberate purpose of those in power to overthrow them. We hear and see daily throughout the country, among their partisans and presses, denunciations against banks, corporations, rag barons, the spirit of monopoly, &c.; and the howl for gold, hard money, and the constitutional currency; and no one can listen to the speeches of honorable members, friends of the administration, in this house and the other, without being impressed with a perfect conviction that the destruction of the state banks is media ed.

I have fulfilled my promise Mr. President, to sustain the first four propositions with which I set out. I now proceed to the fifth proposition:

5. That the bill under consideration is intended to execute Mr. Van Buren's pledge, to complete and perfect the principles, plans, and policy, of the past administration, by establishing, upon the ruins of the late Bank of the United States, and the state banks, a government bank to be managed and controlled by the treasury department, acting under the commands of the president of the United States.

The first impression made by the perusal of the bill is the prodigal and boundless discretion which it grants to the secretary of the treasury, irreconcilable with the genius of our free institutions, and contrary to the former cautious practice of the government. As originally reported, he was authorized by the bill to allow any number of clerks he thought proper to the various receivers general, and to fix their salaries. It will

be borne in mind that this is the mere commencement of a system; and it cannot be doubted that, if put into operation, the number of receivers general and other depositaries of the public money would be indefinitely multiplied. He is allowed to appoint as many examiners of the public money, and to fix their salaries, as he pleases; he is allowed to erect at pleasure costly buildings; there is no estimate for any thing; and all who are conversant with the operations of the executive branch of the government know the value and importance of previous estimates. There is no other check upon wasteful expenditure but previous estimates; and that was a point always particularly insisted upon by Mr. Jefferson. The senate will recollect that, a few days ago, when the salary of the receiver general at New York was fixed, the chairman of the committee on finance rose in his place and stated that it was suggested by the secretary of the treasury that it should be placed at \$5,000; and the blank was accordingly so filled. There was no statement of the nature or extent of the duties to be performed, of the time that he would be occupied, of the extent of his responsibility, or the expense of living at the several points where they were to be located; nothing but the suggestion of the secretary of the treasury, and that was deemed all-sufficient by a majority. There is no limit upon the appropriation which is made to carry into effect the bill, contrary to all former usage, which invariably prescribed a sum not to be transcended.

A most remarkable feature in the bill is that to which I have already called the attention of the senate, and of which no satisfactory explanation has been given. It is that which proceeds upon the idea that the treasury is a thing distinct from the treasury of the United States, and gives to the treasury a local habitation and a name, in the new building which is being erected for the treasury department in the city of Washington. In the treasury, so constituted, is to be placed that pittance of the public revenue which is gleaned from the District of Columbia. All else, that is to say, nine hundred and ninety-nine hundredths of the public revenue of the U. S. is to be placed in the hands of the receivers general, and the other depositaries beyond the District of Columbia. Now, the constitution of the United States provides that no money shall be drawn from the public treasury but in virtue of a previous appropriation by law. That trifling portion of it, therefore, which is within the District of Columbia, will be under the safeguard of the constitution, and all else will be at the arbitrary disposal of the secretary of the treasury.

It was deemed necessary, no doubt, to vest in the secretary of the treasury, this vast and alarming discretionary power. A new and immense government bank is about to be erected. How it would work in all its parts could not be anticipated with certainty; and it was thought proper, therefore, to bestow a discretion commensurate with its novelty and complexity, and adapted to any exigencies which might arise. The 10th section of the bill is that in which the power to create a bank is more particularly conferred. It is short, and I will read it to the senate.

"Sec. 10. And be it further enacted, That it shall be lawful for the secretary of the treasury to transfer the moneys in the hands of any depositary hereby constituted, to the treasury of the United States; to the mint at Philadelphia; to the branch mint at New Orleans; or to the offices of either of the receivers general of public moneys, by this act directed to be appointed; to be there safely kept, according to the provisions of this act; and also to transfer moneys in the hands of any one depositary, constituted by this act to any other depositary constituted by the same, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require. And for the purpose of payments on the public account, it shall be lawful for the said secretary to draw upon any of the said depositaries, as he may think most conducive to the public interests, or to the convenience of the public creditors, or both."

It will be seen that it grants a power, perfectly undefined, to the secretary of the treasury, to shift and transfer the public money, from depositary to depositary, as he pleases. He is expressly authorized to transfer moneys in the hands of any one depositary, constituted by the act, to any other depositary constituted by it, at his discretion, and as the safety of the public moneys, and the convenience of the public service, shall seem to him to require. There is no specification of any contingency or contingencies on which he is to act. All is left to his discretion. He is to judge when the public service (and more indefinite terms could not have been employed) shall seem to him to require it. It has been said that this is nothing more than the customary power of transfer, exercised by the treasury department from the origin of the government. I deny it, utterly deny it. It is a totally different power from that which was exercised by the cautious Gallatin, and other secretaries of the treasury—a power, by the by, which, on more than one occasion, has been controverted, and which is infinitely more questionable than the power to establish a bank of the United States. The transfer was made by them rarely, in large sums, and were left to the banks to remit. When payments were made, they were effected in the notes of banks with which the public money was deposited, or to which it was transferred. The rates of exchange were regulated by the state of the market, and under the responsibility of the banks. But here is a power given to transfer the public moneys without limit, as to sum, place, or time, leaving every thing to the discretion of the secretary

of the treasury, the receivers general and other depositaries. What a scope is allowed in the fixation of the rates of exchange, whether of premium or discount, to regulate the whole domestic exchanges of the country, to exercise favoritism? These former transfers were not made for disbursement, but as preparatory to disbursement; and when disbursed, it was generally in bank notes. The transfers of this bill are immediate payments, and payments made not in bank notes but in specie.

The last paragraph in the section provides that, for the purpose of payments on the public account, it shall be lawful for the secretary to draw upon any of the said depositaries, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both. It will be seen that no limit whatever is imposed upon the amount or form of the draft, or as to the depositary upon which it is drawn. He is made the exclusive judge of what is "most conducive to the public interests." Now let us pause a moment, and trace the operation of the powers thus vested. The government has a revenue of from twenty to thirty millions. The secretary may draw it to any one or more points as he pleases. More than a moiety of the revenue arising from customs is receivable at the port of New York, to which point the secretary may draw all portions of it, if he thinks it conducive to the public interest. A man has to receive, under an appropriation law, \$10,000, and applies to Mr. Secretary for payment. Where will you receive it? he is asked. On New York. How? In drafts from \$5 to \$500. Mr. Secretary will give him these drafts accordingly, upon bank note paper, impressed like and simulating bank notes, having all suitable emblazonry, signed by my friend the treasurer, (whose excellent practical sense, and solid and sound judgment, if he had been at the head of the treasury, instead of Mr. Levi Woodbury, when the suspension of specie payments took place, would have relieved or mitigated the pecuniary embarrassments of the government and the people,) and countersigned by the comptroller, and filled up in the usual way of bank notes. Here is one of them, said Mr. Clay. [He here held up to the gaze of the senate a treasury note, having all the appearance of a bank note, colored, engraved, and executed like any other bank note, for \$50.] This, continued Mr. Clay, is a government post note, put into circulation, paid out as money, and prepared and sent forth, gradually to accustom the people of this country to government paper.

I have supposed \$10,000 to be received in the mode stated by a person entitled to receive it under an appropriation law. Now, let us suppose what he will do with it. Anywhere to the south or west it will command a premium of from two to five per cent. No where in the United States will it be under par. Do you suppose that the holder of these drafts would be fool enough to convert them into specie, to be carried and transported at his risk? Do you think that he would not prefer that this money should be in the responsible custody of the government, rather than in his own insecure keeping? Do you think that he will deny to himself the opportunity of realizing the premium of which he may be perfectly sure? The greatest want of the country is a medium of general circulation, and of uniform value every where. That, especially, is our want in the western and interior states. Now, here is exactly such a medium; and, supposing the government bank to be honestly and faithfully administered, it will, during such an administration, be the best convertible paper money in the world, for two reasons: The first is, that every dollar of paper out will be the representative of a dollar of specie in the hands of the receivers general, or other depositaries; and, secondly, if the receivers general should embezzle the public money, the responsibility of the government to pay the drafts issued upon the basis of that money would remain unimpaired. The paper, therefore, would be as far superior to the paper of any private corporation as the ability and resources of the government of the United States are superior to those of such corporations.

The banking capacity may be divided into three faculties: deposites, discount of bills of exchange, and promissory notes, or either, and circulation. This government bank would combine them all, except that it would not discount private notes, nor receive private deposites. In payments for the public lands, indeed, individuals are allowed to make deposites, and to receive certificates of their amount. To guard against their negotiability, a clause has been introduced to render them unassignable. But how will it be possible to maintain such an inconvenient restriction, in a country where every description of paper imposing an obligation to pay money or deliver property is assignable, at law or in equity, from the commercial nature and trading character of our people?

Of all the faculties which I have stated of a bank, that which creates a circulation is the most important to the community at large. It is that in which thousands may be interested, who never obtained a discount, or made a deposit with a bank. Whatever a government agrees to receive in payment of the public dues as a medium of circulation, is money, current money, no matter what its form may be, treasury notes, drafts drawn at Washington by the treasurer, on the receiver general at New York, or to use the language employed in various parts of this bill, "such notes, bills or paper issued under the authority of the United States." These various provisions were probably inserted not only to cover the case of treasury notes, but that of these drafts in due season. But if there were no express provision

of law, that these drafts should be receivable in payment of public dues, they would, necessarily, be so employed, from their own intrinsic value.

The want of the community of a general circulation of uniform value everywhere in the United States would occasion vast amounts of the species of drafts which I have described to remain in circulation. The appropriations this year will probably fall not much short of thirty millions. Thirty millions of treasury drafts on receivers general, of every denomination, and to any amount, may be issued by the secretary of the treasury. What amount would remain in circulation cannot be determined *a priori*, I suppose not less than ten or fifteen millions; at the end of another year some ten or fifteen millions more; they would fill all the channels of circulation. The war between the government and state banks continuing, and this mammoth government bank being in the market, constantly demanding specie for its varied and ramified operations, confidence would be lost in the notes of the local banks, their paper would gradually cease to circulate, and the banks themselves would be crippled and broken. The paper of the government bank would ultimately fill the vacuum, as it would instantly occupy the place of the notes of the late Bank of the United States.

I am aware, Mr. President, that by the 25th section of the bill, in order to disguise the purpose of the vast machinery which we are about constructing, it is provided that it shall be the duty of the secretary of the treasury to issue and publish regulations to enforce the speedy presentation of all government drafts for payments at the place where payable, &c. Now, what a tremendous power is here vested in the secretary! He is to prescribe rules and regulations to enforce the speedy presentation of all government drafts for payment at the place where payable. The speedy presentation! In the case I have supposed, a man has his \$10,000 in drafts on the receiver general at New York. The secretary is empowered to enact regulations requiring him speedily to present them, and, if he do not, the secretary may order them to be paid at St. Louis. At New York they may be worth a premium of five per cent.; on St. Louis they may be liable to a discount of five per cent. Now, in a free government, who would ever think of subjecting the property or money of a citizen to the exercise of such a power by any secretary of the treasury? What opportunity does it not afford to reward a partisan, or punish an opponent? It will be impossible to maintain such an odious and useless restriction for any length of time. Why should the debtor (as the government would be in the case of such drafts as I have supposed) require his creditor (as the holder of the draft would be) to apply within a prescribed time for his payment? No, sir; the system would control you; you could not control the system. But if such a ridiculous restriction could be so continued, the drafts would, nevertheless, whilst they were out, be the time long or short, perform the office of circulation and money.

Let us trace a little further the operation of this government bank, and follow it out to its final explosion. I have supposed the appropriation of some thirty millions of dollars annually by the government, to be disbursed in the form of drafts, issued at Washington by the treasury department, upon the depositaries. Of that amount some ten or fifteen millions would remain, the first year, in circulation; at the end of another year, a similar amount would continue in circulation; and so on, from year to year, until at the end of a series of some five or six years, there would be in circulation, to supply the indispensable wants of commerce and of a general medium of uniform value, not less than some sixty or eighty millions of drafts issued by the government. These drafts would be generally upon the receiver general at New York, because, on that point, they would be preferred over all others, as they would command a premium, or be at par, throughout the whole extent of the United States; and we have seen that the secretary of the treasury is invested with ample authority to concentrate at that point the whole revenue of the United States.

All experience has demonstrated that in banking operations a much larger amount of paper can be kept out in circulation than the specie which it is necessary to retain in the vaults to meet it when presented for payment. The proportions which the same experience has ascertained to be entirely safe, are one of specie to three of paper. If, therefore, the executive government had sixty millions of dollars accumulated at the port of New York, in the hands of the receiver general, represented by sixty millions of government drafts in circulation, it would be known that twenty of that sixty millions would be sufficient to retain to meet any amount of drafts which, in ordinary times, would be presented for payment. There would then remain forty millions in the vaults, idle and unproductive, and of which no practical use could be made. Well: a great election is at hand in the state of New York, the result of which will seal the fate of an existing administration. If the application of ten millions of that dormant capital could save, at some future day, a corrupt executive from overthrow, can it be doubted that the ten millions would be applied to preserve it in power? Again: let us suppose some great exigency to arise, a season of war, creating severe financial pressure and embarrassment. Would not an issue of paper, founded upon and exceeding the specie in the vaults, in some such proportions as experience had demonstrated might be safely emitted, be authorized? Finally, the whole amount of specie might be exhausted, and then, as it is easier to engrave and issue bank notes than to perform the unpopular office

of imposing taxes and burdens, the discovery would be made that the credit of the government was a sufficient basis whereupon to make emissions of paper money, to be redeemed when peace and prosperity returned. Then we should have the days of continental money, and of assignats, restored! Then we should have that government paper medium, which the senator from South Carolina (Mr. Calhoun) considers the most perfect of all currency!

Meantime, and during the progress of this vast government machine, the state banks would be all prostrated. Working well, as it may, if honestly administered, in the first period of its existence, it will be utterly impossible for them to maintain the unequal competition. They could not maintain it even if the government were actuated by no unfriendly feelings towards them. But when we know the spirit which animates the present executive towards them, who can doubt that they must fall in the unequal contest? Their issues will be discredited and discountenanced; and that system of bankruptcy which the president would even now put into operation against them, will, in the sequel, be passed and enforced without difficulty.

Assuming the downfall of the local banks, the inevitable consequence of the operations of this great government bank; assuming, as I have shown would be the case, that the government would monopolize the paper issues of the country, and obtain the possession of a great portion of the specie of the country, we should then behold a combined and concentrated moneyed power, equal to that of all the existing banks of the United States, with that of the late Bank of the United States superadded. This tremendous power would be wielded by the secretary of the treasury, acting under the immediate commands of the president of the United States. Here would be a perfect union of the sword and the purse; here would be no imaginary, but an actual, visible, tangible, consolidation of the moneyed power. Who or what could withstand it? The states themselves would become supplicants at the feet of the executive for a portion of those paper emissions, of the power to issue which they had been stripped, and which he now exclusively possessed.

Mr. President, my observation and experience have satisfied me that the safety of liberty and prosperity consists in the division of power, whether political or pecuniary. In our federative system, our security is to be found in that happy distribution of power which exists between the federal government and the state governments. In our monetary system, as it lately existed, its excellence resulted from that beautiful arrangement by which the states had their institutions for local purposes, and the general government its institution for the more general purposes of the whole union. There existed the greatest congeniality between all the parts of this admirable system. All was homogeneous. There was no separation of the federal government from the states, or from the people. There was no attempt to execute practically that absurdity of sustaining, among the same people, two different currencies of unequal value. And how admirably did the whole system, during the forty years of its existence move and work! And on the two unfortunate occasions of its ceasing to exist, how quickly did the business and transactions of the country run into wild disorder, and utter confusion.

Hitherto, I have considered this new project as it is, according to its true nature and character, and what it must inevitably become. I have not examined it as it is not, but as its friends would represent it to be. They hold out the idea that it is a simple contrivance to collect, to keep and to disburse the public revenue. In that view of it, every consideration of safety and security recommends the agency of responsible corporations, rather than the employment of particular individuals. It has been shown during the course of this debate, that the amount which has been lost by the defalcation of individuals, has exceeded three or four times the amount of all that has been lost by the local banks, although the sums confided to the care of individuals have not been probably one-tenth part of the amount that has been in the custody of the local banks. And we all know that, during the forty years of the existence of the two banks of the United States, not one cent was lost of the public revenue.

I have been curious, Mr. President, to know, whence this idea of receivers general was derived. It has been supposed to have been borrowed from France. I required all the power of that most extraordinary man that ever lived, Napoleon Bonaparte, when he was in his meridian greatness, to displace the farmers general, and to substitute in their place the receivers general. The new system requires, I think I have heard it stated, something like 100,000 employees to have it executed. And, notwithstanding the modesty of the infant promises of this new project, I have no doubt that ultimately we shall have to employ a number of persons approximating to that which is retained in France. That will undoubtedly be the case whenever we shall revive the system of internal taxation. In France, what reconciled them to the system was, that Napoleon first, and the Bourbons afterwards, were pleased with the immense patronage which it gave them. They liked to have 100,000 dependants to add strength to the throne, which had been recently constructed or reascended. I thought, however, that the learned chairman of the committee on finance must have had some other besides the French model for his receivers general; and, accordingly, upon looking into Smith's history of his own state, I found that, when it was yet a colony, some century and a half ago, and when its present noble capital still retained the name of New Amsterdam,

the historian says: "Among the principal laws enacted at this session, we may mention that for establishing the revenue, which was drawn into precedent. The sums raised by it were made payable into the hands of receivers general, and issued by the governor's warrant. By this means the governor became, for a season independent of the people, and hence we find frequent instances of the assemblies contending with him for the discharge of debts to private persons contracted on the faith of the government." The then governor of the colony was a man of great violence of temper, and arbitrary in his conduct. How the sub-treasury system of that day operated, the same historian informs us in a subsequent part of his work. "The revenue," he says, "established the last year, was at this session continued five years longer than was originally intended. This was rendering the governor independent of the people. For, at that day, the assembly had no treasure, but the amount of all taxes went, of course, into the hands of the receiver general, who was appointed by the crown. Out of this fund, moneys were only issuable by the governor's warrant, so that every officer in the government, from Mr. Blaihwat, who drew annually five per cent. out of the revenue, as auditor general, down to the meanest servant of the public, became dependent, solely, on the governor. And hence we find the house, at the close of every session, humbly addressing his excellency for the trifling wages of their own clerk." And, Mr. President, if this measure should unhappily pass, the day may come when the senate of the United States will have humbly to implore some future president of the United States to grant it money to pay the wages of its own sergeant-at-arms and do-keeper.

Who, Mr. President, are the most conspicuous of those who perseveringly pressed this bill, upon congress and the American people? Its drawer is the distinguished gentleman in the white house not far off; its endorser is the distinguished senator from South Carolina, here present. What the drawer thinks of the endorser, his cautious reserve and stifled enmity prevent us from knowing. But the frankness of the endorser has not left us in the same ignorance with respect to his opinion of the drawer. He has often expressed it upon the floor of the senate. On an occasion not very distant, denying him any of the nobler qualities of the royal beast of the forest, he attributed to him those which belong to the most crafty, most skulking, and one of the meanest of the quadruped tribe. Mr. President, it is due to myself to say that I do not altogether share with the senator from South Carolina in this opinion of the president of the United States. I have always found him, in his manners and deportment, civil, courteous, and gentlemanly; and he dispenses, in the noble mansion which he now occupies, one worthy the residence of the chief magistrate of a great people, a generous and liberal hospitality. An acquaintance with him of more than twenty years' duration has inspired me with a respect for the man, although, I regret to be compelled to say, I detest the magistrate.

The eloquent senator from South Carolina has intimated that the course of my friends and myself, in opposing this bill, was unpatriotic, and that we ought to have followed in his lead; and, in a late letter of his, he has spoken of his alliance with us, and of his motives for quitting it. I cannot admit the justice of his reproach. We united, if, indeed, there were any alliance in the case, to restrain the enormous expansion of executive power; to arrest the progress of corruption; to rebuke usurpation; and to drive the Goths and Vandals from the capital; to expel Brennus and his horde from Rome, who, when he threw his sword into the scale, to augment the ransom demanded from the mistress of the world, showed his preference for gold; that he was a hard-money chieftain. It was by the much more valuable metal of iron that he was driven from her gates. And how often have we witnessed the senator from South Carolina, with wolf countenance, and in doleful strains, pouring forth touching and mournful eloquence on the degeneracy of the times, and the downward tendency of the republic? Day after day, in the senate, have we seen the displays of his lofty and impassioned eloquence. Although I shared largely with the senator in his apprehension for the purity of our institutions, and the permanency of our civil liberty, disposed always to look at the brighter side of human affairs, I was sometimes inclined to hope that the vivid imagination of the senator had depicted the dangers by which we were encompassed in somewhat stronger colors than they justified. The arduous contest in which we were so long engaged was about to terminate in a glorious victory. The very object for which the alliance was formed was about to be accomplished. At this critical moment the senator left us; he left us for the very purpose of preventing the success of the common cause. He took up his musket, knapsack, and shot-pouch, and joined the other party. He went, horse, foot, and dragon, and he himself composed the whole corps. He went as his present most distinguished ally commenced with his expunging resolution, solitary and alone. The earliest instance recorded in history, within my recollection, of an ally drawing off his forces from the combined army, was that of Achilles at the siege of Troy. He withdrew, with all his troops, and remained in the neighborhood, in sulken and dignified inactivity. But he did not join the Trojan forces; and when, during the progress of the siege, his faithful friend fell in battle, he raised his avenging arm, drove the Trojans back into the gates of Troy, and satiated his vengeance by slaying Priam's noblest and dearest son, the finest hero in the immortal liad. But

Achilles had been wronged, or imagined himself wronged in the person of the fair and beautiful Briseis. We did no wrong to the distinguished senator from South Carolina. On the contrary, we respected him, confided in his great and acknowledged ability, his uncommon genius, his extensive experience, his supposed patriotism; above all, we confided in his stern and inflexible fidelity. Nevertheless, he left us, and joined our common opponents, distrustful and distrusted. He left us, as he tells us in the Edgefield letter, because the victory which our common arms were about to achieve, was not to enure to him and his party, but exclusively to the benefit of his allies and their cause. I thought that, actuated by patriotism, (that noblest of human virtues,) we had been contending together for our common country, for her violated rights, her threatened liberties, her prostrate constitution. Never did I suppose that personal or party considerations entered into our views. Whether, if victory shall ever again be about to perch upon the standard of the apollis party, (the denomination which the senator from South Carolina has so often given to his present allies,) he will not feel himself constrained, by the principles on which he has acted, to leave them because it may not enure to the benefit of himself and his party, I leave to be adjudged between themselves.

The speech of the senator from South Carolina, was plausible, ingenious, abstract, metaphysical, and generalizing. It did not appear to me to be adapted to the business and business of human life. It was aerial, and not very high up in the air, Mr. President, either, not quite as high as Mr. Clayton was in his last ascension in his balloon. The senator announced that there was a single alternative, and no escape from one or the other branch of it. He stated that we must take the bill under consideration, or the substitute proposed by the senator from Virginia. I do not concur in that statement of the case. There is another course embraced in neither branch of the senator's alternative; and that course is to do nothing; always the wisest when you are not certain what you ought to do. Let us suppose that neither branch of the alternative is accepted, and that nothing is done. What, then, would be the consequence? There would be a restoration of the law of 1793, with all its cautious provisions and securities, provided by the wisdom of our ancestors, which has been so trampled upon by the late and present administrations. By that law, establishing the treasury department, the treasure of the United States is to be received, kept, and disbursed by the treasurer, under a bond with ample security, under a large penalty fixed by law, and not left, as this bill leaves it, to the uncertain discretion of a secretary of the treasury. If, therefore, we were to do nothing, that law would be revived; the treasurer would have the custody, as he ought to have, of the public money, and doubtless he would make special deposits of it in all instances with safe and sound state banks, as in some cases the secretary of the treasury is now obliged to do. Thus, we should have in operation that very special deposit system, so much desired by some gentlemen, by which the public money would remain separate and unmixed with the money of banks. There is yet another course, unembraced by either branch of the alternative presented by the senator from South Carolina; and that is to establish a bank of the United States, constituted according to the old and approved method of forming such an institution, tested and sanctioned by experience; a bank of the United States which should blend public and private interests, and be subject to public and private control, united together in such manner as to present safe and salutary checks against all abuses. The senator mistakes his own abandonment of that institution as ours. I know that the party in power has barricaded itself against the establishment of such a bank. It adopted, at the last extra session, the extraordinary and unprecedented resolution, that the people of the United States should not have such a bank, although it might be manifest that there was a clear majority of them demanding it. But the day may come, and I trust is not distant, when the will of the people must prevail in the councils of her own government; and when it does arrive a bank will be established.

The senator from South Carolina reminds us that we denounced the pet bank system; and so we did, and so we do. But does it therefore follow that, bad as that system was, we must be driven into the acceptance of a system infinitely worse? He tells us that the bill under consideration takes the public funds out of the hands of the executive, and places them in the hands of the law. It does no such thing. They are now without law, it is true, in the custody of the executive; and the bill proposes by law to confirm them in that custody, and to convey new and enormous powers of control to the executive over them. Every custodian of the public funds provided by the bill is a creature of the executive, dependent upon his breath, and subject to the same breath for removal, whenever the executive, from caprice, from tyranny, or from party motives, shall choose to order it. What safety is there for the public money, if there were a hundred subordinate executive officers charged with its care, whilst the doctrine of the absolute unity of the whole executive power, promulgated by the last administration, and persisted in by this, remains unrevoked and unbroken?

Whilst the senator from South Carolina professes to be the friend of state banks, he has attacked the whole banking system of the United States. He is their friend; he only thinks they are all unconstitutional! Why? Because the coining power is possessed by the

general government, and that coining power, he argues, was intended to supply a currency of the precious metals; but the state banks absorb the precious metals, and withdrew them from circulation, and, therefore, are in conflict with the coining power. That power, according to my view of it, is nothing but a naked authority to stamp certain pieces of the precious metals in fixed proportions of alloy and pure metal pressed by law, so that their exact value be known. When that office is performed, the power is *functus officio*; the money passes out of the mint, and becomes the lawful property of those who legally acquire it. They may do with it as they please, throw it into the ocean, bury it in the earth, or melt it in a crucible, without violating any law. When it has once left the vaults of the mint, the law maker has nothing to do with it, but to protect it against those who attempt to debase or counterfeit, and, subsequently, to pass it as lawful money. In the sense in which the senator supposes banks to conflict with the coining power, foreign commerce, and especially our commerce with China, conflicts with it much more extensively. That is the great absorbent of the precious metals, and is therefore much more unconstitutional than the state banks. Foreign commerce sends them out of the country; banks retain them within it. The distinguished senator is no enemy to the banks; he merely thinks them injurious to the morals and industry of the country. He likes them very well, but he nevertheless believes that they levy a tax of twenty-five millions annually on the industry of the country! Let us examine, Mr. President, and see how this enormous and iniquitous assessment is made, according to the argument of the senator from South Carolina. He states that there is a mass of debt due from the community to the banks, amounting to \$475,000,000, the interest upon which, constituting about that sum of \$25,000,000, forms the exceptionable tax. Now, this sum is not paid by the whole community, but only by those individuals who obtain discounts from the banks. They borrow money at six per cent. interest, and invest it in profitable adventures, or otherwise employ it. They would not borrow it if they did not suppose they could make profit by it; and the probability is that they do make profit by it. Instead, therefore, of there being any loss in the operation, there is an actual gain to the community, by the excess of profit made beyond six per cent. interest, which they pay. What are banks? They are mere organized agencies for the loan of money and the transaction of monetary business; regulated agencies acting under the prescriptions of law, and subject to a responsibility, moral and legal, far transcending that under which any private capitalist operates. A number of persons, not choosing to lend out their money privately, associate together, bring their respective capitals into a common stock, which is controlled and managed by the corporate government of a bank. If no association whatever had been formed, a large portion of this capital, therefore, of that very debt of \$475,000,000, would still exist, in the shape of private loans.

The senator from South Carolina might as well collect the aggregate amount of all the mortgages, bonds, and notes, which have been executed in the United States for loans, and assert that the interest paid upon the total sum constituted a tax levied upon the community.

In the liquidation of the debt due to the banks from the community, and from banks to the community, there would not be as much difficulty as the senator seems to apprehend. From the mass of debts due to the banks are to be deducted, first, the amount of subscriptions which constitute their capitals; secondly, the amount of deposits to the credit of individuals in their custody; and thirdly, the amount of their notes in circulation. How easily will these mutual debts neutralize each other! The same person, in numberless instances, will combine in himself the relations both of creditor and debtor.

The only general operation of banks beyond their discounts and deposits, which pervades the whole community, is that of furnishing a circulation in redeemable paper, beyond the amount of specie to redeem it in their vaults. And can it be doubted that this additional supply of money furnishes a powerful stimulus to industry and production, fully compensating any casual inconvenience, which sometimes, though rarely, occur? Banks reduce the rate of interest, and repress inordinate usury. The salutary influence of banking operations is demonstrated in countries and sections of country where they prevail, when contrasted with those in which they are not found. In the former, all is bustle, activity, general prosperity. The country is beautified and adorned by the noble works of internal improvements; the cities are filled with splendid edifices, and the wharves covered with the rich productions of our own and of foreign climates. In the latter, all is sluggishness, slothfulness, and inactivity. England, in modern times, illustrates the great advantages of banks, of credit, and of stimulated industry. Contrast her with Spain, destitute of all those advantages. In ancient times, Athens would present an image of full and active employment of all the energies of man, carried to the highest point of civilization, whilst her neighbor, Sparta, with her iron money, affords another of the boasted benefits of metallic circulation.

The senator from South Carolina would do the banks no harm; but they are deemed by him highly injurious to the planting interest! According to him, they inflate prices, and the poor planter sells his productions for hard money, and has to purchase his supplies at the

swollen prices produced by a paper medium. Now, I must dissent altogether from the senator's statement of the case. England, the principal customer of the planter, is quite as much, if not more, a paper country than ours. And the paper-money prices of the one country are neutralized by the paper-money prices of the other country. If the argument were true, that a paper-money country trades disadvantageously with a hard-money country, we ought to continue to employ a paper medium, to counterbalance the paper medium of England. And if we were to banish our paper, and substitute altogether a metallic currency, we should be exposed to the very inequality which has been insisted upon. But there is nothing in that view of the matter which is presented by the senator from South Carolina. If, as he asserts, prices were always inflated in this country beyond their standard in England, the rate of exchange would be constantly against us. An examination, however, into the actual state of exchange between the two countries, for a long series of years, evinces that it has generally been in our favor. In the direct trade between England and this country, I have no doubt, there is a large annual balance against us; but that balance is adjusted and liquidated by balances in our favor in other branches of our foreign trade, which have been finally concentrated in England, as the great centre of the commercial world.

Of all the interests and branches of industry in this country, none has profited more by the use and employment of credit and capital derived from the banks and other sources, than the planting interest. It habitually employs credit in all countries where planting agriculture prevails. The states of Alabama, Mississippi, Arkansas, and Louisiana, have almost sprung into existence, as it were, by magic, or, at least, have been vastly improved and extended, under the influence of the credit system. Lands, slaves, utensils, beasts of burden, and other supplies, have been constantly bought, and still continue to be purchased, upon credit; and bank agency is all-essential to give the most beneficial operation to these credits. But the argument of the senator from South Carolina, which I am combating, would not be correct, if it were true that we have inflated prices on this side of the Atlantic, without a corresponding inflation of price on the other side; because the planter generally selling at home, and buying at home, the proceeds of his sale, whatever they may be, constitute the means by which he effects his purchases, and consequently neutralizes each other. In what do we of the west receive payment for the immense quantity of live stock and other produce of our industry, which we annually sell to the south and southwest, but that paper medium now so much decried and denounced? The senator from South Carolina is very fond of the state banks; but he thinks there is no legitimate currency except that of the constitution. He contends that the power which the government possesses to impose taxes restricts it, in their payment, to the receipt of the precious metals. But the constitution does not say so. The power is given in broad and unrestricted terms; and the government is left at liberty to collect the taxes in whatever medium or commodity, from the exigencies of the case, it can collect them. It is, doubtless, much the most convenient to collect them in money, because that represents, or can command, every thing, the want of which is implied by the power of taxation. But suppose there was no money in the country, none whatever, to be extorted by the tax-gatherer from an impoverished people? Is the power of government to cease, and the people to be thrown back into a state of nature? The senator asks if taxes could be levied and collected in tobacco, in cotton, and other commodities? Undoubtedly they could, if the necessity existed for such an inconvenient imposition. Such a case of necessity did exist in the colony of Virginia, and other colonies, prior to the revolution, and taxes were accordingly levied in tobacco or other commodities, as wolf-skins, even at this day, compose a part of the revenue of more than one state.

The argument, then, of the senator against the right of the government to receive bank notes in payment of public dues, a practice coeval with the existence of the government, does not seem to me to be sound. It is not accurate, for another reason. Bank notes, when convertible at the will of the holder into specie, are so much counted or told specie, like the specie which is counted and put in marked kegs, denoting the quantity of their contents. The senator tells us that it has been only within a few days that he has discovered that it is illegal to receive bank notes in payment of public dues. Does he think that the usage of the government under all its administrations, and with every party in power, which has prevailed for fifty years, ought to be set aside by a novel theory of his, just dreamed into existence, even if it possess the merit of ingenuity? The bill under consideration, which has been eulogized by the senator as perfect in its structure and details, contains a provision that bank notes shall be received in diminished proportions, during a term of six years. He himself introduced the identical principle. It is the only part of the bill that is emphatically his. How, then, can he contend that it is unconstitutional to receive bank notes in payment of public dues? I appeal from himself to himself. The senator further contends, that general deposits cannot be made with banks, and be thus confounded with the general mass of the funds on which they transact business. The argument supposes that the money collected for taxes must be preserved in identity; but that is impossible, often, to do. May not a collector give the small change which he has received from one tax-payer to another

tax-payer to enable him to effect his payment? May he not change gold for silver, or *vice versa*, or both, if he be a distant collector, to obtain an undoubted remittance to the public treasury? What, Mr. President, is the process of making deposits with banks? The deposit is made, and a credit is entered for its amount to the government. That credit is supposed to be the exact equivalent of the amount deposited, ready and forthcoming to the government whenever it is wanted for the purposes of disbursement. It is immaterial to the government whether it receives back again the identical money put in, or other money of equal value. All that it wants is what it put in the bank, or its equivalent; and that, in ordinary times, with such prudent banks as alone ought to be selected, it is sure of getting. Again: the treasury has frequently to make remittances to foreign countries, to meet the expenditure necessary there for our naval squadrons, and other purposes. They are made to the bankers, to the Barings or the Rothschilds, in the form of bills of exchange purchased in the market by the agents of the government here, with money drawn out of the treasury. Here is one conversion of the money received from the tax-gatherer into the treasury. The bills are transmitted to the bankers, honored, paid, and the amount credited by them to the United States. Are the bankers bound to retain the proceeds of the bills in identity? Are they bound to do more than credit the government for an equal amount, for which they stand responsible whenever it is wanted? If they should happen to use any portion of those very proceeds of bills remitted to them in their banking operations, would it be drawing money from the treasury, contrary to the provisions of the constitution?

The senator from South Carolina contends that there is no constitutional power to contract with the twenty-five selected banks, as proposed in the substitute; yet the deposit act of 1836, which obtained the hearty approbation of that senator, contained a similar provision; and the very bill under consideration, so warmly supported by him, provides, under certain contingencies, for contracts to be made with state banks, to receive deposits of the public money upon compensation. He objects to the substitute, that it converts twenty-five state banks into a system of federal institutions; but the employment of state institutions by the federal authority no more makes them federal, than the employment of federal institutions by the states converts them into state institutions. This mutual aid, and this reciprocal employment of the several institutions of the general and particular governments, is one of the results and beauties of our admirable though complex system of government. The general government has the use of the capital, court-houses, prisons, and penitentiaries, in the several states. Do they, therefore, cease to appertain to the states? It is to be borne in mind that, although the state banks may occasionally be used by the federal authority, their legal responsibility to the several states remains unimpaired. They continue to be accountable to them, and their existence can only be terminated or prolonged by the state authority. And being governed, as they are, by corporate authority emanating from, and amenable to, state jurisdiction, and not under the control of the executive of the United States, constitutes at once a greater security for the public money, and more safety to the public liberty. It has been argued that a separation of the government from the banks will diminish the executive power. It must be admitted that the custody of the public money in various banks, subject to the control of state authority, furnishes some check upon the possible abuses of the executive government. But the argument maintains that the executive has least power when it has most complete possession of the public treasury! The senator from South Carolina contends that the separation in question being once effected, the relation of the federal government and the state banks will be antagonistical. I believe so Mr. President. This is the very thing I wish to prevent. I want them to live in peace, harmony, and friendship. If they are antagonists, how is it possible that the state banks can maintain their existence against the tremendous influence of this government? Especially, if this government should be backed by such a vast treasury bank as I verily believe this bill is intended to create? And what becomes of the argument urged by the senator from South Carolina, and the abolition resolutions offered by him at an early period of the session, asserting that the general government is bound to protect the domestic institutions of the several states?

The substitute is not, I think, what the welfare of the country requires. It may serve the purpose of a good half-way house. Its accommodations appear fair, and, with the feelings of a wearied traveller, one may be tempted to stop awhile and refresh himself there. I shall vote for it as an amendment to the bill, because I believe it the least of two evils, if it should, indeed, inflict any evil; or rather, because I feel myself in the position of a patient to whom the physician presents in one hand a cup of arsenic, and in the other a cup of poison: I reject the first, because of the instant death with which it is charged; I take the latter, as being, at the most, harmless, and depend upon the *vis medicatrix naturæ*. It would have been a great improvement, in my opinion, if the mode of bringing about the resumption of specie payments, contained in the substitute, were reversed: that is to say, if, instead of fixing on the 1st of July for resumption, it had provided that the notes of a certain number of safe, sound, and unquestionable banks to be selected, should be forthwith received, by the general government, in payment of all

public dues; and that if the selected banks did not resume, by a future designated day, their notes should cease to be taken. Several immediate effects would follow: 1st. The government would withdraw from the market as a competitor with the banks for specie, and they would be left undisturbed to strengthen themselves. And, 2dly, confidence would be restored by taking off the discredit and discountenance thrown upon all banks by the government. And why should these notes not be so received? They are as good as treasury notes, if not better. They answer all the purposes of the state governments and the people. They now would buy as much as specie could have commanded at the period of suspension. They could be disbursed by the government. And, finally, the measure would be temporary.

But the true and only efficacious and permanent remedy, I solemnly believe, is to be found in a bank of the United States, properly organized and constituted. We are told that such a bank is fraught with indescribable danger; and that the government must, in the sequel, get possession of the bank, or the bank of the government. I oppose to these imaginary terrors the practical experience of forty years. I oppose to them the issue of the memorable contest, commenced by the late president of the United States, against the late Bank of the United States. The administration of that bank had been without serious fault. It had given no just offence to the government, towards which it had faithfully performed every financial duty. Under its able and enlightened president, it had fulfilled every anticipation which had been formed by those who created it; president Jackson pronounced the edict that it must fall, and it did fall, against the wishes of an immense majority of the people of the United States; against the convictions of its utility entertained by a large majority of the states; and to the prejudice of the best interests of the whole country. If an innocent, unoffending, and highly beneficial institution could be thus easily destroyed by the power of one man, where would be the difficulty of crushing it, if it had given any real cause for just animadversion? Finally, I oppose to these imaginary terrors the example deducible from English history. There a bank has existed since the year 1694, and neither has the bank got possession of the government, nor the government of the bank. They have existed in harmony together, both conducing to the prosperity of that great country; and they have so existed, and so contributed, because each has avoided cherishing towards the other that wanton and unnecessary spirit of hostility which was unfortunately engendered in the bosom of the late president of the United States.

I am admonished, sir, by my exhausted strength, and by, I fear your more exhausted patience, to hasten to a close. Mr. President, a great, novel, and untried measure is perseveringly urged upon the acceptance of congress. That it is pregnant with tremendous consequences, for good or evil, is undeniable, and admitted by all. We firmly believe that it will be fatal to the best interests of this country, and ultimately subversive of its liberties. You, who have been greatly disappointed in other measures of equal promise, can only hope, in the doubtful and uncertain future, that its operation may prove salutary. Since it was first proposed at the extra session, the whole people have not had an opportunity of passing in judgment upon it at their elections. As far as they have, they have expressed their unqualified disapprobation. From Maine to the State of Mississippi, its condemnation has been loudly thundered forth. In every intervening election, the administration has been defeated, or its former majorities neutralized. Maine has spoken; New York, Pennsylvania, Maryland, Ohio, Rhode Island, Mississippi, and Michigan, all these states, in tones and terms not to be misunderstood, have denounced the measure. The Keystone state (God bless her) has twice proclaimed her rejection of it; once at the polls, and once through her legislature. Friends and foes of the administration have united in condemning it. And, at the very moment when I am addressing you, a large meeting of the late supporters of the administration, headed by the distinguished gentleman who presided in the electoral college which gave the vote of that patriotic state to president Van Buren, are assembling in Philadelphia, to protest solemnly against the passage of this bill. Is it right that, under such circumstances, it should be forced upon a reluctant but free and intelligent people? Is it right that this senate, constituted as it now is, should give its sanction to the measure? I say it in no disrespectful or taunting sense, but we are entitled, according to the latest expressions of the popular will, and in virtue of manifestations of opinion deliberately expressed by state legislatures, to a vote of thirty-five against the bill; and I am ready to enter, with any senator friendly to the administration, into details to prove the assertion. Will the senate, then, bring upon itself the odium of passing this bill? I implore it to forbear, forbear, forbear! I appeal to the instructed senators. Is this government made for us, or for the people and the states, whose agents we are? Are we not bound so to administer it as to advance their welfare, promote their prosperity, and give general satisfaction? Will that sacred trust be fulfilled, if the known sentiments of large and respectable communities are despised and contemned by those whom they have sent here? I call upon the honorable senator from Alabama, (Mr. King,) with whom I have so long stood in the public councils, shoulder to shoulder, bearing up the honor and the glory of this great people, to come now to their rescue. I call upon all the senators; let us bury, deep and forever,

the character of the partisan, rise up patriots and statesmen, break the vile chains of party, throw the fragments to the winds, and feel the proud satisfaction that we have made but a small sacrifice to the paramount obligations which we owe our common country.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

March 22. After a number of petitions had been presented, on motion of Mr. Davis, the committee on commerce were instructed to inquire into the expediency of importing one or more models of improved light-house radiators; and also to inquire whether a better system for light-houses in this country might not be devised.

Mr. Tipton, from the committee on military affairs, reported without amendment the joint resolution referred to them, directing the expenditure of an appropriation heretofore made for the removal of the United States troops from Fort Gibson. This bill, by consent, was taken up and considered.

Mr. Grundy moved to amend the bill by inserting the word *near*, so as to require the site of the new fort to be at or near old Fort Smith.

This amendment was discussed by Messrs. Grundy, Tipton, King, Sevier, Fulton, and Preston, on the ground that the site of Fort Smith was the only proper one, and that the sum of \$15,000, required for that site, was not a sufficient consideration for choosing a worse one.

The amendment was adopted—ayes 24, noes not counted—and the bill, so amended, was ordered to be engrossed for a third reading.

On motion of Mr. Walker, the bill authorizing a township in Mississippi to change the 16th section for better land, for the use of schools, was taken up, and ordered to be engrossed for a third reading.

The senate resumed the consideration of the sub-treasury bill.

Mr. Calhoun spoke more than two hours in reply to Mr. Webster.

Mr. Webster spoke an hour and a half in rejoinder.

Mr. Calhoun spoke a short time, chiefly in explanation of some of the acts and opinions of his public life.

Mr. Clay, in reply to an insinuation by Mr. Calhoun, of concert between him and Mr. Webster, in relation to Mr. Calhoun, denied that there was any ground whatever for such a charge. There had been neither counsel nor concert between them on the subject.

Mr. Wall obtaining the floor, the senate adjourned after a short executive session.

March 23. After the presentation of a number of petitions, the bill to restore circuit jurisdiction to the district court of the western district of Virginia, was taken up, discussed by Messrs. Grundy, White and Roane, and, after being amended, ordered to a third reading. [Passed next day and sent to the house.]

The bill for the relief of the heirs of Joseph Leiber, and the joint resolution to direct the expenditure of an appropriation heretofore made for the removal of the United States troops from Fort Gibson, were severally read a third time, and passed.

The bill for the improvement of the Wabash river, was taken up, and gave rise to a discussion—during which Messrs. King and Hubbard opposed it, and Mr. Tipton advocated it. It was then informally laid on the table for the present.

The senate then resumed the consideration of the sub-treasury bill, when

Mr. Wall rose, and spoke five hours in favor of the bill, and especially in vindication of his course in opposition to the resolutions lately sent to congress by the legislature of New Jersey.

Mr. Wright, (rising at the same time with Mr. Hubbard,) said he should ask and urge that the question on this bill should be decided to-morrow; and, on his motion,

The senate adjourned.

March 24. After the transaction of some business of minor importance, the senate resumed the consideration of the sub-treasury bill.

Mr. Southard and Mr. Wall successively addressed the senate, chiefly on subjects respecting their relations to parties and to the state which they represent.

Mr. White then spoke until near six in opposition to the bill, as unconstitutional, and as injurious and dangerous in its effects.

Mr. King moved to amend the 23d section of the bill, (gradually prohibiting the government from receiving bank notes at all,) by placing the beginning of this gradual process in 1839, instead of 1838, simply delaying the process one year.

This amendment was carried by the following vote:

YEAS.—Messrs. Brown, Buchanan, Calhoun, Clay, of Alabama, Clay, of Kentucky, Clayton,

Cuthbert, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Strange, Swift, Tallmadge, Tipton, Trotter, Walker, Wall, White, Williams, Wright, Young—42.

YAYS—Messrs. Allen, Bayard, Benton, Crittenden, Davis, Morris, Smith, of Conn., Spence, Webster—9.

The question then recurring on Mr. Cuthbert's motion to strike out this 23d section altogether, it was carried in the affirmative, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, McKean, Merrick, Morris, Nicholas, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Wall, Webster, White, Williams—31.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Alabama, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Roane, Smith, of Conn., Strange, Trotter, Walker, Wright, Young—21.

Mr. Tipton moved to insert a clause, containing a positive requisition that the government shall receive in all public dues the notes of specie paying banks. [This amendment having a special reference to the specie circular of July, 1837, and intending to repeal it.]

An earnest discussion followed on this amendment, by Messrs. Rives and Tipton in favor of it, and by Messrs. Benton, Sevier, Roane, and Walker, in opposition.

The amendment was lost, as follows:

YEAS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Nicholas, Prentiss, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—22.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, Young, —30.

Mr. Webster, having made a few introductory remarks, moved to amend the bill by a requisition that no distinction should be made or exist hereafter between the different branches of the revenue, as to the money or medium in which the debts or dues of the government should be paid or discharged.

Mr. Benton opposed this amendment at much length, and with great vehemence.

Mr. Webster modified his amendment so as to prohibit the secretary of the treasury from issuing any general order [as the specie circular] making any discrimination as to the funds or medium in which debts to the United States should be paid.

Messrs. Calhoun, Wall and Benton, spoke against the amendment as modified, and Messrs. Webster, Walker and King, in its favor.

Mr. Benton moved to amend the amendment, by requiring that there should not be any difference between the times and terms of credit, and of payment for customs and for public lands.

Mr. Young offered as a substitute for this, which Mr. Benton accepted, a proviso that all the public dues should be received in cash or otherwise, in the same medium and manner as payments at the time may be required for the public lands, (thus placing the customs on the same footing with the payments for the public lands, whatever that may be.)

This amendment, after a brief debate, was lost as follows:

YEAS—Messrs. Benton, Linn, Morris, Niles, Norvell, Pierce, Smith, of Connecticut, Young—8.

NAYS—Messrs. Allen, Bayard, Brown, Buchanan, Calhoun, Clay, of Alabama, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Walker, Wall, Webster, White, Williams, Wright—44.

The question recurring on Mr. Webster's amendment, forbidding discrimination in the kind of money or medium to be received in paying government dues, it was decided in the affirmative by the following vote:

YEAS—Messrs. Bayard, Brown, Buchanan, Clay, of Alabama, Clay, of Kentucky, Clayton, Crittenden, Davis, Fulton, Grundy, King, Knight, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Prentiss, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana,

Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Walker, Webster, White, Young—37.

NAYS—Messrs. Allen, Benton, Calhoun, Cuthbert, Hubbard, Linn, Lumpkin, Morris, Niles, Pierce, Smith, of Conn., Strange, Wall, Wright—14.

Mr. Calhoun, at some length, assigned his reasons why he should now vote against the bill.

The bill was then ordered to be engrossed for a third reading, by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, Young—27.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—25.

On motion of Mr. Morris, the bill as amended, was ordered to be printed.

The senate then adjourned after 9 o'clock.

March 26. After several petitions, &c. had been presented,

Mr. Southard presented a memorial, addressed to congress and signed by the deputation of the Cherokee Indians now in Washington, making representations and complaints in regard to their situation under the late alleged treaty, and praying congress in some mode to interfere for their relief.

Also, a memorial against the enforcement of the treaty, directly from the Cherokee nation, with the signatures of 15,665 persons of that nation.

Mr. S. moved that these memorials be printed, and referred to the committee on Indian affairs.

This motion gave rise to an animated debate between Messrs. Lumpkin, Clay, of Ala. Southard, King, Grundy, and White. Finally the whole subject was laid on the table on the motion of Mr. Clay, of Ala.—yeas 37, nays 10.

[We will publish the debate on this subject, which was highly interesting, hereafter.]

The sub-treasury bill having been taken up and read a third time,

Mr. McKean said he thought it his duty, and he therefore renewed the motion to postpone this bill to the first Monday in December next, on which question he called for the yeas and nays, which were ordered, and the motion was negatived, as follows:

YEAS—Messrs. Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Ind., Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Ala. Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Conn., Strange, Trotter, Walker, Wall, Williams, Wright, Young—29.

The bill was then passed (the yeas and nays having been ordered on the call of Mr. Norvell) by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Walker, Wall, Williams, Wright, Young—27.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—25.

The bill was then sent down to the other house for concurrence.

[For the bill as it passed the senate, see page 66.]

The bills for the relief of Daniel Davis, and of Obed P. Lacy, were severally read a third time and passed.

On motion of Mr. Bayard, the 47th rule of the senate, with the resolution of Mr. Tipton for printing it, was, after a short conversation, referred to a select committee of five, to be appointed by the chair for the purpose of revising the rule itself, and making a new determination as to what persons shall be admitted on the floor of the senate.

A number of private bills were read a second time, when the senate, after a short executive session, adjourned.

March 27. The bill making appropriations for the civil and diplomatic expenses of the United States for 1838 was received from the house, read twice, and referred to the committee on finance.

The following, among other petitions, &c. were presented.

By Mr. Clay, of Kentucky: A small bill, vulgarly called a shin-plaster, from citizens of Hampshire county, in Virginia, in confirmation of a statement made by them in a memorial formerly presented from them, that such bills were issued by Stockton and Stokes, which statement had been denied. Mr. Clay moved that this bill be referred to the same committee with the above memorial.

Mr. King, of Alabama, desired that the senator would not present a shin-plaster to the senate; he trusted that, on a moment's reflection, he would withdraw it.

Mr. Clay said he had obeyed the request of the good people who had before sent a memorial, one alleged fact of which having been denied, they had now sent this bill as a voucher, to be referred with the petition.

The bill was read, on the call of Mr. Grundy, and was understood to be signed by W. L. Stokes, and countersigned by certain initials.

Mr. Buchanan said he thought it right to observe that this was a distinct firm from that of Stockton and Stokes.

Mr. Clay said the committee could determine whether the signatures were evasive.

A number of bills were reported and ordered to a second reading.

After some unimportant business, the chair presented a communication from the treasury department, with a supplement of the annual report of the commissioner of the general land office, in relation to surveys and reservations of land. Referred.

The following bills were read a third time, and passed:

To authorize the correction of certain errors in the payment of French indemnities; for the relief of John H. Jacobs; and of the legal representatives of George Duvall, and others.

On motion of Mr. Tipton, the senate took up the bill for the continuation of the Cumberland road through Ohio, Indiana, and Illinois.

The subject of this bill was discussed by Messrs. Norvell, Tipton, Strange, Calhoun, Smith, of Indiana, Morris, Buchanan, Smith, of Conn. Robinson, Walker, Hubbard, Clay, of Kentucky, Young, Clay, of Alabama, King.

The bill was opposed mainly on the ground of the existing embarrassments and bankruptcy of the government; partly on that of the want of sufficient information, and partly on that of the inequality and injustice of the appropriation which it involved.

On motion of Mr. Hubbard, the bill was laid on the table; whereupon,

On motion of Mr. Buchanan, the secretary of war was directed to inform the senate what portions of the estimate for the construction of the Cumberland road, in Ohio, Indiana, and Illinois, might be dispensed with without injury to the road, and without violating existing contracts.

The senate adjourned, after an executive session.

March 28. Among the petitions presented today, was one by Mr. Allen from a meeting in Cleveland, Ohio, praying congress to take measures of redress for the outrage committed by the British, in the destruction of the steamboat Caroline, at Schlosser. Referred.

[Mr. Buchanan remarked, on the subject of this memorial, that he had no objection to its reference; but he wished it to be generally understood that the subject of the alleged outrage at Schlosser, was now in a course of investigation, and the subject of correspondence between the executive authorities of the two nations, and he believed justice would be done. But in any case, while this negotiation should be pending, it would be improper for the committee on foreign relations to do any thing upon it. But if ever the time should come when it would be necessary for the committee to act on the subject, he had no doubt they would do their duty.]

After several private bills had been reported, the senate, on motion of Mr. Norvell, took up the resolution formerly offered by him, instructing the committee for the District of Columbia to enquire into the expediency of authorizing the people of the District to send a delegate to the other house of congress.

Mr. Roane said he was by no means opposed to the proposition for a delegate; but the subject had been agitated among the citizens of the district themselves, and he thought it would be time enough to act when they should present their petition on the subject.

Mr. Grundy said he thought the senate had nothing to do on the subject, till they should receive a proposition from the other house, to whom the delegate would be sent. The senate had no right to

intrude a delegate on the other house, and should act only by virtue of application from that body.

Mr. Norvell said he believed the measure, would have a salutary effect on the affairs of the district; and the chairman of the committee for the district in the other house had recommended that it should be first taken up in the senate.

On motion of Mr. Grundy, the resolution was laid upon the table.

Mr. Davis offered a resolution, which lies over one day, (and which Mr. D. stated had reference to the subject of economy, much insisted on yesterday in the case of the Cumberland road,) calling on the secretary of war for information as to the number of fortifications completed, of those commenced and unfinished, of those not commenced, but contemplated, to complete the system, with other particulars respecting them; and whether in his judgment, if a system of steam batteries should be adopted, many such fortifications could either be dispensed with or diminished.

Also, inquiring of the secretary of the navy whether in his judgment a system of defence by armed steamers would not be more efficient than any other, and requiring from him an estimate of the expense of a system of defence by armed steamers.

The senate then took up and discussed at great length the bill for the relief of William R. Taylor, involving the question of the allowance of interest on money due from the government.

[The rule of the senate on this subject has been to allow no interest on any debt due from the government prior to the time when the claim is presented, nor even afterwards, except in cases of culpable refusal or neglect on the part of government authorities to pay or to examine the claim. The alleged ground of this rule is, that without it the public creditors might leave their dues in the hands of the government for the very purpose of securing the money, and drawing interest upon it.]

The motion by Mr. Hubbard, from the committee, to postpone the bill indefinitely, was negative: Yeas 10, nays 21. [This vote was understood as not infringing the above rule, but as depending on peculiar circumstances and on difference of opinion respecting them.]

The bill was then ordered to a third reading.

The senate concurred in the amendment of the house to the senate bill for the relief of Michael Cassidy.

Several bills from the house were read twice, and referred.

The bill to revive and continue in force the act allowing pensions to persons disabled by wounds received during the revolutionary war, was considered, and ordered to be engrossed for a third reading.

The senate adjourned, after an executive session. March 29. Among the petitions, &c. were the following:

By Mr. Fulton: from the legislature of Arkansas, joint resolutions urging the establishment of the boundary line between that state and Texas. Referred.

On motion of Mr. Linn, the committee on private land claims were instructed to inquire into the expediency of confirming the claim of Francis Le Clerc to an island in the Mississippi.

The bill to give effect to the 8th article of the treaty of 1819 with Spain was considered, and ordered to be engrossed for a third reading.

The senate took up the bill making appropriations for the construction of certain roads in Wisconsin.

The bill was discussed at much length by Messrs. Walker, Norvell, Linn, King, White, Sevier, Tipson and Young, chiefly on the objection that commencing roads by congress had been construed by some into a virtual contract for their completion; and on the ground, in favor of the bill, that those who denied the right of congress to construct roads within the states had heretofore admitted the right in relation to the territories.

The bill was amended, on motion of Mr. Lyon, by appropriating \$500 for the survey of a route for a road from Green Bay to the Mississippi; and, on motion of Mr. White, by providing that said survey should not be construed as imposing any obligation on congress to construct said road. Yeas 23, nays 17.

The bill was then ordered to be engrossed for a third reading.

The senate proceeded to consider the bill to reduce and graduate the price of the public lands.

Mr. Clay, of Alabama, spoke, at some length, in favor of the bill.

The amendment from committee was read, proposing to strike out that portion of the bill which provided for reducing the price of all lands ten cents for every four years that they might be in market, till the price should sink to the minimum of fifty cents; and to insert a substitute providing

for a due estimate of the various refuse lands, for their classification according to value, and for a reduction less gradual than the preceding, to the minimum price of fifty cents per acre.

At the desire of Mr. Clay, of Kentucky, the bill was then laid on the table, with the understanding that it would be called up on Monday next.

The senate took up the bill to prohibit the giving and receiving of challenges to duels within the district of Columbia, and for the punishment thereof.

Mr. Clayton, of the judiciary committee, explained the provisions of the bill, and the amendments reported to it by the committee on the judiciary, one of which substitutes for the punishment of death, confinement from ten to twenty years in the penitentiary; and the other amendment provides that persons going out of the District with a view to evade the provisions of this bill should still be punished in the same manner as if they had remained in the District.

Mr. Prentiss spoke briefly in favor of the constitutional power of congress to pass this bill, and to have it carried into effect.

Mr. Norvell, expressed some doubt in relation to such power.

Mr. Roane was understood to start a difficulty in relation to punishing a crime consummated in Virginia or Maryland, in which states process against the perpetrators might at the same time be issued. He was also understood to doubt or deny the constitutional power of congress to enact the above second amendment offered from committee.

Mr. Morris argued also against such supposed constitutional power.

Mr. Smith, of Connecticut, insisted on the power of Congress to pass the bill and the amendments, inasmuch as congress have as good a right to punish the first moiety of a crime as a state to punish the latter moiety.

Mr. Grundy explained the manner in which the above and other difficulties might be obviated, and argued in favor of the constitutional power of congress over the subject.

Mr. Smith, of Indiana, was decidedly in favor of the objects of this bill. He felt disposed to go all constitutional lengths to suppress this cruel and inhuman practice of duelling—a practice at once in violation of all laws, human and divine. He had examined this bill carefully, and he had exerted his mind to approve of that part of the bill which punished the offence of leaving the District where the crime was committed in the states. He had great doubts on the question of conflicting jurisdiction, for the offence of killing in a duel in Maryland was murder. The bill punishes, as amended, with penitentiary. What would be the state of the case if the criminal was confined in our penitentiary for twenty years, and the state of Maryland should convict him, and order him to be hung? Would he serve out his time in the penitentiary first, or what would be done with the case? He threw out these suggestions for the purpose of having the difficulties removed by argument. He should certainly do all in his power as a senator to suppress duelling here and elsewhere.

Mr. Grundy argued that if a man should steal a horse in the District, and ride him into Maryland, he would be guilty of larceny in both; and when he had been punished by the authorities of one who first got hold of him, it could not be much cause of regret if he should be punished also by the other.

Mr. Clayton distinguished more nicely the precise objects of the bill. It pretended to no jurisdiction over anything not done in the District: the bill expressly and only provided to punish for what should be actually done in the District. The punishment might in some cases seem disproportioned to the offence; but it could not be so regarded if the intent, by which all crimes are measured, should be taken into the account.

Mr. Knight split the difference of the supposed concurrent jurisdiction, by adducing a supposed example of a man's robbing the mail in the District, and then killing the driver in Virginia, in which case he should be punished in the District for robbery, and in Virginia for murder.

Mr. Niles spoke for some time in favor of taking all practicable measures to put down the practice of duelling, urging as motives all the considerations of honor, decency, respectability, civilization, duty, and humanity. He also argued that there was no want of power in congress; they might even punish an individual for simply going out of the District, if he should go with a known intent to commit a crime.

Mr. Strange argued that the propensity to duelling was so strong in the community, that duels, more or less, would be fought, in violation of all laws, however severe, divine and human; but on this very account, especially in consideration of its collateral and consequent evils, the laws against

it could not well be too severe, unless their severity should prevent their being carried into execution. But he believed the moral sense of every community, in the country would pronounce the provisions of this bill, as amended, rather too lenient than too severe. He also argued that the constitutional power of congress over the subject was clear, inasmuch as they would provide for the punishment of no crime committed except those within the limits of their jurisdiction, which would be aggravated by the degree of the evil intent.

The bill being still up, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, March 22. A number of gentlemen having memorials on the subject of the late duel, obtained leave to present them; and they were referred to the select committee on that subject.

Mr. Henry presented the petition of a number of the citizens of Mercer county, Pennsylvania, praying for an investigation of the late duel that resulted in the death of the hon. J. Cilley, and that efficient means may be adopted to put a stop in future to this murderous practice; which, on motion of Mr. H. was referred to the select committee to which that subject is referred.

Mr. Davies presented the petition of David Witmer and 53 others, citizens of Lancaster county, Penn., and the petition of Robert Jenkins and 33 others, of the same county, praying for the passage of a law to prevent the inhuman practice of duelling.

Mr. C. Morris, of Ohio, asked and obtained leave to present the petition of John C. McCoy and 98 others, of Washington county, Ohio, on the subject of the late duel; which was referred to the select committee on that subject.

A number of committees made reports upon private claims, &c.

On motion of Mr. Hopkins,

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of providing by law for additional compensation to postmasters whose commissions are unequal to the duties which they perform.

The Speaker laid before the house a letter from col. Hunter, assistant doorkeeper, announcing the death of Overton Carr, late doorkeeper of this house, on Wednesday last; whereupon,

Mr. Mercer offered the following resolution:

Resolved, That the house will adjourn at four o'clock this afternoon, to attend the funeral of their deceased doorkeeper, Overton Carr; that the expenses thereof be defrayed out of the contingent funds, and that his widow be paid the salary of the deceased for the present session of congress.

The resolution was agreed to without a division.

The residue of the morning hour was occupied by Mr. W. Cost Johnson, in continuation and conclusion of the discussion, on his part of the resolution moved by him on the subject of an appropriation of land for the promotion of education in the old states.

The Speaker laid before the house a communication from the secretary of war, transmitting a copy of his answer to the letter of major general Jesup, dated Fort Jupiter, Feb. 11, 1838, called for by a resolution of the house of representatives on the 19th instant.

Also, a communication from the secretary of war, transmitting reports and statements prepared by the adjutant general and the paymaster general of the army, in reply to the resolution of the house of the 19th ult., respecting the number of volunteers and militia engaged in the service of the United States within the last six years, and the relative cost of their employment and that of the troops of the regular army. Laid on the table, and ordered to be printed.

The house then again went into committee of the whole on the state of the union, (Mr. Casey in the chair,) and resumed the consideration of the appropriation bill for the civil and diplomatic expenses of government; and the question still being on the motion to strike out an item of \$4,000 for a jet d'eau on the grounds of the capitol.

Mr. Halsted, of N. J., again addressed the house on that subject, and in rejoinder to the remarks of Mr. Lincoln, expressing the astonishment which an attack from that quarter had occasioned; avowing his attachment to the state from which that gentleman came, as well as high respect for himself; disclaiming all purpose of allusion to him in his speech of yesterday, since, when he made it, he did not even know that that gentleman belonged to the committee on the public grounds; but still insisting on his objection to the appropriation, both for the jet d'eau and the printing and papering done in the president's house. To the repairs of the roof, &c. he had not intended then, or now, to object. He regretted that he had interfered with a

favorite proposition of the gentleman from Massachusetts, since he might as well have based his speech, which was intended to be a general attack on extravagant expenditures under the existing administration, on some other objectionable item of the bill.

He replied to Mr. Cambreleng's objection as to the urgency of the wants of the treasury, by noticing the constant recurrence of that objection whenever an investigation was proposed of the measures of government. It never recurred the right time.

Mr. Boon commented with very great severity on Mr. Halsted's speech of yesterday, and avowed his intention "to skin" that gentleman. He said his speech evinced the advantage of being high born and college bred; characterized its strain of language as low and vulgar, and every way unworthy of a representative: referred to Mr. Halsted's consumption of pens and paper as being ten times greater than his own; he remarked upon his dress as being that of a dandy, &c. and concluded by comparing the whole speech to butter churned without a cover, which splashed on all around, &c. &c.

Mr. Lincoln made a very brief reply to the remarks of Mr. Halsted, explaining that the chief reason of his former remarks had been an unwillingness to see others attacked on the ground of a measure which he had himself proposed.

Mr. Ewing made a very spirited reply to the remarks of Mr. Boon, and in support of the ground taken by Mr. Halsted, to whom he returned his cordial thanks for his speech. It had been unfortunate as interfering with Mr. Lincoln, but well merited by the extravagance of an administration which had come into power on promises of economy. He referred to an implied threat of personal violence in the speech, of Mr. Bynum yesterday, on which subject he said he was entitled to speak, during one suffered in that way, being taken unprepared; but it should be the last time he would be caught in that situation.

The debate on this item was closed by a motion of Mr. Mercer to amend it by striking out the detail, and inserting a gross sum for completing the improvement of the public grounds according to a plan adopted by the last congress; which was agreed to.

Mr. McKay moved to amend the bill farther by striking out the item for clerk hire and the salary of a messenger in the "clothing bureau," and increasing, to the same amount, the appropriation for the office of commissary general of purchases: which amendment, while it left the expenditure the same, would avoid any implied sanction, by the house, of the establishment of a new bureau by the simple authority of the head of a department.

Mr. Mallory, of Virginia, took the present occasion to read a communication addressed to him by commodore Dallas, in consequence of certain animadversions in a speech made by him at the September session, accompanied by certain statements of lieutenants McIntosh and Saunders: by all which Mr. M. declared himself not convinced.

Mr. Bell renewed the presentation of his amendment to reduce all salaries one-fourth; but modified by admitting the contingencies formerly inserted as a condition, viz. that the sub-treasury bill should pass.

The Chair still persisted in the opinion that the amendment, even in this form, was still not strictly in order.

After a brief discussion of the point of order by Messrs. Haynes and Bell, the decision of the chair was sustained by the house.

Mr. Bell then moved to amend the bill by striking out \$567,687 for pay and mileage of members, and inserting \$425,760. Also by striking out \$40,400 for the clerks and officers of both houses, and inserting \$30,300.

Mr. B. had no wish to commence with these items, but as they were the first in order, he had been compelled to do so; he wished to proceed and propose a similar reduction in all the salaries throughout the government with the exception of the president, vice president, and judges. He was not opposed to liberal allowances for public services, nor desirous of reduction for its own sake, but he thought the great disparity between the salaries of state and federal officers called for some measure of the kind. It would be vain to rely on state rights as a bulwark against the encroachments of the general government, while that disparity continued. It was gradually, in practice, working a change in our institutions; as an instance of which, he alluded to the fact of an ex-governor of a state accepting a subordinate station in one of our departments, or in the custom-house. But whether the sub-treasury bill should pass or no, the thing it proposes to authorize did already exist in fact;

and its effect had been, by paying government officers in gold and silver, to raise, virtually, the salaries they received, and in the same proportion to diminish the means enjoyed by the debtor class in the community to pay their debts. The reduction was, therefore, perfectly fair; and if excessive banking was hereafter to be curtailed, the reduction ought, of right, to be permanent. He was content, at present, to make it a temporary arrangement.

Mr. Mercer, though not disapproving the gentleman's object, could not support his motion, as it was not according to usage to reduce salaries by an appropriation bill; it ought to be done, if at all, by law.

Mr. Reed regretted the debate; but how could it be avoided? Which was the proper place and the fitting opportunity to animadvert upon the measures of the administration, and the extravagances of the government, if not upon the appropriation bills? He referred to abuses in the post office department, and in the proportion of collectors' salaries; but could not support Mr. Bell's proposal to reduce all in the same proportion; some ought to be reduced one half, but others should not be diminished at all.

Mr. Williams, of N. C. thought it according to law and usage to reduce salaries as well by an appropriation bill as in any other manner.

Mr. Bell remonstrated with warmth against Mr. Mercer's position. The appropriation bills were the great citadels of the people, in resisting the oppressions of government. This had been admitted even in aristocratic, monarchical England; how much more should the doctrine be cherished under our own free government! He lamented that it seemed his fate always to be resisted by his own political friends and allies.

Mr. Mercer explained. He did not deny the naked power, but only the previous usage of the government.

The question being put on Mr. Bell's amendment, it was rejected.

The committee then rose, and reported the bill, and the house adjourned.

Friday, March 23. Mr. McKennan offered a resolution, fixing Monday next, at two o'clock, for the choice of a doorkeeper, *vice* Overton Carr, esq. deceased.

Mr. Lewis Williams moved to postpone the consideration of the resolution until Monday week.

Mr. Wm. Cost Johnson, suggesting that the committee on accounts intended to make some proposition regarding the police of the house, named next Wednesday.

Mr. Boon proposed to postpone the further consideration of the resolution until the first Monday in December next.

The latter motion, having precedence, was decided in the negative. Mr. Williams's motion, to postpone the consideration of the resolution till Monday week, was agreed to.

The following among other reports from committees, were made by Mr. Cambreleng, from the committee of ways and means, reported a bill to authorize the issuing of treasury notes.

This bill being read twice—

Mr. Cambreleng said that a report accompanied it, disclosing the necessity for the adoption of the measure recommended, and this report, with the bill, he moved to have referred to the committee of the whole, and that both be printed; which was ordered.

Mr. Sergeant presented a report of the views of the minority of the committee of ways and means in relation to the sub-treasury bill. He moved its printing, and reference to the committee of the whole, to which that of the majority had already been referred. Ordered accordingly.

Mr. Rives, of Virginia, moved that 10,000 extra copies of each report be printed; which motion prevailed.

[We will publish the bill of the committee, with both reports in the next "REGISTER."]

A number of memorials, &c. were presented and referred.

Mr. Hall of Vermont, sent to the chair a statement from the "Globe," in reference to a former vote on the sub-treasury bill, and went into an explanation in reference to it, for all which we will try and find room in our next.

The resolution of Mr. W. Cost Johnson in relation to this subject, and upon which the mover had occupied the morning hour for several days, coming up in order—

Mr. Lawler, of Alabama, took the floor in reply to the remarks of Mr. Johnson, and occupied it till the expiration of the morning hour, without concluding. [These remarks, as well as those of Mr. Johnson, will be given hereafter.]

The Speaker laid before the house a letter from the secretary of war, in reply to the resolution of the house of the 19th inst. calling for a copy of the

answer to a letter of gen. Jesup, of the 20th December, 1837.

The secretary states, that the letter of gen. Jesup did not, in the opinion of the department, require any reply, and consequently was not answered.

Also, a letter from the secretary of war, transmitting copies of papers relating to the title of the United States to Friend's Ore Bank, near Harper's Ferry, required by the resolution of the 19th instant.

Also, a letter from the secretary of war, transmitting a report from the commissioner of indian affairs, accompanied by copies of a contract made between gen. Jesup, certain creek chiefs, and J. C. Watson, & co.

Also, a letter from the secretary of the treasury, transmitting a report from the director of the mint at Philadelphia, containing the information called for by the resolution of the house of the 5th inst. relative to the cost of erecting and establishing the principal mint and its branches, fixtures, &c.

The bill, making appropriation for the civil and diplomatic expenses of the government for the current year, again came up for consideration, as amended in committee of the whole.

After several amendments had been adopted, and while the consideration of the items of the appropriation for the post office department were under consideration,

Mr. Cambreleng proposed an amendment to this section, by which the specifications were to be stricken out, and the appropriation for all the items there named were to be stated collectively, with the aggregate of the sums affixed thereto. This amendment, together with a communication from the post office department, in relation to the subject, he moved to have printed; which being ordered, he was about to propose an adjournment, when

Mr. Underwood gave notice of an amendment it was his intention to offer to the bill, whereby the salaries of government officers, employed in the various states, were to be reduced, and restricted to the amount of salaries received by the judicial officers of those states.

The Chair said that an amendment to an amendment, (moved by Mr. Cambreleng,) was pending; and that any other amendment was of course, at that moment, not in order.

Mr. Underwood had intended to give notice only of his intention to offer the proposition he had read. He would be glad to have the opinion of the chair on the question of order, supposing the amendment in time.

The Speaker said that he had no difficulty in making up his opinion on that point. Under the rules, he considered the amendment proposed to be decidedly not in order.

Mr. Underwood. Then of course it is of no use for me to move for its printing.

Pending Mr. Cambreleng's proposition to amend the amendment, (to wit, the above section,) the house, on motion, adjourned, at half past four o'clock.

Saturday, March 24. Among the reports presented was the following by Mr. Patton from the library, which was read and postponed to Tuesday next, after Mr. McKay of North Carolina, had given notice that he would oppose it.

Resolved, That the clerk of the house of representatives be directed to subscribe for ten numbers of "Niles's Register," for each member of the house, to be delivered once a week; provided the editor of said Register will agree to publish in, or as a part of said work, at least once a week, under the direction of the clerk of the house, the journals of the house, with the yeas and nays on all questions. Provided, further, that the editor of said Register will also agree to publish at the end of every session of congress, under the direction of the said officer of the house, a supplement to said work, containing all the laws passed thereat, and treaties ratified by the senate, to which shall be prefixed a copious index, to be approved of by said officer, and furnish one copy thereof, free of charge, to each member of congress for the time being.

A letter of the secretary of war, transmitting copies of papers relating to the title of the United States to Friends' Ore Bank, near Harper's Ferry, required by the resolution of the 19th instant, was laid before the house yesterday, and, with the papers, was referred to the select committee on the national foundry.

To-day, Mr. Mercer moved a re-consideration of the vote (which prevailed,) for the purpose of moving the reference of the subject to the committee on the judiciary; inasmuch as there was a question of legal title involved in it.

Mr. McClure was in favor of the reference as made yesterday. There was no question of title involved.

Mr. Thomas and W. Cost Johnson were in favor of the reference proposed by Mr. Mercer, whose motion prevailed.

The Speaker laid before the house a communication from the secretary of war, transmitting a report from the acting quarter master general, in reply to a resolution of the 5th instant, requiring various information respecting the measures taken to carry into effect the act of July 2, 1836, authorizing the laying out of a military road along the western frontier, and the erection of posts thereon.

The Speaker also laid before the house a letter from the secretary of war, transmitting the report and estimates of lieut. Stockton, superintendent of public works of Michigan city and St. Joseph's, required by the resolution of the house of the 19th.

Mr. Cambreleng moved that the house take up the general appropriation bill.

Mr. Rice Garland claimed the day for the consideration of private claims, under the rules of the house. About six hundred bills were to be acted on; and it was not, in his opinion, doing justice to the country to postpone the consideration of that business.

But the house, on motion of Mr. Cambreleng, decided that the rules be suspended—Yeas 94, noes 39.

The house then took up the general appropriation bill, the amendment moved yesterday by Mr. Cambreleng to the section in reference to the post office department being under consideration, Mr. Adams arose and commented at some length upon the amendment and "the extraordinary document" from the postmaster general in which it was recommended; which went to the annihilation of every thing like specifications or appropriations. We will give place to Mr. A.'s remarks hereafter.

The amendment was also opposed by Messrs. Whittlesey, Tillinghast, Ewing, and Rice Garland, and advocated by Messrs. Cambreleng and Connor. Finally, the amendment of Mr. Cambreleng was rejected—yeas 64, noes 66, and the amendment reported by the committee of the whole, agreed to.

A motion of Mr. Robertson to strike out the item of \$40,000 for miscellaneous expenses was rejected.

Mr. Rariden moved to recommit the bill to the committee of the whole on the state of the union, with instructions to strike out \$225,000 for stationery, &c. for the house, and insert \$273,000, so as to cover an appropriation to pay for printed debates and documents ordered to be supplied to the members.

On this motion a call of the house was moved by Mr. Cambreleng, and refused; when, before taking the question, and after a resolution had been adopted, on motion of Mr. Bell, calling for information on the subject of treasury notes,

The house adjourned.

Monday, March 26 A large number of petitions were presented, and referred.

The following among other resolutions were offered:

On motion of Mr. Ogle,

Resolved, That the secretary of state of the United States be directed to communicate to this house the names of all ministers and other diplomatic agents of the United States in foreign countries on the 4th March, 1829; the names and grade of all who have been recalled since that date; the names, grade, and date of subsequent appointments; the several periods of service of the persons so appointed; the sum allowed to each for such service respectively, as well as the amount of contingent expenses paid to each.

On motion of Mr. Sergeant,

Resolved, That a committee be appointed to inquire into the expediency of encouraging and aiding meteorological observations throughout the United States.

The bill for the restoration of certain courts to the western district of Virginia, which had passed the house, came up, as amended, in a single particular, from the senate.

Mr. Garland, of Virginia, moved that the house do disagree with the senate in its amendment; which motion prevailed.

The Speaker laid before the house a communication from the secretary of the treasury, in answer to a resolution of the 19th instant, directing the secretary to report the names of such of the deposit banks as have availed themselves of the benefits of the first section of the act of the 12th of October last, by giving the requisite security, &c.

The house then, upon motion, resumed the consideration of the general appropriation bill.

Mr. Rariden moved to recommit the bill to the committee of the whole, with instructions to report an amendment, striking out \$225,000 for stationery, &c. for the house, and inserting \$273,000, so as to cover an appropriation to pay for printed debates and documents, ordered to be supplied to the members.

Mr. Williams opposed this motion.

Mr. Cambreleng wished to know if the motion were in order.

The Speaker decided it to be in order.

Mr. Cambreleng appealed from the decision. He thought it clashed with the requisitions of the 63d rule of the house. The object of the amendment was inconsistent with the whole course of the former action of the house in regard to supplying members with books.

The Speaker defended his decision. There was nothing in the pending proposition that looked like the object alluded to by the gentleman last up. It was a simple proposition to amend that section of the bill which appropriates money for the contingent fund.

Mr. Cambreleng, at the suggestion of Mr. Howard, withdrew his appeal.

Mr. Cushman moved the previous question (which would be on the engrossment of the bill, cutting off the motion to commit.)

Upon seconding this motion, by tellers, the division was—yeas 47, noes not counted. So there was no second.

Upon the motion of Mr. Rariden to recommit, the vote (the yeas and nays having been ordered,) was as follows—Yeas 71, noes 96. So the motion to recommit the bill was rejected.

Mr. Reed moved to amend by adding an appropriation of \$52,040 for additional light-houses in certain states, being the same amendment as that member offered in committee of the whole.

Mr. Ingham proposed to amend this amendment by stating the several objects of the proposed additional appropriation, with the several specific sums to be appropriated to each.

Mr. Reed explained the proposed amendment, and showed the interest that the people in twenty states had in its adoption.

Mr. Whittlesey, of Ohio, made some remarks to show the great necessity which exists for the adoption of the proposed amendment, either in this or some other bill.

Mr. Ingham contended that this is the proper bill for the proposed appropriation. All these works have been ordered and begun, and no new original proposition was made. He urged the great importance and necessity of the amendment.

Mr. Cambreleng thought the light-house bill, or the supplemental appropriation bill, hereafter to be presented to the house, would be the proper bill into which to introduce the proposed amendment.

Mr. Cushman moved the previous question. On seconding this motion, the division was (by tellers) yeas 73, noes 42, no quorum voting. On the second count, the vote on seconding was as follows: yeas 72, noes 67; so there was a second; and the previous question being ordered, the question recurred on engrossing the bill for a third reading, which was carried; and the bill was read a third time.

Pending the question of its final passage Mr. Garland, of Louisiana, moved to recommit the bill to the committee of the whole, with instructions to report it with certain amendments; and on this motion he demanded the yeas and nays, which were ordered.

Mr. Garland defended his proposition at some length. He dwelt particularly upon the custom of keeping up appropriations for temporary service of clerks, &c. in the different departments, and thought that custom should be discontinued.

Mr. Cambreleng opposed the motion, and defended the practice alluded to, so far as it had obtained, as a matter of absolute necessity, under the circumstances of those cases in which it did so obtain.

Mr. Conner demanded the previous question, on seconding which the following division (by tellers) took place: yeas 69, noes 57. So the previous question was seconded, and the house decided that the main question be put, which being done, the bill was passed, and ordered to be sent to the senate for concurrence.

At 5 o'clock the house adjourned.

Tuesday, March 27. Mr. Paynter, of Pennsylvania, presented a petition from a number of citizens of Philadelphia on the subject of the late duel, which was referred to the select committee on that subject.

The report of the library committee, in relation to Niles' Register, coming up in order, the report was read at the clerk's table.

Mr. Patton, from the committee, explained and defended the report, arguing to show that the usual

objections to the purchase and distribution of books among the members did not apply in this case, inasmuch as a number of copies were proposed to be furnished to each member, not for his own personal advantages, but for distribution among his constituents. The effect of the measure would be to disseminate full copies of the house journal and of all the laws to 6,000 persons, at the aggregate expense of \$5,000 per annum. The publication of the laws alone, in newspaper and in pamphlet form, and for the use of the officers of the government costs now three times that sum. The additional expense to the editor would nearly equal the whole amount of subscription now proposed; but the additional popularity of his paper was deemed by him a sufficient inducement. The subscription, therefore, was not a gratuity either to him or to members of congress, but an expedient and cheap mode of disseminating useful information among the people generally. The journals of congress had never been, to this day, so published as to meet the spirit of the direction of the constitution on that subject.

Mr. Parker, of New York, opposed the resolution. The subscription would amount to \$12,100*. If the resolution was to pass, he would move to strike out "Niles' Register" and insert "the Democratic Review." In conclusion, he moved to lay the resolution on the table, and demanded the yeas and nays, which were ordered, and, being taken, stood as follows: Yeas 86, nays 79. So the resolution was laid on the table.

The following reports from standing committees of the house were received:

Mr. Whittlesey, from the committee of claims, made an unfavorable report upon the case of col. Joseph Brown.

Mr. Smith, from the committee on commerce, reported a bill making appropriations for the erection of custom-houses at New Orleans, Philadelphia, and Savannah.

Mr. Sherrod Williams moved a reconsideration of the vote by which the house laid the report of the library committee on the table.

Mr. Boon moved to lay this motion on the table, and demanded the yeas and nays, which were ordered, and resulted as follows: Yeas 88, nays 84. So the motion of Mr. Boon was decided in the affirmative.

The Speaker laid before the house a letter from the secretary of the treasury, transmitting a supplement to the annual report of the commissioner of the general land office, in relation to the preservation of the evidences of the surveys of the public lands in charge of the surveyor general; which was referred to the committee on public lands, and ordered to be printed.

The Chair having reported to the house, among other senate bills sent to the house for concurrence, the bill known by the name of the sub-treasury bill—

Mr. Cambreleng moved that that bill be referred to the committee of ways and means.

Mr. Pickens said that, before that motion should be acted upon, he desired, considering the great importance of the subject, to be informed as to one or two preliminary points. He must apologise to the house for thus interposing, nor should he have done it, but for an article which appeared in the official paper of this morning, which seemed to him to have an ominous bearing. He desired to know from the chairman of the committee of ways and means whether it was the intention of that committee to give this bill from the senate any, the least, degree of preference over a bill on the same subject, which had been reported by that committee to this house? In the article he had alluded to, he perceived there was an intimation that perhaps some of the obnoxious features might be stricken from the bill, or the same purpose accomplished by having an independent or supplementary bill. In the whole article there was not the slightest reference to the bill of house. Now, Mr. P. considered the entire subject as one peculiarly within the jurisdiction of the house; and on that ground alone, if on no other, he should prefer that the action of this body should be had on its own bill, rather than on that from the other legislative branch. He anxiously desired to know which of the two bills was to have priority? He put this inquiry honestly, for information, not having had the slightest communication or concert with the honorable chairman on the matter. He thought the information he asked for due to the house and to the country. He wanted to know whether this emulated thing, which, though in the shape of a man, was destitute of all manliness, and all the spirit of a man—a eunuch, in all its at-

*The gentleman from New York was in error. The whole expense would be but \$245 per week, or \$960 per month; or, estimating the long and short session at an average of five months in each year, \$4,800 per annum.—[Editor Register.]

tributes—was to be preferred to the house bill on the same subject.

Mr. *Cambreleng* would answer the gentleman most cheerfully. For himself, as a member of the committee of ways and means, and he thought he could almost answer for every one of his colleagues on that committee, that he and they did infinitely prefer the bill reported to this house to the bill of the senate. They had seriously and thoroughly examined all the provisions of the latter, and they had serious objections to many of its details; for some of its details besides those advocated by the gentleman from South Carolina, involving principles of very grave importance; and the bill reported from the committee of ways and means was, almost two-thirds of it, a new bill entirely. For one, he should not depart from one single section or feature of that bill, and should certainly feel it his duty, as a measure of this character should emanate from the house, to give the house bill the preference.

Mr. *Cambreleng* said that of course he did not mean to include those who were opposed to the measure.

Mr. *Sergeant* resumed. He, for one, certainly was not among those who "infinitely" preferred the bill of the house to that of the senate, for he really did not know which of them was the worst: and that was about the amount, at present, of any opinion he had on the matter. If the bill from the senate was what the gentleman from South Carolina (Mr. *Pickens*) had stated it to be, it was a sort of thing to which treasure was often committed in some parts of the world; (a laugh;) and if he believed it to be really as impotent as that gentleman represented it to be, he should have less objection to it: but he could not but think it still possessed sufficient vigor to do much mischief. It was possible, for those who were entrusted, even with gold and silver, sometimes did great harm by betraying those who trusted them. The machinery proposed to be employed was the same in both bills: only by the one it was to be employed in keeping bank notes, and by the other, in keeping gold and silver, if we could get any. For himself, he had no "infinite preference" for either, but, on the contrary, was at a loss, as he had said, to determine which was the worst of the two.

Mr. *Haynes* here rose and said, that though he had not been expressly called upon, he would say that he had a decided preference for the bill from the committee of ways and means. He had a strong desire to answer the remarks of the honorable gentleman from Pennsylvania, but this was not the time. He then resumed his seat.

Mr. *Patton* said he was opposed to this untried experiment, in any of its forms; and he objected to the reference of this bill to the committee of ways and means, because it was wholly unnecessary. The subject had been twice referred to them, and the house had received, in the form of a bill, the result of their labors and meditations. It was extremely important to the best interests of the country that this question should be decided promptly; and it was his purpose, before he resumed his seat, to make a motion which, he hoped, would bring to the test what was the judgment of a majority of the house on the principle of this measure. In order to quiet the apprehensions of the country, which had been justly excited by the continued confidence of gentlemen in a measure which must be productive of extensive mischiefs to the great business community, aside from its relations as a political measure, the question ought to be decided promptly and speedily. This object could not be obtained save by a vote which, though not an actual rejection of the bill, should give a decisive indication of the opinion of a majority of the house in opposition to any and every bill which should contain the principle which distinguished this. He did not urge the fact that the chairman of the committee of ways and means had told the house that a majority of that committee had examined this bill and were opposed to it; because he did not desire that the vote upon his motion should depend on any difference of opinion as to particular details, and which did not reach the great principles of the measure.

Mr. *P.* said he was aware that there were gentlemen present who had various propositions which they were desirous of presenting to the house as substitutes for the bill, which went essentially to change, and some of them to defeat, its present provisions; and such gentlemen might, at first, feel opposed to the motion he was about to make. But he desired them to recollect that there were several other bills which would come up for discussion, under which they could debate at large this entire subject of the currency, and that, therefore, they had no good reason for opposing a motion to lay the present bill on the table, and thereby show to the country that there was a majority of the house of representatives decidedly opposed to the measure it

proposed. Such a step would be attended with this additional advantage: as long as the friends of this bill retained the faintest hope of carrying it through, they would strenuously resist all substituted propositions which should go to attack the vitals of the measure; but if the house gave, at once, a decided indication that such a bill as this could not pass, they would then be prepared to transfer their support to the next best measure, if there were any such, to be resorted to with a view to the purification of the currency. With these views, he moved to lay this bill upon the table.

Mr. *Glascok* appealed to Mr. *Patton*, as he had now had an opportunity to make such remarks as he chose, not to prevent others from a reply; and he therefore hoped he would consent to withdraw the motion for that purpose.

Mr. *Patton* said that he had not discussed the bill.

Mr. *Glascok* pressed his request, and promised, if it were granted, to renew the motion to lay the bill on the table.

Mr. *Patton*, on that condition, consented, and withdrew the motion accordingly.

Mr. *Glascok* regretted exceedingly that this motion to lay on the table had been made at the present time; and he regretted the more to see the motion come from the quarter it did. The house was well apprised of the situation which the gentleman from Virginia occupied at the present time. It is well known that that gentleman had been provided for by his own state; and it is a question whether, whenever any action shall be had on this bill here, he will be representing the majority of his constituents, which an election, however, to fill his vacancy will test. But independent of these considerations, it is well known that at the present time one of the states of the union is unrepresented. It is well known that there are certain districts in different states unrepresented; and it is equally well known that at this present time, there were a large number of the representatives of the people absent, from the indisposition of their families and other causes, absent and necessarily absent of this city, and from the house. If we are to have this question tested, and fairly tested, let us have it taken when every member is in his seat. Where is the necessity of the motion which had been made by the gentleman from Virginia at this time? Has it been made because the gentleman is himself about to take a farewell from us all, and is it from such motives as these, that he now asks us to take this question, when he well knows there are many individuals friendly to this bill not present to vote, and are particularly anxious to do so? If the gentleman exercised that courtesy which is usual, on all great national questions, he would have delayed his motion until every member could be here in his place to represent his constituency. He asked the house, whether it was not best to act on whatever bill the committee of ways and means may report, at a time when there may be a full and fair attendance of the representatives of the people present. He knew not what effect this might have on the minds of others, but he was prepared to say for himself, that this movement, at the present crisis, was far from being such a one as he had expected from the gentleman from Virginia, for on all other occasions he had looked upon that gentleman as acting with candor and fairness. At this very moment there are some twenty or thirty members absent from their seats—in fact, it had been suggested by some gentlemen near him, that there were at least forty who were absent. No such proposition as this had been anticipated by those gentlemen, and it is a question on which it is expected by the whole country, that every member should be present to give his vote. He would ask the gentleman then, whether in order, that absent members might be present, and to have a full vote of the house on the question, he would not consent to withdraw his motion, and permit the bill to go to the committee of ways and means, and be reported upon by that committee, in order that some measure might be brought before the house, in order that the people of the country might see whether a majority of the house were not opposed to the principle contained in the bill: namely, the divorce of the government and banks. He knew there were some who were in favor of the principle of this measure, but who differed as to details, and all he asked was, that the country might be properly informed, whether there was, or was not, a majority in favor of the principle which he had referred to. On this subject, he must avail himself of the privilege he now had of showing the impression attempted to be made on the people of the "Old Dominion." A report had gone forth, stating that there were fifteen or twenty of a majority in this house opposed to the divorce. Then, sir, if the gentleman from Virginia intends that the people of his state shall be fairly informed on this

important subject, let the question be brought up fairly, and let us have such a vote as will truly test the principle. Do this, and he [Mr. G.] had nothing to fear; and so far as it was concerned, he hesitated not in giving it as his decided opinion that there was a majority in favor of a divorce of government and banks, notwithstanding all that had been said in certain papers to the contrary.

Mr. *Mercer* rose to order. He wished to know whether the remarks of the gentleman were pertinent to the question under consideration.

The Chair was of opinion that the gentleman from Georgia, as well as the gentleman from Virginia, [Mr. *Patton*,] had not confined themselves strictly to the question pending. Mr. *Glascok*, in conclusion, would only say that he regretted that this motion had been made, as it was an evidence of unfairness which he little expected from the gentleman from Virginia. He should renew the motion, as he had pledged himself to do it, but he did it with the greatest reluctance, because whatever vote was now taken could not be considered a fair test of the question. He looked upon the motion as an act of illiberality towards the absent members, and as an act of injustice to the states and districts which were now unrepresented, and from causes well known to all. Mr. *G.* then renewed the motion to lay on the table. Mr. *Adams* hoped the gentleman would withdraw this motion, so that his remarks might be answered. Mr. *Glascok* said he would not do this, unless the gentleman from Virginia and others agreed to have it withdrawn for a general discussion of the subject. Mr. *Cushman* called for the yeas and nays, which were ordered. Mr. *Filmore* moved a call of the house, which was ordered.

The call was then proceeded in for some time, when Mr. *Cushman* moved that it be further dispensed with.

Mr. *Patton* said he hoped the motion would not prevail, especially after the very rude reply of the gentleman from Georgia, and the allusions in which that gentleman had indulged, and which he must pronounce to be wholly unfounded. Mr. *Patton* had not taken the least pains to ascertain who were absent and who were present; and he desired the call should proceed with the express view of ascertaining who were absent; and if it should be found that any injustice to any gentleman would result from the motion he had made, he should be entirely willing to withdraw it, so far as depended on him; though he would not ask the gentleman from Georgia to withdraw it, after the rude and uncourteous reply of that gentleman.

Mr. *Duncan*, with some emotion, wanted to know why others could not have withdrawn it?

Mr. *Pickens* said that he hoped the motion of the gentleman from New Hampshire (Mr. *Cushman*) would prevail. This could not, under the circumstances, be considered as a test vote on the general question.

Mr. *Grennell* demanded the yeas and nays on the motion to suspend further proceeding in the call, which, being taken, were—Yeas 92, nays 94; so the motion was negatived, and the call proceeded.

The doors of the house were closed.

The absentees having then, in part, been called, and having nearly all been excused,

Mr. *Harlan* moved that farther proceedings be suspended; which was agreed to; and the doors were opened.

The question was thereupon put from the chair on laying the senate's sub-treasury bill upon the table, and decided in the affirmative by yeas and nays as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Biddle, Bond, W. B. Calhoun, J. Calhoun, Wm. B. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Deberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, Wm. Graham, Graves, Gray, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, H. Johnson, W. C. Johnson, Kilgore, Lawler, Lincoln, Lyon, Mallory, Marvin, S. Mason, Maury, May, Maxwell, McKennan, Menelee, Mercer, Milligan, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Patton, Peck, Phillips, Pope, Rariden, Randolph, Reed, Ridgway, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, Sherrod Williams, C. H. Williams, Wise, Yorke—106.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bruyn, Bynum, Cambreleng, John Campbell, Casey, Cleveland, Clowney, Coles, Connor,

Craig, Crary, Cushman, Dawson, Degraff, Dromgoole, Duncan, Elinore, Farrington, Fairfield, Foster, Gallup, Glascock, Grantland, Grant, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Howard, Hubley, R. M. T. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, Keim, Kumble, Leguise, Leadbetter, Lewis, Logan, J. M. Mason, Martin, McKay, Robert McClellan, A. McClellan, McClure, Miller, Montgomery, Moore, Morgan, S. W. Morris, Murray, Palmer, Parker, Paynter, Pennybacker, Phelps, Pickens, Plumer, Potter, Pratt, Prentiss, Rhett, Richardson, Rives, Robertson, Sheffer, Shepler, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turner, Vail, Vanderveer, Wagener, Webster, T. T. Whittlesey, J. W. Williams, Worthington, Yell—98.

So the bill was laid upon the table.

Mr. Gray, of New York, gave notice of a motion to reconsider this vote.

Various senate bills having been read and referred, and several house bills having received their third reading and passed,

The house went into committee of the whole on the state of the union, (Mr. Dromgoole in the chair,) when Mr. Cambreleng moved the consideration of the bill directing a transfer of moneys, unclaimed by pensioners, to the treasury; which was passed through committee without opposition, read a third time in the house and passed.

The committee then took up the military appropriation bill; which was passed through committee without amendment, and reported to the house.

The house then adjourned.

Wednesday, March 23. A number of memorials were presented on the subject of the late duel, and referred to the select committee on the subject.

Among the bills reported was one by Mr. Whittlesey, from the committee on claims, to establish a board of commissioners to examine and decide certain claims against the United States; which was twice read, referred to a committee of the whole, and made the special order of the day for Friday week.

After some business of minor importance,

Mr. Bell, from the committee on Indian affairs, moved that that committee be discharged from the consideration of the memorial of John Ross and others, remonstrating against the Cherokee treaty of 1836, and that the said memorial do lie upon the table.

After a debate, of which a brief notice is necessarily deferred to-day, the motion of Mr. Bell was agreed to.

The residue of the day was spent in consideration, in committee of the whole, of the military appropriation bill; which was still left in the committee of the whole when the committee rose, and

The house adjourned.

Thursday, March 29. Messrs. Adams, Birdsall, and De Graff, presented memorials in relation to the late duel, which were referred to the select committee on this subject.

Reports of committees were next called for, when the following, among others were presented.

Mr. Coles, from the committee on military affairs, reported a bill to authorize, for a limited time, two additional clerks in the office of the commissary general of subsistence; and against the resolution of the house of the 6th instant, relative to assimilated pay of officers of the army and navy.

Mr. Lincoln, from the committee on the public buildings, reported a bill providing for the removal of the walls of the treasury building, and for the erection of a fire-proof building for the post office department.

On motion of Mr. Craig,

Resolved, That the committee on revolutionary claims be instructed to inquire into the expediency of placing the officers of the United States navy, engaged in the war of the revolution, on the same footing in respect to commutation, bounty land, and half-pay, with the officers of the army of the revolution.

Mr. Howard, from the committee on foreign affairs, moved the following resolution:

Resolved, That the bill "to provide for the satisfaction of claims due to certain American citizens for spoliations committed on their commerce prior to the 31st of July, 1801," be taken up for consideration at the hour of one o'clock on Friday and Saturday, the 18th and 14th days of April next.

Mr. Cambreleng opposed the resolution, and called for the yeas and nays upon agreeing to it.

After a remark or two from Messrs. Mercer and Williams, of North Carolina, the question was put, and the resolution was rejected by yeas and nays, as follows, viz. Yeas 79, nays 62, (not two-thirds.)

Mr. Lincoln moved that the bill providing for the removal of the walls of the new treasury building, and for the erection of a fire-proof building for the post office department on the site of that recently

destroyed by fire, be made the order of the day for Tuesday next. (The bill proposes an appropriation of \$150,000, and directs the use of the old materials in the construction of the new building.)

Mr. Cambreleng remonstrated, and Mr. Lincoln modified his motion so as to refer the bill to the committee of the whole on the state of the union; in which form it was agreed to.

On a motion made by Mr. Hopkins, of Va., to reconsider the adoption of Mr. Slade's resolution calling on the land office for certain information touching the pre-emption laws and the sales of lands in the different states and territories, a brief discussion arose, in which Messrs. Slade, Hopkins, of Va., Lyon, of Ala., Boon, of Indiana, and Williams, of North Carolina, took part. In the course of this discussion—

Mr. Lyon, of Alabama, said the motion to reconsider the vote of the house on the adoption of the resolution under consideration was made at his instance, and he would state the reasons why, in his opinion, the resolution, in its present form, ought not to be adopted. If the mover would modify it so as to call for the aggregate quantity of land disposed of under the several pre-emption laws, he would willingly vote for it. But if the call is made so as to require a report of the particular quantity disposed of in each state and territory under each one of the several pre-emption laws heretofore passed, it would, in his judgment, impose unnecessary labor upon the land office, and interfere with the disposition of other more important matters of business.

He had no objection whatever to a full report upon each and all the branches of inquiry embraced in the resolution; but he could see no reason for requiring information as to the particular quantity of land disposed of under each of the several laws, embracing a period of 15 or 20 years. He supposed the object of the mover would be attained by a report showing the aggregate quantity sold under the pre-emption system since it was commenced, but if the report is to designate the particular quantity under each law, an examination would have to be gone into of the returns made by registers and receivers for many years past, and he was convinced that this examination would require much time and occupy a large number of the clerks of the office, to the exclusion of other necessary business. All the pre-emption laws, he believed, granted to settlers the same quantity of land 160 acres, and he saw no particular benefit to result from the labor and delay necessary to ascertain the quantity sold under each law. He hoped, therefore, the vote of the house would be considered, and the resolution modified.

He said a call had already been made for information as to the quantity of public and heretofore sold, the quantity remaining unsold in each state and territory, &c. and his only object was that the present call should be confined to necessary information, and he believed a report showing the quantity of land sold under the pre-emption system, and the quantity disposed of under the auction system, would be sufficient for all useful purposes. He said his constituents had complained, in some instances, of the delay which had occurred in issuing their patents, and in transacting other matters of business, in which they were interested, at the general land office; and if such calls as the one embraced by the resolution before the house are made, requiring, as he thought, unnecessary detail, there would be still greater delay in transacting the ordinary and necessary business of the office. For this reason alone he desired the resolution to be modified.

The resolution was opposed on the ground of the vast amount of labor required by the resolution to no valuable purpose. An answer to this call would, of itself alone, occupy the whole force of the land office more than two months.

Mr. Slade advocated it as necessary to expose the system which was growing up in the management of our public lands, and whereby the sales of land were likely to be in the end, wholly superseded by the pre-emption laws.

The reconsideration did not prevail.

The Speaker laid before the house a letter from the secretary of the treasury, in obedience to the resolution of the 24th inst. relative to the treasury notes, &c. Of the contents of this letter, the following is an abstract:

Amount of notes issued on the 24th instant was	\$7,116,683 75
Amount received in payment of public dues to 24th instant	3,241,000
Amount of moneys received on account of customs during last quarter of 1837 was	2,115,958 78
On account of public lands, same time	901,857 99

Amount of moneys on account of customs, first quarter of the present year, about

2,560,000

On account of public lands, same time

384,560

Whole amount of money in the treasury available is, nominally

2,299,544 00

But deducting \$592,212, which belongs to certain trust funds, and 400,000, which is deposited in the mint, and the balance available is

1,307,332 00

The house then again went into committee of the whole on the state of the union, (Mr. Dromgoole in the chair,) on

The bill having been gone through in the course of the sitting, was ordered to be engrossed for a third reading, and was read a third time, passed, and sent the senate for concurrence.

The house began on the navy appropriation bill, and occupied the remainder of the day's sitting upon it.

The question pending when the house adjourned was upon a motion of Mr. Montgomery, of North Carolina, to recommit the bill for the purpose of striking out so much of it as proposes appropriations for the expenses of the exploring expedition. In the course of debate on this motion, Mr. W. intimated a purpose to move such amendments as would convert the exploring squadron into a squadron for coast survey.

And then the house adjourned.

CHRONICLE.

Villainy Extra. The Detroit Daily Advertiser of the 12th inst. states that on the Saturday evening preceding, a number of vagabonds thought proper to amuse themselves by firing muskets and pistols at the town or village of Windsor, on the Canada side, from which the fire was returned. Governor Mason was quickly on the spot, and brought the folly to a close. Whether any mischief was done at Windsor was not known. Some of the balls fired there, struck the buildings on the Detroit side. We do not find that any body was arrested.

The Republic of Hayti owes France 60,000,000 francs, as indemnity money, which it has agreed to pay at the rate of about 1,500 francs a year. A treaty to this effect has been recently concluded.

The bill abolishing lotteries has passed the legislature of Louisiana, received the signature of the governor, and thus becomes a law.

The governor of Louisiana has appointed Wm. C. Claiborne, esq. secretary of state, in place of Martin Blache, resigned.

Norfolk, March 26. Arrival of the United States Schooner Shark. The United States schooner Shark, lieutenant commandant Pearson, from the Mediterranean via St. Thomas, arrived yesterday morning.

The Shark left Mahon the 24th of December, Malaga 13th January, Gibraltar 21st January, Tenerife 8th February, and St. Thomas 8th March.

The United States frigate Constitution, commodore Elliott, was at Mahon when the Shark sailed. The United States, captain Wilkinson, was at Cadiz, January 19. All well.

We learn from Norfolk, that the destination of the United States ship Columbia, com. Read, has been changed. She will proceed to the Mediterranean instead of the East Indies; the Constitution, com. Elliot, it is said, will return to the United States.

The Richmond Enquirer, of Tuesday, says: "The house of delegates made two more steps yesterday.—They passed a bill, for appropriating \$-5ths of \$1,200,000 to make a railroad from Fredericksburg to Alexandria—that great and essential link in the chain, which will extend from Georgia to Maine. They also ordered the bill for establishing the great south-western railroad, to be engrossed."

Imprisonment for debt. The lower house of the Ohio legislature has passed to a third reading, by a vote of 56 to 6, a bill to abolish imprisonment for debt.

The house of delegates of the legislature of Maryland, by a vote of 55 to 14, has passed a similar measure.

Maine. John D. McCrate, esq. of Wiscasset, has been nominated by the democratic republicans of Lincoln, as a candidate to fill the vacancy occasioned by the death of Mr. Cilley.

Isaac L. Varian has been nominated as the whig candidate of the "Democratic" party for the office of Mayor of New York.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 6.—VOL. IV.]

WASHINGTON CITY, APRIL 7, 1838.

[VOL. LIV.—WHOLE No. 1,384.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ The present sheet contains the largest portion of Mr. Webster's second speech on the sub-treasury bill. It will be concluded in our next.

☞ The hon. *Isaac McKim*, a member of the house of representatives from the state of Maryland, died at his lodgings, in this city, on Sunday morning last. Mr. McKim was a native and resident of the city of Baltimore, and one of her most worthy, active and enterprising merchants. His commercial enterprises were eminently successful, and he dispensed his great wealth with the most enlightened liberality: and especially in the erection and endowment of one of the most beautiful and permanent free schools in this or any other country.

His remains were interred in Baltimore on Tuesday last, to which city they were accompanied by the committee of the house appointed for that purpose, and a large number of representatives and senators. The public authorities of Baltimore and the citizens generally, paid every respect to his memory, and all seemed impressed with the great loss that community has sustained by his death.

Mr. *VEAZEY*, governor of Maryland, was in Baltimore on Thursday last, on his way to his residence in Cecil county. Whilst in Baltimore he received official information from the speaker of the house of representatives of the death of Mr. McKim; and, as we learn from the Patriot, he has decided to issue his proclamation for a new election at the earliest practicable period—probably, as early as the 26th inst.

☞ Mr. *POINSETT*, secretary of war, has been extremely ill for several days past; but it gives us great pleasure to state that he is now better and that hopes are entertained of his recovery.

☞ General Scott is still in this city. General Gaines arrived at New Orleans on the 13th ult. in the steam boat Alton from St. Louis.

☞ The late *Edward D. Bangs*, who for many years has filled the office of secretary of state in Massachusetts, died recently at his residence in Worcester.

☞ The general appropriation bill was finally passed on Thursday last, and, having been signed by the president, has become a law.

TREASURY DEPARTMENT, April 2d, 1838.

The treasury notes issued up to the 1st instant, under the provisions of the act of congress of the 12th of October, 1837, amount to \$7,467,349 72.

It appears by the returns, made up to the same period, that there had been received for duties and lands, and in payment of debts, about \$3,500,000.

LEVI WOODBURY, Sec'y. of the Treasury.

CONNECTICUT. The annual election took place in this state on Monday last. The New Haven Herald contains returns from all the counties in the state, which show the following results.

	(Whig.)	(V. B.)	Whig.
	Ellsworth.	Beers.	Majorities.
Hartford county,	4486	2870	1616
New London co.	3068	2091	977
Windham county,	2409	1753	654
Tolland county,	1376	1214	163
New Haven county,	3399	2624	775
Fairfield county,	2604	1608	896
Middlesex county,	1000	1009	9
Litchfield county,	3271	2775	496

Whig majority, 5585

[In 1837, the aggregate vote for governor was 23,205 for the Van Buren candidate, and 21,508 for the whig candidate.]

Senate.—Last year the senate was composed of seven whigs and fourteen Van Buren senators. The senate of 1838 will consist of twenty whig senators and one Van Buren senator.

House of Representatives.—Last year the house consisted of 72 whigs, 140 Van Burenites—2 vacancies—214 in all. This year, it is stated, more than two-thirds of the house will be whigs.

Gen. *Wm. H. Ashley*, one of the most distinguished citizens of Missouri, died at his residence on the *Lamine*, eight miles from Boonsville, on the 26th ult.

VOL. LIV.—SRO. 6.

Ex-sheriff Parkins, who entered upon his seventy-first year a few days since, has been unconditionally discharged from prison. Five long years he has spent in Bridewell, in the debtors' ward, for reasons which will soon appear from his published statement. The publication will be looked for with much interest, which we shall not forestall or anticipate, as it is already in press. One thing is certain—he will now make his version of the story heard. [N. Y. Sun.

ANTON BOLLERMANN has been appointed consul of the grand duke of Hesse, for the port of New York, and has been recognized as such by the president of the United States.

The Army and Navy Chronicle states, that the report that the destination of the frigate *Columbia*, from the East Indies to the Mediterranean, is unfounded, and that she will shortly sail, in company with the *John Adams*, for her original destination.

PHILADELPHIA BANKS. The Philadelphia U. S. Gazette of Thursday says:—"We understand that the banks in the city of Philadelphia and districts have unanimously decided that it is inexpedient to send delegates to the adjourned meeting at New York of the bank convention, on the 11th of this month."

The Suffolk bank of Boston has issued the following circular:

At a meeting of the directors of the Suffolk bank, held at 1 o'clock, P. M. on Saturday, 31st March, 1838, it was

Voted, That it is the unanimous opinion of the board that it is inexpedient for the banks in Boston to resume specie payments, unless the banks in New York and Philadelphia will resume at the same time.

Voted, That the cashier be requested to furnish the delegates appointed to attend the convention, to be held at New York on the 11th proximo, with a copy of the foregoing vote, and to send a copy of the same to each of the banks in this city.

(Signed) J. C. BREWER, cashier.
The Richmond Enquirer states that the presidents of the Richmond banks will attend the bank convention to be held in New York on the 11th instant. The same paper adds that "there is every reason to believe the convention will fix upon some certain day for resumption. Perhaps it will not be as early as the banks of New York have specified—possibly, it may be some months later, &c."

THE MANDAMUS. In conformity with the decision of the supreme court of the United States in the case of Stockton & Stokes relators, against the postmaster general, a writ of mandamus was on Friday last, issued by the circuit court for the District of Columbia, returnable on Tuesday the 3d inst. To that writ, return was made to the court on Tuesday, by the following endorsement upon the copy of the writ served upon the postmaster general:

POST OFFICE DEPARTMENT, April 3, 1838.
Having communicated the awards of the solicitor of the treasury, referred to in the within writ, to the auditor of the treasury, for the post office department, who has the legal custody of the books in which the accounts of this department are kept, I have received from him official information that the balance of said awards, viz. thirty-nine thousand four hundred and seventy-two dollars and forty-seven cents, (\$39,472 47,) has been entered to the credit of the claimants on said books.

AMOS KENDALL, postmaster general.

This being read in court—
Mr. R. S. Cox, for the plaintiffs, gave notice that he should on the following day move to quash the return as unsatisfactory and insufficient.

[In the course of the day the plaintiffs received at the treasury the principal amount of the award made under the act of congress, by the solicitor of the treasury. So, to this extent, the act of congress, and the decree of the circuit court, affirmed by the supreme court, have at length been carried into effect, though not respected, as it was the duty of the postmaster general, in common with all other good and orderly citizens of the United States, to have respected, first the act of congress; secondly, the mandamus of the circuit court; and, thirdly, the decision of the highest judicial tribunal.]

Yesterday, in accordance with the notice given, Mr. Cox made a motion to quash the return upon the writ of mandamus against the postmaster general.

The manner of the return, Mr. C. argued (in supporting this motion) was a gross contempt of court; for the postmaster general puts himself, in his reply to the writ, on the very ground over-ruled by this court, and abandoned by his own counsel before the supreme court. The court, he said, could hardly consider the return sufficient, without admitting that the postmaster general was right in his original ground, and that the court was wrong in deciding against it. That the tenor of this reply on the part of the postmaster general was entirely inconsistent with his own previous action: for that when the award of the solicitor of the treasury, under the act of congress, first came into his hands, he undertook to give instructions how, and to what extent, the award should be executed by the auditor; and it was not until a fortnight after the decision of the supreme court in the case, that he found out he had nothing to do with it, and that the auditor had exclusive control over it. Mr. C. further suggested that, with regard to this matter, the postmaster general had not certified any one thing which the writ of mandamus required him to certify. This, however, he said, was a matter for the court itself to decide upon, in which the relators had no interest, further than to see the dignity of the court sustained.

On the part of the relators, he maintained that in point of substance the return was wholly insufficient because, it had been now only certified that a balance was due which had been reported to be due sixteen or seventeen months ago, say in November, 1836. The award made by the solicitor comprehended the interest due on the balance up to the date of the award. The postmaster general objected to the award of the solicitor, that he had transcended the authority of the act of congress, and one of the specific objections was the allowing of interest on these claims. This court, by deciding that the solicitor had not transcended his jurisdiction, and the supreme court by the unanimous adoption of the same doctrine, had decided that the plaintiffs were entitled to interest, and, consequently, the payments that have been made, including interest only to November, 1836, are payments on account, and not in full compliance with the writ of mandamus.

For these and other reasons, Mr. Cox moved to quash the return as insufficient.

The court took time to consider the motion.
[Nat. Intel. of Thursday.

GEN. SCOTT. The Toronto Patriot contains a copy of a despatch from sir Francis B. Head, written previous to his departure from Upper Canada, to the British minister at Washington. The intemperate spirit it displays will, we are convinced, be properly rebuked by his government, the prime minister, lord Melbourne, having already found it necessary, in the house of lords, to plead in extenuation of the language of a former communication of sir Francis Head, his fondness for an epigrammatic style of writing. It is not required of us to defend the conduct of gen. Scott against the censures of a foreigner. The approval of his country, which it has and ever had, will be all-sufficient for him; we therefore confine ourselves, in this respect, to the publication of the following from the pen of the gallant col. Worth [N. Y. Courier and Enquirer.

"The Toronto Patriot, of the 23d instant, publishes a letter from his excellency the late lieutenant governor of Upper Canada, to the minister of the British government, at Washington, in which the actions of major general Scott, during his personal superintendence of the military operations on the frontier, recently made in aid of the civil authorities, and in support of the laws, are severely criticised, and the motives of that distinguished officer called in question.

"In the same remarkable paper, his excellency is pleased to contrast and commend the acts of another officer, in connexion with the same service, who, of all men in this country, must derive the most pain from so unjust and unnatural a position.

"Having this moment, and for the first time, seen the letter of his excellency, that officer, while he volunteers no defence of conduct, on the part of his distinguished commander, which is so far from needing one, deems it due to truth, to justice, and to his personal honor, to say, that what his excellency has been pleased to visit with his commendation, was the mere and literal performance, by a subaltern, of the precise orders of his chief, major general Scott."

"Astor House, N. Y., 29th March, 1838."

From the Globe of Monday night, the 26th ult.

THE BILL FOR AN INDEPENDENT TREASURY.

The important bill to render the treasury independent of banks passed to-day by a majority of two votes.

We regret to see that it lost some of its warmest supporters, in consequence of one or two amendments, which were introduced before the vote was taken.

In order that the community may understand the effect of those amendments, and the provisions of the bill as it now stands, a few explanatory remarks may be useful.

When most of the banks in the country, last spring suspended specie payments, and thus withheld the public money, a separation of the keeping of that money in future from the use and discounts of the banks appeared to have become indispensable, not only for its safety, but for the prompt, efficient, and faithful payment of the public creditors.

This was the leading object to be attained. The bill reported last September, at the special session, applied to this purpose alone. It provided for a total divorce between the treasury and the banks, so far as regarded the use of the public money, and there stopped.

Another desirable object to be attained was an improvement in the currency, as well as in the mode of keeping the public money.

Many were anxious to increase still more the specie portion of it, and in order to effect that gradually and extensively, to introduce legal provisions, rendering it imperative, in time, to receive only specie in payment of all public dues.

This would leave the states and individuals to continue to receive what they deemed proper, but would take away the discretion before exercised by the public officers of the general government, under the acts of congress of 1789 and 1820, as well as the joint resolution of 1816, to receive bank paper when deemed safe.

Accordingly, Mr. Calhoun, instead of offering a separate bill for that object, moved an amendment to the bill for keeping the public money, which directed that the kind of money received should, in time, be specie alone.

This amendment then prevailed in the senate; but the bill, so amended, was laid on the table, and not acted on finally in the house of representatives.

At this session the committee reported the bill, incorporating into it a clause similar to that amendment, instead of leaving it to be offered as an amendment, or leaving the kind of money to be legislated on in a separate bill. The senate have now stricken that provision out.

This leaves the bill, on principle, as it originally stood in September, when first reported by the committee. It is confined entirely to the safe-keeping of the public money, or to the divorce between the treasury and banks.

The only exception to this remark is a new amendment offered by Mr. Webster, requiring that the same kind of money shall be received for all public dues, but not prescribing what that kind of money shall be. That is left to the former laws and resolutions of congress—construed, as they always have been, by the executive, the treasury, the United States Bank, and the attorney general, that it must be specie; except where congress has otherwise directed as to treasury notes, or United States bank notes, and where, in the opinion of the executive or the treasury department, some other medium was safe, and equivalent to specie.

We are free to say, that, in regard to this last topic, our own views are, that too much discretion is now confided to the executive, and that congress would act wisely to further limit and regulate that discretion.

We think there was much soundness in general Jackson's objections to Mr. Rives's bill on this point in 1837: that it did not explicitly state whether the choice as to the payment of bank notes or specie was to be given to the debtor, and thus the treasury be obliged to take, in Missouri, the bank notes of Delaware, though at such a distance, and much under par; or to be given to the public officer, and he be required to take bank notes only when at par where offered, and when convertible into specie without discount or delay.

Such, only, in our humble opinion, should have been any new regulation, as to bank notes. Such, and going further in future, and in gradual proportions, until the public dues are all conducted in a constitutional currency, we hope will be some new legislation at the present session, in a separate bill, or in connection with some other appropriate act. We know that inherent difficulties and differences of opinion exist on this point. We are charitable

to others who disagree, and ask only a like courtesy in return.

As specie was not, by Mr. Calhoun's amendment, required absolutely to be taken at all till 1838, and then only in gradual proportions for five or six years, there is still ample time to legislate in favor of this or some similar measure at the present or the next session.

The mode of effecting the object is of little consequence, compared with the importance of the object itself.

But we sincerely hope that it will in due season be effected. We trust that a larger portion of specie will gradually and inflexibly be required in public payments. We have no doubt it would operate in a salutary manner on the whole currency of the country, and essentially tend to prevent over-issues and explosions.

The bill, as it now stands, reaches and cures one evil—the unnatural and injurious connection between the money in the treasury and the private loans of the banks. It is very perfect in that respect, and allows no special deposits to be made, except in specie or treasury notes. Frequent settlements with the banks of any of their notes taken, and not soon paid out, would tend to check excesses, and will doubtless be the practice.

But, with all due respect to the views of others from whom we have the misfortune to differ, we should be happy to see more specie in use, imperatively required by express law. We like the honest face of an eagle or half-eagle, and even of old Mr. Nathaniel Macon's favorite silver dollar.

We trust more will be done on this point, either in a separate bill, or by an amendment to some other bill, before congress adjourns.

Much will be gained by accomplishing one great object—the independent keeping of the public money. We feel gratified at the prospect of success in that, and are not inclined to under-estimate or reject one blessing, as to an independent treasury, because we are unable to obtain another, at the same moment, in respect to the currency.

But this other we have no doubt will be obtained soon, if not at this session. Public sentiment is aroused, and is, we believe, sound on that, as well as on the independent treasury. Whatever obstacles may be interposed by the management of interested politicians out of doors, or whatever honest doubts may be entertained as to the people's views by any of their representatives in either house, we can see a tide swelling over the whole country, and gradually reaching every hill and valley, in favor of a sound and constitutional currency. The public are sick to the heart of paper—paper—mere paper. They abhor depreciations and the whole race of shin-plasters, and want something solid, valuable and safe.

SUPPOSED SUB-TREASURY VOTE IN 1835.

Correction of error in the Globe of March 22, 1838.

In the house of representatives, March 23. Mr. Hall, of Vermont, having obtained leave of the house, sent to the chair the Globe of last evening (March 22) from which the clerk read as follows:

"On the 11th February, 1835, when the bill reported by the committee of ways and means for regulating the deposit of the money of the United States in certain local banks was before the house of representatives, Mr. Robertson moved that the bill be recommitted, with instructions to the committee of ways and means so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the government.

"In favor of this motion the votes of the following gentlemen are recorded on the journal (page 359) in the affirmative:

"Messrs. John Q. Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beale, Beatty, Bell, Binney, Briggs, Burges, Campbell, Chambers, Chilton, Claiborne, Clarke, Clayton, Corwin, Crane, Crockett, Darlington, Davis, Davenport, Deberry, Denny, Dickson, Evans, Everett, Ewing, Filmore, Foster, Gamble, Garland, Gholson, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, Harper, Hazeltine, Heath, Hiester, William Jackson, Ebenezer Jackson, James, Henry Johnson, Seaborn Jones, Letcher, Lewis, Lincoln, Love, Martindale, Marshal, McComas, McKennan, Mercer, Milligan, Miner, Moore, Phillips, Pickens, Potts, Reed, Robertson, William B. Shepard, Slade, Spangler, Steele, William P. Taylor, Tompkins, Trumbull, Tweedy, Vance, Vinton, Watmough, Wilde, Williams, Wilson, Wise, and Young."

Mr. Hall said he would not ask for the further reading of the paragraph. The article proceeded to state that the gentlemen whose names had just been read, himself among the number, having thus, in 1835, voted in favor of dispensing with the

agency of banks in the fiscal operations of the government, were now, in 1838, opposing a measure of the same character; and then followed a dissertation upon "federal patriotism," "federal consistency," &c. &c. with which it was unnecessary to trouble the house. Mr. H. said a statement similar to that in the Globe had been published in some of the papers in his own state, and his object now was to set the matter right before his constituents and the country. He never did, on that or any other occasion, give any such vote as that represented in the Globe. In order to meet the evidence fully, he would call for the reading of the journal, to which the article in the Globe referred. The journal was accordingly read by the clerk, as follows:

"The house resumed the consideration of the bill (No. 563) regulating the deposit of money of the United States in certain local banks. The question recurred on the motion made by Mr. Robertson, that the said bill be recommitted to the committee of ways and means, with instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the government.

And, after debate, the question was put on the motion made by Mr. Robertson for the recommitment of the bill, and it was decided in the negative—Yeas 91, nays 115."

Mr. H. said the journal might perhaps be considered sustaining the view taken by the Globe; but he should show that the journal, if it bore such a construction, was erroneous. The fact was, no vote whatever was taken on the instructions moved by the gentleman from Virginia, (Mr. Robertson,) but the vote which is recorded on the journal was taken on the naked question of recommitting the bill to the committee of ways and means—no vote whatever having been taken on the instructions.

Before the vote on Mr. Robertson's proposition was put, Mr. Filmore, of New York, required, as any member, by the rules of the house, had a right to do, that the question of commitment should be separated from the question of instructions, and, the question being divided, the votes for commitment were, yeas 91, nays 115; the 91 yeas being the same gentlemen whose names are given in the Globe. The motion to commit being lost, no question could possibly be put on the instructions. In proof of the facts just stated, Mr. H. read extracts from the three daily papers then published in Washington, giving an account of the proceedings of that day. The extracts were as follows:

"The question being on Mr. Robertson's motion to recommit the (deposit) bill to the committee of ways and means, with instructions, &c. Mr. Filmore asked for a division of the question to recommit with instructions. The question was then taken by yeas and nays, which had been previously ordered, on the motion to recommit the bill, and decided in the negative—Yeas 91, nays 115."—*Globe*, Feb. 12, 1835.

"Mr. Filmore called for a division of the question, and which, having been put on that part of the motion, viz: 'to recommit the bill,' the motion was rejected—Yeas 91, nays 115."—*Telegraph*, Feb. 12, 1835.

"Mr. Filmore now demanded a division of the question, and it was accordingly put; first, simply on recommitment, and decided by yeas and nays as follows, viz: Yeas 91, nays 115. So the house refused to recommit the bill."—*Intelligencer*, Feb. 12, 1835.

Mr. Hall said he had called the attention of the clerk of the house to this subject, who, on examination, had ascertained that a memorandum of the fact of Mr. Filmore's requiring a division had been made on the minute book kept at the clerk's desk on that day, but that, by inadvertence, a notice of the division was omitted to be inserted in writing out the journal. The facts he now stated would appear from a correspondence he had held with the clerk, which was now read as follows:

House of Representatives United States, December 19, 1837.

Sir: I have received your communication of this day's date. I handed it over for answer to Mr. Burch, the chief clerk of my office, who writes up the journal of the house.

That answer I herewith enclose; and am, with the most perfect respect and esteem, your obedient servant,

WALTER S. FRANKLIN,

Clerk of the House of Reps. U. S.

Hon. HILAND HALL, House of Reps. U. S.

Office House of Representatives United States, December 19, 1837.

Sir: In answer to the letter of the hon. Hiland Hall, of this date, addressed to you, and which you have referred to me, in which he states that "it

appears from the printed journal of the house of February 11, 1835, the bill regulating the deposit of the money of the United States in certain local banks being under consideration, that a question was taken on the motion of Mr. Robertson that the said bill be recommitted to the committee of ways and means, with instructions so to amend the same as to dispense with the agency of banks; and that, on the question to recommit with such instructions, the yeas were 91, nays 115; and suggesting that there is some error in the printed journal, as he is confident he did not give such a vote, I make the following explanatory statement:

I have referred to the printed journal of the 11th of February, 1835, and find it stated that the house resumed the consideration of the bill mentioned by Mr. Hall, and that the question recurred on the motion made by Mr. Robertson on the preceding day, that the bill be recommitted to the committee of ways and means, with the instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the government, and that the question was put on the motion for "recommitment of the bill," and was decided as Mr. Hall has stated—Yeas 91, nays 115. The entry does not show, as is mentioned in Mr. Hall's letter, that the instructions were involved in the vote, nor was it intended to show it.

I have also referred to the short notes or minutes taken by you at the table in the house; from these it appears that immediately previous to the putting the question, Mr. Filmore, of New York, called for a division, so as that the question be put separately on recommitment and on the instructions.

Mr. Filmore's call for the division is not stated on the printed journal, but there it is distinctly stated that the question was on recommitment; that question failing, the separate question on the instructions could not, consequently, be put.

The only error, if error it is, is in the omission to set forth Mr. Filmore's call for the division; this is sometimes done, as the entries themselves commonly show the fact that a question had been divided; in the present case, the question is expressly stated to have been on the recommitment. If the question had involved more than the recommitment, the entry would have gone on to say, with the instructions aforesaid. If the question on the recommitment had been decided in the affirmative instead of the negative, the question would then have been, of course, put on the instructions; which would have made it apparent that the question had been divided. In writing up the journal, often at a late hour at night, the different views which it seems now may be taken of the subject did not occur to me; and hence, to save what I then deemed superfluous writing, the omission to enter the call for the division of the question.

Your obedient servant,
SAMUEL BURCH.

Col. WALTER S. FRANKLIN,
Clerk of the House of Reps. U. S.

Mr. H. did not wish to be understood as intending to cast the slightest imputation on the clerk. He had no doubt whatever that the omission was unintentional, and the explanation of the clerk was perfectly satisfactory. Nor did he wish to be misunderstood in any other particular. In making this explanation of his own vote, he did not mean to intimate an opinion that if, on the occasion referred to, he had voted to recommit the bill with the instructions, that it would necessarily follow he was in favor of passing a bill in conformity with the instructions. On the contrary, he knew that it was a legitimate and parliamentary mode of making opposition to a measure, to endeavor to amend it in such manner that it would lose the support of its original friends, and become unsatisfactory to all sides of the house. He might have given such vote, though opposed to a bill of the character specified in the instructions, as the most effectual means of defeating the bill then under consideration. And there were, doubtless, other grounds on which a vote on a collateral question of this description might be given, without any intention of supporting the bill when it had assumed its amended form. But he would not dwell on this matter.

Mr. H. said it was not his intention to occupy the time of the house in commenting on the evidence he had introduced to show the falsity of the statement in the Globe. He had shown, he trusted, to the entire satisfaction of the house, that in giving his vote on the 11th of February, 1835, in favor of recommitting a bill, to which he was opposed, to the committee which had reported it—the question being simply "shall the bill be committed?" he had not voted, as had been represented in that paper, "in favor of dispensing with the agency of banks in the fiscal operations of the government;" in fact, had not voted at all on that question, and for one of

the best reasons in the world, that no such question had been put. The object he had in view being thus answered, he would detain the house no longer.

REPORT ON THE STATE OF THE TREASURY.

HOUSE OF REPRESENTATIVES, MARCH 28, 1838.

Mr. Cambreleng, from the committee of ways and means, submitted the following report:

The committee of ways and means submit the following report on the probable receipts and expenditures for the year 1838:

By the act of October last, the ten millions of treasury notes authorized to be issued were made receivable in payment for public lands, and for duties. More than three millions of these notes have been already returned in lieu of revenue, and it is probable that, under the operation of this provision, a very large reduction will be made in the revenue of the present year, which must be provided for, either by an authority to reissue the treasury notes received, or by an issue of others in their place.

The Indian branch of the public service still calls, as it has done for some years past, for extraordinary appropriations for removal, subsistence, and hostilities. The annual estimates submitted by the secretary of the treasury in December last, embraced no estimate of the amount which would be required for preventing and suppressing Indian hostilities in 1838. There was drawn from the treasury during the last year for these expenditures \$5,600,000, and of the million appropriated at this session for this branch of the service, \$900,000 at least were paid for the arrearages of 1837; making \$6,500,000 for that year. The estimates of the war department, already submitted to the house, for the expenses of preventing and suppressing Indian hostilities in 1838, amount to \$5,235,000.—An extraordinary appropriation has been also required, and has been authorized, of \$625,000, for the protection of our Canadian frontier. Notwithstanding these additional estimates, the current resources of the year would, with proper economy, be equal to all the demands upon the treasury, whether for ordinary or extraordinary purposes, but for two provisions of the treasury-note act referred to; the one authorizing their receipt in payment of public dues, and the other prohibiting the treasury from re-issuing them. The result is, that they are returned to the treasury almost as fast as they are issued; and, before the close of the year, the revenue might be thus reduced to the amount of \$10,000,000.

If the treasury notes authorized by the act of October last were not receivable in payment of public dues, the following statements would exhibit the condition of our finances for the present year:

State of the Treasury on the 1st January last. The amount which stood, on that day, to the credit of the treasurer, exclusive of the \$1,100,000 of unavailing funds of long standing, was

Deduct the drafts of the treasurer, prior to the 1st January, on the late deposit banks, and on all other depositories, on account of the above balance	1,514,723 42
Deposites with the States	28,101,644 91
	<u>29,616,368 33</u>

Balance undrawn for on Jan. 1, 1838

Composed of the following items:	
Balance due from the late deposit banks	6,428,121 87
Deduct the drafts which had been drawn prior to the 1st January	1,011,757 36
	<u>5,416,364 51</u>

Amount in the treasury held in trust for indemnities, investments for Indian tribes, &c.	573,207 00
Balance, viz.	

In the mint, for the special service of that establishment	385,560 92
Applicable to public expenditures	469,653 51
	<u>855,214 43</u>

\$6,838,785 94

To prevent erroneous estimates, founded upon treasury statements which are apparently contradictory, it is proper to add that there are two dis-

ting adjustments of this balance made at the department. The preceding statement includes all the returns of public money known to the treasurer on the 1st of January, and all his drafts prior to that date, whether they had been presented at the various depositories, or were still in circulation.—This gives the correct view of the balance which the treasurer could on that day draw for, and is made the basis of our financial estimates for each year. Subsequent to that adjustment, the amounts have been received from the various depositories to the end of the year, which exhibit a balance in favor of the treasury, including the deposits with the states, of \$35,961,872 79, instead of \$34,940,430 85; making an apparent difference of more than one million of dollars. This is easily explained. Of the drafts drawn by the treasurer before the 1st of January, and deducted in the foregoing statement, \$740,000 had not been presented and paid prior to that date, and are consequently not charged in the accounts of the depositories, though credited by the treasurer as outstanding.—And there had been deposited before the 1st of January \$280,000 of public money, of which no returns had been received by the treasurer when the balance was ascertained at the treasury, on the 1st of January last. These two items, amounting to \$1,020,000, constitute the difference between the two statements. Our estimates must always be founded on the balance as ascertained at the treasury at any particular period, and not on the accounts of the depositories, which exclude all outstanding drafts, and include moneys not reported to the department.

It is also proper to state that there was to the credit of the post office department, on the 1st of January, \$457,933 86; which under the act of 1836, is not blended with other money in the treasury, but is held for, and exclusively applied to, the service of that department.

Besides these resources, the treasury held four millions of postponed custom-house bonds, and six millions of United States bank bonds, exclusive of interest. These, with the balances in the treasury, in the mint, and due from the late deposit banks, made an aggregate of more than sixteen millions, independent of the unavailable twenty-eight millions deposited with the states.

The following are the estimated resources of the year:

Balance in the treasury, applicable to public expenditures, say	\$500,000 00
Treasury notes, not issued on the 1st January last	7,000,000 00
Probable amount which may be received from the late deposit banks, exclusive of the amount drawn for prior to the 1st January, and includes the July installment	2,000,000 00
Bond of the bank of the United States, with interest due the 1st October	2,300,000 00
Custom-house bonds postponed	4,000,000 00
Revenue from customs	13,000,000 00
Revenue from lands	3,000,000 00
	<u>\$31,800,000 00</u>

The first item of charges upon the treasury is the unexpended balances of appropriations for the preceding and former years, which had not been drawn from the treasury prior to the 1st of January last. Two different statements are made by the departments of these unexpended balances: one is made at the second comptroller's office, the other at the register's. The former includes the requisition as soon as they issue from the departments, the latter the warrants after they are issued upon the requisitions. The consequence is a constant and material variation. The statements of these unexpended balances, annually transmitted by the war and navy departments, are of the requisitions upon, and not of, money actually drawn from the treasury. They also embrace the balances which will have been unexpended for more than two years, and which go to the surplus fund at the close of the year. The register's statement exhibits the amount remaining actually undrawn from the treasury at the close of the year, and of the amount carried to the surplus fund; the former amounted to \$16,628,845 65, and the latter to \$648,450 24; leaving a balance of \$16,080,395 41 of undrawn appropriations chargeable upon the treasury on the 1st day of January last.

Charges upon the treasury for the present year.

Appropriations not drawn from the treasury on 1st January	\$16,080,000
Appropriations under permanent laws	2,260,000
Civil and diplomatic	3,200,000

Army	4,620,000
Navy	\$5,760,000
Deduct the following unexpended balances, which are included in the above \$16,080,000, and which are to be substituted for, and deducted from, the appropriations for the year 1838, viz.	
For pay	\$1,000,000
provisions	150,000
repairs of vessels in ordi-	
nary	50,000
gradual im-	
provement	1,500,000
	2,700,000
Indian annuities, removal of tribes, &c.	1,520,000
Pensions	2,050,000
Deduct the amount remaining in the hands of pension agents to pay pensions which have been due and unclaimed more than six months, stated to be \$710,000, to be hereafter applied to the payment of other pensions, say, available	\$550,000
	1,500,000
Cumberland and other roads	670,000
Harbors and rivers	1,430,000
West Point academy	150,000
Fortifications	850,000
Indian hostilities	6,265,000
Canadian frontier	625,000
Extraordinary appropriations by congress	1,000,000
	\$43,230,000
Of which there will probably remain undrawn at the close of the year	11,000,000
Probable amount of charges upon the treasury in 1838	\$32,230,000

If all the foregoing appropriations are authorized by congress, the demands upon the treasury might exceed the receipts about half a million of dollars, independent of the amount of treasury notes received in lieu of revenue. But the extraordinary amount of the unexpended balances of appropriations, makes it necessary to restrict new appropriations, as far as it may be practicable, to such amounts as may be expended within the year or early in the next. They have not been hitherto made sufficiently with a view to the current expenditure of the year. Large sums have been appropriated, whether the money would be drawn from the treasury in one or more years. At the present time, when almost all our officers are employed in active military service, many of our public works cannot be prosecuted with advantage. Some of these appropriations, if authorized, must consequently remain almost wholly unexpended during the present year. Some may, therefore, be suspended, and others reduced to the extent of one or two millions, without detriment to the public service, as it is impracticable, at this time, to devote to these branches of our expenditure the skill and talents of our most efficient officers.

With a very moderate reduction of the appropriations for the present year, it will only be necessary to provide means equal to the amount of treasury notes which have been and may be received at our custom-houses and land offices in lieu of revenue. It is not possible to estimate what amount may be thus returned to the treasury and cancelled. Of the six million eight hundred thousand dollars heretofore issued, upwards of three millions have been already paid in, three or four millions more may be, and it is possible that the whole ten millions might be returned to the treasury and cancelled before the end of the year. Those which bear a low rate of interest, amounting now to \$4,500,000, will certainly be returned; besides others at five per cent., the term of which will have expired, when the interest ceases, according to the act of October last. Any sudden, though temporary revival of trade, creating a desire to make other investments, would throw almost the whole ten millions into the treasury. It would be unsafe, under such circumstances, not to authorize the notes issued, or to be hereafter issued, under the act of October last, to be again paid out, or to provide for an issue of treasury notes equal to the ten millions authorized by that act. The treasury may not require more than six or seven millions to replace the notes paid in and cancelled, but the au-

thority should be extended to ten millions to meet any unexpected reduction in our receipts. There is no certainty that the late deposit banks will reduce their debt to the extent estimated; and in the present state of trade, it is impossible to make any sure calculations on the revenue from customs or public lands for the present year. The former is estimated at \$13,000,000, the latter at \$3,000,000. The receipts from both sources, in the first two months, were very considerable, and the treasury must depend almost entirely upon the revenue to be received in the last half of the year. Upon the income of the whole year from these sources no estimate can be made which can be relied upon with confidence.

It would appear to be most simple and economical to repeal the restriction in the act of October last, and permit the treasury to reissue the notes then authorized. But that act directed them to be cancelled when paid in, as some of them have been; and as the interest on the five per cent. notes ceases after twelve months, they would be unavailable. If it were otherwise, however, and they could be paid out or disposed of in any other manner, it would be inexpedient to authorize it, as they would be immediately returned to the treasury, rendering it necessary to issue them for the third time. Such a process of payments and receipts would be particularly embarrassing to the treasury, as the notes will soon bear no interest at all. The committee, therefore, recommend that authority be given to issue treasury notes to such an amount as the public exigency may require, not to exceed ten millions, at an interest not exceeding six per centum per annum, and payable, one-third of them in twelve months, one-third in eighteen months, and one-third in two years; to be disposed of only to supply the wants of the treasury, and as the money may be required. For their redemption, it is proposed to pledge the balances due from all the banks, together with the faith of the United States. The amount which will be payable by the late deposit banks in 1839, probably about four millions, including interest, and the bonds of the Bank of the United States, equal, with interest, to near five millions, payable in 1839, and 1840, will anticipate and be applied to the redemption of the treasury notes now proposed, without any additional charge upon the revenue of either of those years.

The committee respectfully submit a bill authorizing an issue of treasury notes, in case the public interests should require it, and to replace those which have been or may be received for public dues into the treasury, according to the provisions of the act of October last.

The following is a copy of the bill which accompanied the above report:

A bill to authorize the issuing of treasury notes.

Be it enacted, &c. That the president of the United States is hereby authorized to cause treasury notes for such sum or sums as the exigencies of the government may require, but not exceeding, in the whole amount of notes issued, the sum of ten millions of dollars, and of denominations not less than one hundred dollars for any one note, to be prepared, signed, and issued in the manner hereinafter provided.

Sec. 2. And be it further enacted, That the treasury notes, authorized to be issued by the first section of this act, shall be made payable or redeemable by the United States, one-third of them in twelve months, one-third in eighteen months, and one-third in two years from the dates on which they shall be issued, respectively; from which said dates, for the terms as aforesaid, and no longer, the said notes shall bear an interest not exceeding six per centum per annum, and shall be made payable to order, and transferred by delivery and assignment endorsed on the same. The payment of the said notes, herein provided for, and the interest which may be due thereon, shall be made at the treasury of the United States, to the holders of the said notes, respectively, upon presentment; and for the redemption of the same, the balances due the United States, by bond, or otherwise, from the Bank of the United States of Pennsylvania, and from the late deposit banks, together with the faith of the United States, are hereby solemnly pledged.

Sec. 3. And be it further enacted, That the treasury notes, authorized by this act, shall be issued at such times and in such amounts as the public exigencies may require, and shall be paid to the public creditors or disposed of in such manner as the secretary of the treasury, with the approbation of the president of the United States, may prescribe; and that the secretary of the treasury shall lay before congress, at the commencement of the next session, an account of all the money obtained by the sale of the said treasury notes, together with a

statement of the rate or rates at which the same may have been sold.

Sec. 4. And be it further enacted, That the said treasury notes shall be prepared under the direction of the secretary of the treasury, and shall be signed, on behalf of the United States, by the treasurer thereof, and countersigned by the register of the treasury; and that those officers, respectively, shall, as checks upon each other, and to secure the public safety, keep separate, full, and accurate accounts of the number, date, denomination, and amount of all the notes signed and countersigned by them, respectively; which said accounts shall be carefully preserved and placed on file in the treasury department; and, also, similar accounts, kept and preserved in the same manner, of all the said notes redeemed, as the same shall be returned and cancelled; and the treasurer shall further account quarterly for all such notes delivered to him for signature, or issued by the register. The treasurer, and register of the treasury are hereby authorized, by and with the consent and approbation of the secretary of the treasury, to employ the same temporary clerks as were authorized and are now employed under the third section of the act "to authorize the issuing of treasury notes," approved the twelfth of October last, and at the same salaries.

Sec. 5. And be it further enacted, That the secretary of the treasury be, and he is hereby, authorized and directed to reimburse and pay the principal and interest of the treasury notes which may be issued by virtue of this act, at the several time and times when the same, according to the provisions of this act, should be thus reimbursed and paid, and to pay the interest annually on such as are payable in eighteen months and two years. And the said secretary is further authorized to make purchases of the said notes, at par, for the amount of the principal and interest due at the time of purchase on said notes. And so much of any unappropriated money in the treasury as may be necessary, is hereby appropriated for paying the interest or principal and interest, or for the purchase of said notes as aforesaid.

[Sections 6, 7, 8, and 9 appropriate for expense of printing, &c. of the notes; provide punishment for forgery, &c. of the notes; and require monthly statement of issues to be published.]

THE CONSTITUTION

Of the commonwealth of Pennsylvania, as amended by the convention of 1837-'38.

We, the people, of the commonwealth of Pennsylvania, ordain and establish this constitution for its government.

ARTICLE I.

Sec. I. The legislative power of this commonwealth shall be vested in a general assembly, which shall consist of a senate and house of representatives.

Sec. II. The representatives shall be chosen annually by the citizens of Philadelphia, and of each county respectfully, on the second Tuesday of October.

Sec. III. No person shall be a representative who shall not have obtained the age of twenty one years, and have been a citizen and inhabitant of the state three years next preceding his election, and the last year thereof an inhabitant of the [district] in [and for] which he shall be chosen [a representative], unless he shall have been absent on the public business of the United States, or of this state.

Sec. IV. Within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration, be fixed by the legislature, and apportioned among the city of Philadelphia and the several counties, according to the number of taxable inhabitants in each. And shall never be less than sixty nor greater than one hundred. Each county shall have at least one representative, but no county hereafter erected shall be entitled to a separate representation until a sufficient number of taxable inhabitants shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established.

Sec. V. The senators shall be chosen for [three] years, by the citizens of Philadelphia and of the several counties at the same time, in the same manner, and at the same places where they shall vote for representatives.

Sec. VI. The number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts formed as hereinafter di-

rected, according to the number of taxable inhabitants in each; and shall never be less than one-fourth, nor greater than one-third, of the number of representatives.

Sec. VII. The senators shall be chosen in districts, to be formed by the legislature; [but no district shall be so formed as to entitle it to elect more than two senators, unless the number of taxable inhabitants in any city or county shall, at any time, be such as to enable it to elect more than two, but no city or county shall be entitled to elect more than four senators;] when a district shall be composed of two or more counties, they shall be adjoining: neither the city of Philadelphia nor any county shall be divided in forming a district.

Sec. VIII. No person shall be a senator who shall not have attained the age of twenty-five years, and have been a citizen and inhabitant of the state four years next before his election, and the last year thereof an inhabitant of the district for which he shall be chosen, unless he shall have been absent on the public business of the United States, or of this state; [and no person elected as aforesaid shall hold said office after he shall have removed from such district.]

Sec. IX. [The senators who may be elected at the first general election after the adoption of the amendments to the constitution, shall be divided by lot into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year; so that thereafter one-third of the whole number of senators may be chosen every year. The senators elected before the amendments to the constitution shall be adopted, shall hold their offices during the terms for which they shall respectively have been elected.]

Sec. X. The general assembly shall meet on the first Tuesday of [January,] in every year, unless sooner convened by the governor.

Sec. XI. Each house shall choose its speaker and other officers; and the senate shall also choose a speaker pro tempore, when the speaker shall exercise the office of governor.

Sec. XII. Each house shall judge of the qualifications of its members. Contested elections shall be determined by a committee, to be selected, formed, and regulated, in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business; but a small number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members, in such manner and under such penalties as may be provided.

Sec. XIII. Each house may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member, but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free state.

Sec. XIV. [The legislature shall not have power to enact laws annulling the contract of marriage in any case where, by law, the courts of this commonwealth are, or hereafter may be, empowered to decree a divorce.]

Sec. XV. Each house shall keep a journal of its proceedings, and publish them weekly, except such parts as may require secrecy; and the yeas and nays of the members on any question shall, at the desire of two of them, be entered on the journal.

Sec. XVI. The doors of each house and of committees of the whole shall be open, unless when the business shall be such as ought to be kept secret.

Sec. XVII. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. XVIII. The senators and representatives shall receive a compensation for their services to be ascertained by law, and paid out of the treasury of the commonwealth. They shall in all cases, except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same. And for any speech or debate in either house they shall not be questioned in any other place.

Sec. XIX. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the commonwealth, which shall have been created, or the emoluments of which shall have been increased during such time; and no member of congress or other person holding any office (except of attorney at law, and in militia) under the United States or in this commonwealth, shall be a member of either house during his continuance in congress or in office.

Sec. XX. When vacancies happen in either house,

the speaker shall issue writs of election to fill such vacancies.

Sec. XXI. All bills for raising revenue shall originate in the house of representatives, but the senate may propose amendments as in other bills.

Sec. XXII. No money shall be drawn from the treasury but in consequence of appropriation made by law.

Sec. XXIII. Every bill which shall have passed both houses shall be presented to the governor. If he approve he shall sign it, but if he shall not approve it he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large upon their journals and proceed to reconsider it. If, after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which likewise it shall be reconsidered, and if approved by two-thirds of that house, it shall be a law. But in such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill, shall be entered on the journals of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevented its return, in which case it shall be a law, unless sent back within three days after their next meeting.

Sec. XXIV. Every order, resolution or vote to which the concurrence of both houses may be necessary (except on a question of adjournment) shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Sec. XXV. [No corporate body shall be hereafter created, renewed or extended with banking or discounting privileges, without six months' previous public notice of the application for the same, in such manner as shall be prescribed by law. Nor shall any charter for the purposes aforesaid, be granted for a longer period than twenty years, and every such charter shall contain a clause reserving to the legislature the power to alter, revoke or annul the same, whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted, shall create, renew or extend the charter of more than one corporation.]

ARTICLE II.

Sec. I. The supreme executive power of this commonwealth shall be vested in a governor.

Sec. II. The governor shall be chosen on the second Tuesday of October, by the citizens of the commonwealth, at the places where they shall respectively vote for representatives. The returns of every election for governor shall be sealed up, and transmitted to the seat of government, directed to the speaker of the senate, who shall open and publish them in the presence of the members of both houses of the legislature. The person having the highest number of votes shall be governor. But if two or more shall be equal and highest in votes, one of them shall be chosen governor by the joint vote of the members of both houses. Contested elections shall be determined by a committee to be selected from both houses of the legislature, and formed and regulated in such manner as shall be directed by law.

Sec. III. The governor shall hold his office during three years from the third Tuesday of [January] next ensuing his election, and shall not be capable of holding it longer than [six] in any term of [nine] years.

Sec. IV. He shall be at least thirty years of age, and have been a citizen and an inhabitant of this state seven years next before his election; unless he shall have been absent on the public business of the United States, or of this State.

Sec. V. No member of congress, or person holding any office under the United States, or this state, shall exercise the office of governor.

Sec. VI. The governor shall at stated times receive for his services, a compensation, which shall be neither increased nor diminished during the period for which he shall have been elected.

Sec. VII. He shall be commander-in-chief of the army and navy of this commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Sec. VIII. [He shall appoint a secretary of the commonwealth during pleasure, and he shall nominate, and by and with the advice and consent of the senate, appoint all judicial officers of courts of record, unless otherwise provided for in this constitution. He shall have power to fill all vacancies

that may happen in such judicial offices during the recess of the senate, by granting commissions which shall expire at the end of their next session:] Provided, [That in acting on executive nominations the senate shall sit with open doors, and in confirming or rejecting the nominations of the governor, the vote shall be taken by yeas and nays.]

Sec. IX. He shall have power to remit fines and forfeitures, and grant reprieves and pardons, except in cases of impeachment.

Sec. X. He may require information in writing, from the officers in the executive department, on any subject relating to the duties of their respective offices.

Sec. XI. He shall, from time to time, give to the general Assembly information of the state of the commonwealth, and recommend to their consideration such measures as he shall judge expedient.

Sec. XII. He may, on extraordinary occasions, convene the general assembly; and in case of disagreement between the two houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months.

Sec. XIII. He shall take care that the laws be faithfully executed.

Sec. XIV. In case of the death or resignation of the governor, or his removal from office, the speaker of the senate shall exercise the office of governor, until another governor shall be duly qualified; [but in such case another governor shall be chosen at the next annual election of representatives, unless such death, resignation or removal shall occur within three calendar months immediately preceding such next annual election, in which case a governor shall be chosen at the second succeeding annual election of representatives.] And if the trial of a contested election shall continue longer than until [the third Monday of January] next ensuing the election of governor, the governor of the last year, or the speaker of the senate who may be in the exercise of the executive authority shall continue therein until the determination of such contested election, and until a governor shall be [duly] qualified as aforesaid.

Sec. XV. [The secretary of the commonwealth] shall keep a fair register of all the official acts and proceedings of the governor, and shall when required lay the same and all papers, minutes and vouchers relative thereto before either branch of the legislature, and shall perform such other duties as shall be enjoined by law.

ARTICLE III.

Sec. I. [In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this state one year, and in the election district where he offers to vote, ten days immediately preceding such election, and within two years paid a state or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this state, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the state six months:] Provided, [That white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the state one year, and in the election district ten days as aforesaid, shall be entitled to a vote, although they shall not have paid taxes.]

Sec. II. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

Sec. III. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

ARTICLE IV. (Unaltered.)

Sec. I. The house of representatives shall have the sole power of impeaching.

Sec. II. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation. No person shall be convicted, without the concurrence of two-thirds of the members present.

Sec. III. The governor, and all other civil officers under this commonwealth, shall be liable to impeachment for any misdemeanor in office; judgment in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honor, trust, or profit, under this commonwealth; the party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment, and punishment, according to law.

ARTICLE V.

Sec. I. The judicial power of this commonwealth shall be vested in a supreme court, in courts of oyer and terminer and general jail delivery, in a

court of common pleas, orphans' court, register's court, and a court of quarter sessions of the peace for each county, in justices of the peace, and in such other courts as the legislature may from time to time establish.

Sec. II. [The judges of the supreme court, of the several courts of common pleas, and of such other courts of record as are or shall be established by law, shall be nominated by the governor, and by and with the consent of the senate, appointed and commissioned by him. The judges of the supreme court shall hold their offices for the term of fifteen years, if they shall so long behave themselves well. The president judges of the several courts of common pleas, and of such other courts of record as are or shall be established by law, and all other judges required to be learned in the law, shall hold their offices for the term of ten years, if they shall so long behave themselves well.]

The associate judges of the courts of common pleas shall hold their offices for the term of five years, if they shall so long behave themselves well. But for any reasonable cause, which shall not be sufficient ground for impeachment, the governor may remove any of them on the address of two-thirds of each branch of the legislature. The judges of the supreme court, and the presidents of the several courts of common pleas, shall at stated times receive for their services an adequate compensation to be fixed by law, which shall not be diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit under this commonwealth.]

Sec. III. [Until otherwise directed by law, the courts of common pleas shall continue as at present established. Not more than five counties shall at any time be included in one judicial district organized for said courts.]

Sec. IV. The jurisdiction of the supreme court shall extend over the state; and the judges thereof shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery in the several counties.

Sec. V. The judges of the court of common pleas, in each county, shall, by virtue of their offices, be justices of oyer and terminer and general jail delivery, for the trial of capital and other offenders therein: any two of said judges, the president being one, shall be a quorum; but they shall not hold a court of oyer and terminer, or jail delivery, in any county, when the judges of the supreme court, or any of them, shall be sitting in the same county. The party accused, as well as the commonwealth, may under such regulations as shall be prescribed by law, remove the indictment and proceedings, or a transcript thereof, into the supreme court.

Sec. VI. The supreme court, and the several courts of common pleas, shall, beside the powers heretofore usually exercised by them, have the powers of a court of chancery, so far as relates to the perpetuating of testimony, the obtaining of evidence from places not within the state, and the care of the persons and estates of those who are *non compos mentis*. And the legislature shall vest in the said courts such other powers to grant relief in equity, as shall be found necessary, and may from time to time, enlarge or diminish those powers or vest them in such other courts as they shall judge proper for the due administration of justice.

Sec. VII. The judges of the court of common pleas of each county, any two of whom shall be a quorum, shall compose the quarter sessions of the peace, and orphans' court thereof; and the register of wills, together with the said judges, or any two of them, shall compose the register's court of each county.

Sec. VIII. The judges of the courts of common pleas shall, within their respective counties, have like powers with the judges of the supreme court, to issue writs of certiorari to the justices of the peace, and to cause their proceedings to be brought before them, and the like right and justice to be done.

Sec. IX. The president of the court in each circuit within such circuit, and the judges of the court of common pleas within their respective counties, shall be justices of the peace, so far as relates to criminal matters.

Sec. X. A register's office, for the probate of wills and granting letters of administration, and an office for the recording of deeds, shall be kept in each county.

Sec. XI. The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

ARTICLE VI.

Sec. I. Sheriffs and coroners shall, at the times and places of election of representatives, be chosen by the citizens of each county. [One person shall be chosen for each office, who] shall be [commissioned] by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until a successor be duly qualified; but no person shall be twice chosen or appointed sheriff in any term of six years. Vacancies in either of the said offices shall be filled by an appointment from the governor, to continue until the next general election, and until a successor shall be chosen and qualified as aforesaid.

Sec. II. The free men of this commonwealth shall be armed [organized] and disciplined for its defence, [when and in such manner as may be directed by law.] Those who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. III. [Prothonotaries of the supreme court shall be appointed by the said court for the term of three years, if they so long behave themselves well. Prothonotaries and clerks of the several other courts, recorders of deeds, and registers of wills, shall at the times and places of election of representatives be elected by the qualified electors of each county, or the districts over which the jurisdiction of said courts extends; and shall be commissioned by the governor. They shall hold their offices for three years, if they shall so long behave themselves well, and until their successors shall be duly qualified. The legislature shall provide by law the number of persons in each county who shall hold said offices, and how many, and which of said offices, shall be held by one person. Vacancies in any of the said offices shall be filled by appointments to be made by the governor, to continue until the next general election, and until successors shall be elected and qualified as aforesaid.]

Sec. IV. Prothonotaries, clerks of the peace and orphans' courts, recorders of deeds, registers of wills and sheriffs, shall keep their offices in the county town of the county in which they, respectively, shall be officers, unless, when the governor shall, for special reasons, dispense therewith, for any term not exceeding five years after the county shall have been erected.

Sec. V. All commissions shall be in the name and by the authority of the commonwealth of Pennsylvania, and be sealed with the state seal, and signed by the governor.

Sec. VI. [A] state treasurer shall be [elected] annually, by joint vote of [both branches of the legislature.]

Sec. VII. [Justices of the peace, or aldermen, shall be elected in the several wards, boroughs and townships, at the time of the election of constables, by the qualified voters thereof, in such number as shall be directed by law, and shall be commissioned by the governor for a term of five years. But no township, ward or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough.]

Sec. VIII. [All officers whose election or appointment is not provided for in this constitution, shall be elected or appointed as shall be directed by law. No person shall be appointed to any office within any county, who shall have not been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected; but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken. No member of congress from this state, or any person holding or exercising any office of appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state, to which a salary is, or fees or perquisites are by law annexed: and the legislature may by law declare what state officers are incompatible. No member of the senate or of the house of representatives shall be appointed by the governor to any office during the term for which he shall have been elected.]

Sec. IX. [All officers for a term of years shall hold their offices for the term respectively specified, only on the condition that they so long behave themselves well; and shall be removed on conviction of misbehavior in office, or of any infamous crime.]

Sec. X. [Any person who shall, after the adoption of the amendments proposed by this convention to the constitution, fight a duel, or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise in such manner as is, or may be prescribed by law; but the execu-

tive may remit the said offence and all its disqualifications.]

ARTICLE VII.

Sec. I. The legislature shall, as soon as conveniently may be, provide, by law, for the establishment of schools throughout the state in such manner that the poor may be taught gratis.

Sec. II. The arts and sciences shall be promoted in one or more seminaries of learning.

Sec. III. The rights, privileges, immunities and estates of religious societies and corporate bodies, shall remain as if the constitution of this state had not been altered or amended.

Sec. IV. [The legislature shall not invest any corporate body or individual with the privilege of taking private property for public use, without requiring such corporation or individual to make compensation to the owners of said property, or give adequate security therefor, before such property shall be taken.]

ARTICLE VIII.

Members of the general assembly, and all officers, executive and judicial; shall be bound by oath or affirmation to support the constitution of this commonwealth and to perform the duties of their respective offices with fidelity.

That the general, great and essential principles of liberty and free government, may be recognized and unalterably established, we declare,

Sec. I. That all men are born equally free and independent, and have certain inherent and inalienable rights; among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Sec. II. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness: For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government in such manner as they may think proper.

Sec. III. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; that no man can, of right, be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law, to any religious establishments or modes of worship.

Sec. IV. That no person who acknowledges the being of a God and a future state of rewards and punishments, shall, on account of his religious sentiments, be disqualified to hold any office, or place of trust or profit under this commonwealth.

Sec. V. That elections shall be free and equal.

Sec. VI. That trial by jury shall be as heretofore, and the right thereof remain inviolate.

Sec. VII. That the printing presses shall be free to every person who undertakes to examine the proceedings of the legislature or any branch of the government: and no law shall be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. In prosecutions for the publication of papers, investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence, and, in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the courts as in other cases.

Sec. VIII. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures, and that no warrant to search any place, or to seize any person or things, shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation.

Sec. IX. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witness face to face, to have compulsory process for obtaining witnesses in his favor, and in prosecutions by indictment or information, a speedy trial by an impartial jury of the vicinage: That he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Sec. X. No person shall, for any indictable offence, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia when in actual service in the time of war or public danger; or by leave of the court for oppression and misdemeanor in office.

No person shall for the same offence be twice put in jeopardy of life or limb; nor shall any man's property be taken, or applied to public use, without the consent of his representatives, and without just compensation being made.

Sec. XI. That all courts shall be open, and every man for an injury done him in his lands, goods, person or reputation, shall have remedy by the due course of law, and the right and justice administered, without sale, denial or delay. Suits may be brought against the commonwealth in such manner, in such courts, and in such cases, as the legislature may, by law, direct.

Sec. XII. That no power of suspending laws shall be exercised, unless by the legislature, or its authority.

Sec. XIII. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Sec. XIV. That all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident or presumption great: and the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Sec. XV. That no commission of oyer and terminer or jail delivery shall be issued.

Sec. XVI. That the person of a debtor, where there is not strong presumption of fraud shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Sec. XVII. No *ex post facto* law, nor any law impairing contracts shall be made.

Sec. XVIII. No person shall be attainted of treason or felony by the legislature.

Sec. XIX. That no attainder shall work corruption of blood; nor, except during the life of the offender, forfeiture of estate to the commonwealth: that the estates of such persons as shall destroy their own lives, shall descend or vest as in case of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

Sec. XX. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, redress or remonstrance.

Sec. XXI. That the right of the citizens to bear arms, in defence of themselves and the state, shall not be questioned.

Sec. XXII. That no standing army shall, in time of peace, be kept up, without the consent of the legislature; and the military shall in all cases and at all times be in strict subordination to the civil power.

Sec. XXIII. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Sec. XXIV. That the legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behaviour.

Sec. XXV. That emigration from the state shall not be prohibited.

Sec. XXVI. To guard against transgressions of the high powers which we have delegated, we declare, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE IX.

[Any amendment or amendments to this constitution, may be proposed in the senate or house of representatives, and if the same shall be agreed to by a majority of the members elected to each house, such proposed amendments shall be entered on their journals with the yeas and nays taken thereon, and the secretary of the commonwealth shall cause the same to be published three months before the next election, in at least one newspaper in every county in which a newspaper shall be established; and if in the legislature next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each house, the secretary of the commonwealth shall cause the same again to be published in manner aforesaid and such proposed amendment or amendments shall be submitted to the people in such manner, and at such time, at least three months after being so agreed to by the two houses, as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the qualified voters of this state voting thereon, such amendment or amendments shall become a part of the constitution, but no amendment or amendments shall be submitted to the people oftener than once in five years: Provided, that if more than one

amendment be submitted, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately and distinctly.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the constitution of this commonwealth, and in order to carry the same into complete operation, it is hereby declared and ordained, that

1. All laws of this commonwealth in force at the time when the said alterations and amendments in the said constitution shall take effect, and not inconsistent therewith, and all rights, prosecutions, actions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if the said alterations and amendments had not been made.

2. The alterations and amendments in the said constitution shall take effect from the 1st day of January, 1839.

3. The clauses, sections and articles of the said constitution which remain unaltered, shall continue to be construed and have effect, as if the said constitution had not been amended.

4. The general assembly, which shall convene in December, 1838, shall continue its session, as heretofore, notwithstanding the provision in the eleventh section of the first article, and shall at all times be regarded as the first general assembly under the amended constitution.

5. The governor, who shall be elected in October, 1836, shall be inaugurated on the 3d Tuesday in January, 1839; to which time the present executive term is hereby extended.

6. The commissions of the judges of the supreme court, who may be in office on the 1st day of January next shall expire in the following manner:—The commission which bears the earliest date shall expire on the 1st day of January, anno domini 1842: the commission next dated shall expire on the 1st day of January, anno domini 1845: the commission next dated shall expire on the 1st day of January, anno domini 1848: the commission next dated shall expire on the 1st day of January, anno domini 1851: and the commission last dated shall expire on the 1st day of January, anno domini 1854.

7. The commissions of the president, judges of the several judicial districts, and of the associate law judges of the first judicial district, shall expire as follows: The commissions of one half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the 27th day of February, 1839: the commission of the other half of those who shall have held their offices ten years or more, at the adoption of the amendments to the constitution, shall expire on the 27th day of February, 1842: the first half to embrace those whose commission shall bear the oldest date. The commissions of all the remaining judges who shall not have held their offices for ten years at the adoption of the amendments to the constitution, shall expire on the 27th day of February next, after the end of ten years from the date of their commissions.

8. The recorders of the several mayors' courts, and other criminal courts in this commonwealth, shall be appointed for the same time, and in the same manner as the president judges of the several judicial districts: of those now in office, the commission oldest in date shall expire on the 27th day of February, 1841, and the others every two years thereafter, according to their respective dates; those oldest in date expiring first.

9. The legislature at its first session under the amended constitution, shall divide the other associate judges of the state into four classes. The commissions of those of the first class shall expire on the 27th day of February, 1840: of those of the second class on the 27th day of February, 1841: of the third class on the 27th day of February, 1842: and those of the fourth class on the 27th day of February, 1843. The said classes, from the first to the fourth, shall be arranged according to the seniority of the commissions of the several judges.

10. Prothonotaries, clerks of the several courts, (except of the supreme court,) recorders of deeds, and registers of wills, shall be first elected under the amended constitution, at the election of representatives in the year 1839, in such manner as may be prescribed by law.

11. The appointing power shall remain as heretofore, and all officers in the appointment of the executive department shall continue in the exercise of the duties of their respective offices, until the legislature shall pass such laws as may be required by the eighth section of the sixth article of the amended constitution, and until appointments shall be made under such laws; unless their commissions shall be superseded by new appointments, or shall sooner expire by their own limitations, or

the said offices shall become vacant by death or resignation, and such laws shall be enacted by the first legislature under the amended constitution.

12. The first election for aldermen and justice of the peace shall be held in the year 1840, at the time fixed for the election of constables. The legislature at its first session, under the amended constitution, shall provide for said election, and for subsequent similar elections. The aldermen and justices of the peace now in commission, or who may in the interim be appointed, shall continue to discharge the duties of their respective offices until fifteen days after the day which shall be fixed by law for the issuing of new commissions, at the expiration of which time their commissions shall expire.

In testimony that the foregoing is the amended constitution of Pennsylvania, as agreed to in convention, we, the officers and members of the convention, have hereunto signed our names, at Philadelphia, the 22d day of February, anno domini one thousand eight hundred and thirty-eight, and of the independence of the United States of America the sixty-second.

JOHN SERGEANT, *President.*

Daniel Agnew, Wm. Ayres, M. W. Baldwin, Ephraim Banks, John Y. Barclay, Jacob Barndollar, Chas. A. Barnitz, Andrew Bedford, Thomas S. Bell, James Cornell Biddle, Lebbeus L. Bigelow, Saml. C. Bonham, Chas. Brown, Jeremiah Brown, Wm. Brown, Pierce Butler, Samuel Carey, John Cummin, Thomas S. Cunningham, Wm. Curil, Jos. R. Chandler, John Chandler, George Chambers, Ch. Chauncey, Nathaniel Clapp, Jas. Clarke, John Clarke, Wm. Clark, A. J. Clise, Lindley Coates, R. E. Cochran, Thomas P. Cope, Joshua F. Cox, Walter Craig, Rich. M. Crain, G. T. Crawford, Cornelius Crum, Wm. Darlington, Benj. Martin, John J. M'Cahen, E. T. M'Dowell, Jas. M'Sherry, Mark Darrah, Harmar Denny, John Dickey, Joshua Dickerson, Jacob Dillinger, Jas. Donagan, J. R. Donnell, Joseph M. Doran, James Dunlop, Thos. Earle, D. M. Farrelly, Robert Fleming, Walter Forward, John Fulkrod, Joseph Fry, John Fuller, John A. Gamble, Wm. Gearhart, David Gilmore, Virgil Grenell, Wm. L. Harris, Thomas Hastings, Ezra S. Hayhurst, Wm. Hays, Abm. Helfenstein, M. Henderson, Wm. Henderson, Wm. Heister, Wm. High, Jos. Hopkinson, John Hoopt, Jabez Hyde, C. J. Ingersoll, Phs. Jenks, Geo. M. Keim, James Kennedy, Aaron Kerr, Jos. Konigsmacher, J. Krebs, H. G. Long, David Lyons, A. Magee, Joel K. Mann, W. M. Meredith, James Merrill, Levi Merkel, J. Montgomery, C. Meyers, D. Nevin, Wm. Overfield, Hiram Payne, M. Pennypacker, Jas. Porter, J. Madison Porter, S. A. Purviance, E. C. Reigart, A. H. Read, G. W. Riter, Jno. Ritter, H. G. Rogers, Samuel Royer, Jas. M. Russell, Daniel Saeger, John M. Scott, Tobias Sellers, G. Seltzer, Geo. Serrill, Henry Scheetz, Geo. Shilleto, T. H. Sill, Geo. Smith, Wm. Smyth, Jos. Snively, Jno. B. Sterigere, Jacob Stickel, Ebenezer W. Sturdevant, Thomas Taggart, Morgan J. Thomas, James Todd, Thomas Weaver, Jacob W. Weidman, R. G. White, G. W. Woodward, R. Young.

(Attest.) S. SHOCH, *Secretary.*

GEORGE L. FAUSS, } *Asst Secrs.*
J. WILLIAMS, }

[Amendments between brackets.]

GENERAL SCOTT.

It gives us much pleasure to lay before our readers the manly and soldier-like communication of general Scott to colonel Hughes, commanding her majesty's forces on the Niagara frontier. Although a spirit of becoming courtesy and forbearance pervades the letter, yet it has all the attributes which have hitherto denoted the lofty American character of the writer. Its tone and sentiments afford an ample refutation of the false and malicious charges against general Scott, made by speaker McNabb, and the members of the provincial house of assembly. [Alex. Gaz.]

From the Montreal Gazette of the 24th ult.

Headquarters, eastern division U. S. army,
Buffalo, Jan. 29, 1838.

Sir: I had the honor to receive, by the hand of captain Maitland, your letter of the 16th inst. which enclosed one of the same date from captain Drew, of the royal navy, and I have since received the communication of colonel McNabb, commanding her majesty's militia and naval forces on the Niagara frontier, dated the 18th.

I begged capt. Maitland to offer you my numerous and pressing engagements, as an apology for not giving, at the time, a more formal acknowledgment of the first and second notes: and the same apology was repeated through captain Glasgow, whom I have since had the pleasure to receive as a visitor.

Both captains Maitland and Glasgow had opportunities (and I was pleased that it was so) to witness the character of my occupations, which had for their object the defeat, by harmonizing all the authorities, civil and military, both of the general and state governments, of the hostile expedition on foot, within our jurisdiction, against her majesty's neighboring provinces.

From the measures taken, and ready to be applied, I am happy to repeat what I orally communicated through captains Maitland and Glasgow, that I entertain a well grounded hope that we shall be able to prevent the embarkation of any considerable portion of the men and arms of that expedition on this side of Cleveland; and brig. gen. Brady, U. S. army, under my command at Detroit, has taken measures, in conjunction with his excellency the governor of Michigan, to maintain the obligations of neutrality in that quarter.

At this place, I think, we shall be able to prevent any hostile embarkation; and the steamer Barcelona has already been out, and will proceed again, the moment the wind shall permit, with a detachment of the United States troops, and the proper civil officers, as high up the lake as Dunkirk, looking into Cattaraugus and Silver creeks on the way. Another and a better steamer, the Robert Fulton, will follow to-night, or early in the morning, with a large detachment. The latter may go as far as Detroit, and certainly, the weather permitting, as high as Cleveland. The object of both boats and detachments is the same—to prevent the embarkation of the hostile expedition.

As was explained to captains Maitland and Glasgow, my powers to effect that object have been much enlarged since I had the honor to address you my former note, and we (the civil authorities and myself) are daily in expectation of receiving a new act of congress, giving us yet more ample authority.

The steamer New England, lying in this port, and understood to be engaged to take off portions of the hostile expedition from points above, we hope to find the means of detaining. I have, in the act of writing this sentence, the further hope of hiring and taking her into the service of the United States.

I give these details in the spirit of national amity, and in the sincere hope that the neutral relations of the two countries may long be maintained.

It is with reluctance that I advert, and I shall merely advert, to certain points in the three communications acknowledged above.

I cannot stipulate, as you have proposed, as the price of your respecting the sovereignty of the United States, "to stop the Barcelona, or any vessel which may be employed in the same cause, and have her examined, to ascertain whether or not they may have any of the rebels on board lately in arms upon Navy Island, or any of their arms or munitions of war," and so I said orally, through captain Maitland, and added, that, while I should be happy to do all that our laws would permit to maintain our neutral relations with Great Britain, I had another high duty to perform—that of preventing, by all the means I could command, the violation of the sovereignty of the United States.

I said, in my note of the 15th instant to the commanding officer of the armed British vessels in the Niagara, that it gave me pain to perceive the armed vessels anchored in our waters, with the probable intention to fire upon the expedition moving within the same waters, and that I should be obliged to consider a discharge of shot or shell from or into our waters, from the armed schooners of her majesty, as an act too seriously compromising the neutrality of the two nations.

Capt. Drew, in the reply which I am thus acknowledging, has been pleased to mistake my point, and to raise another, which, certainly, in time of peace, no functionary in the United States will ever question, viz. the common right of both nations to navigate, in all their breadth, the waters of the Niagara.

Col. McNabb (who will pardon me for not addressing myself directly to him—indeed, I have not the time, without neglecting some urgent duty of neutrality) has opened upon me a wide field of complaint and controversy. With what may be his peculiar views of international law as applicable to recent and present circumstances on this frontier, I have, in the way of discussion, nothing to do. That code is always open to me, and I shall not fail, regardless of his admonitions, to apply it to current events.

I will, however, state to you, in the spirit of amity, that I knew when the steamer, the Barcelona, was, on the 15th, 16th, and 17th instant, passing up from Grand Island to this port, she had no part of the personal or material of the hostile expedition on board.

Col. McNabb tells me that "but for an unfortunate misapprehension of the orders given by capt. Drew," that vessel (she alone passed up) would

have been assailed. More pacific than the colonel, I shall call that misapprehension a most fortunate event, and only regret that some equally kind influence did not preside over the friendly relations of the two countries on the night of the unhappy affair of the Caroline.

As to the alleged discharge of arms from grand Island, on the 13th instant, by a party of New York militia, upon the boat of lieut. Emaly, of the royal navy, and the correspondence which ensued between col. McNabb and col. Ayres, of the New York militia, upon the subject, I have no knowledge except through col. McNabb. I shall inquire for that correspondence, and refer the whole subject for investigation to the proper state authority now present, only remarking at this time, that col. Ayres was not then, nor is yet, taken into the service of the United States, or under my command. I have no doubt that all that is proper will be done in the case, and to that end I shall give my attention.

Gen. Arcularius, who has, I know not how, got into correspondence with her majesty's authorities on this frontier, has, I believe, returned to Albany. He held no command on this frontier, either under the state or general government, being here, I learn, as the agent of the former, to claim and to get possession of certain arms purloined from the state arsenals. Many of these cannon and muskets have already been recovered, and we hope soon to recover the remainder.

I have received a note from Lewiston, stating that a ferry boat belonging to that place and Queenston, has for some cause or other, been detained on your side of the river, to the great inconvenience of our people in that neighborhood. I make no complaint on the subject, because I am ignorant of all the material circumstances; but will suggest whether it may not contribute to the restoration of good feelings on both sides to permit the ferry boat to resume her usual trips, particularly as I think I can assure you all the navy island people have advanced up the country to this place and beyond.

I have the honor, &c.

WINFIELD SCOTT.

P. S. I have engaged the New England, and a party of troops has just gone down to take possession of her. The hostile expedition can now obtain no boat this side of Erie.

W. S.

Col. C. HUGHES, British army, commanding, &c.

MR. WEBSTER'S SECOND SPEECH

ON THE SUB-TREASURY BILL.

Delivered in the Senate of the United States, March 12, 1838.

MR. PRESIDENT: Having at an early stage of the debate expressed, in a general manner, my opposition to this bill, I must find an apology for again addressing the senate, in the acknowledged importance of the measure, the novelty of its character, and the division of opinion respecting it which is known to exist in both houses of congress.

To be able, in this state of things, to give a preponderance to that side of the question which I embrace, is, perhaps, more than I ought to hope; but I do not feel that I have done all which my duty demands, until I make another effort.

The functions of this government which, in time of peace, most materially affect the happiness of the people, are those which respect commerce and revenue. The bill before us touches both these great interests. It proposes to act directly on the revenue and expenditure of government, and it is expected to act, also, indirectly, on commerce and currency; while its friends and supporters altogether abstain from other measures, deemed by a great portion of congress and of the country, to be indispensably demanded by the present exigency.

We have arrived, Mr. President, towards the close of a half century from the adoption of the constitution. During the progress of these years, our population has increased from three to four millions to thirteen or fourteen millions; our commerce, from little or nothing, to an export of a hundred and ninety millions, and an import of a hundred and twenty-eight and a half millions, in the year 1836. Our mercantile tonnage approaches near to two millions. We have a revenue, and an expenditure, of thirty millions a year. The manufactures of the country have attained very great importance, and, up to the commencement of the derangement of the currency, were in a prosperous and growing state. The produce of the fisheries has become vast; and the general production of the labor and capital of the country is increasing, far beyond all example in other countries, or other times, and has already reached an amount which, to those who have not investigated the subject, would seem incredible.

The commerce of the United States, sir, is spread over the globe. It pursues its objects in all seas, and finds its way into every port which the laws of trade do not shut against its approach. With all the disadvantages of more costly materials, and of higher wages, and often in despite of unequal and unfavorable commercial regulations of other states, the enterprise, vigor, and economy which distinguish our navigating interest, enable it to show our flag, in competition with the most favored and the most skillful, in the various quarters of the world. In the mean time, internal activity does not lag nor loiter. New and useful modes of intercourse and facilities of transportation are established, or are in progress, everywhere. Public works are projected and pushed forward, in a spirit, which grasps at high and vast objects, with a bold defiance of all expense. The aggregate value of the property of the country is augmented daily. A constant demand for new capital exists, although a debt has already been contracted in Europe, for sums advanced to states, corporations, and individuals, for purposes connected with internal improvement; which debt cannot now be less than a hundred millions of dollars. Spreading over a great extent, embracing different climates, and with vast variety of products, we find an intensely excited spirit of industry and enterprise to pervade the whole country; while its external commerce, as I have already said, sweeps over all seas. We are connected with all commercial countries, and, most of all, with that which has established and sustained the most stupendous system of commerce and manufactures, and which collects and disburses an incredible amount of annual revenue; and which uses, to this end, and as means of currency and circulation, a mixed money of metal and paper.

Such a mixed system, sir, has also prevailed with us, from the beginning. Gold and silver, and convertible bank paper, have always constituted our actual money. The people are used to this system. It has hitherto commanded their confidence, and fulfilled their expectations. We have had, in succession, two national banks; each for a period of twenty years. Local or state banks have, at the same time, been in operation; and no man of intelligence or candor can deny that, during these forty years, and with the operation of a national and these state institutions, the currency of the country, upon the whole, has been safe, cheap, convenient, and satisfactory. When the government was established, it found convertible bank paper, issued by state banks, already in circulation; and with this circulation it did not interfere. The United States, indeed, had themselves established a bank, under the old confederation, with authority to issue paper. A system of mixed circulation, therefore, was exactly that system which this constitution, at its adoption, found already in existence. There is not the slightest evidence of any intention, in establishing the constitution, to overthrow or abolish this system, although it certainly was the object of the constitution to abolish bills of credit, and all paper intended for circulation, issued upon the faith of the states alone. Inasmuch as whatever then existed, of the nature of money or currency, rested on state legislation; and as it was not possible that uniformity, general credit, and general confidence could result from local and separate acts of the states, there is evidence—I think abundant evidence—that it was the intention of the framers of the constitution to give to congress a controlling power over the whole subject, to the end that there should be, for the whole country, a currency of uniform value. Congress has heretofore exercised this authority, and fulfilled the corresponding duties. It has maintained, for forty years out of forty-nine, a national institution, proceeding from its power, and responsible to the general government. With intervals of derangement, brought about by war and other occurrences, this whole system, taken altogether, has been greatly successful in its actual operation. We have found occasion to create no difference between government and people—between money for revenue, and money for the general use of the country.—Until the commencement of the last session, government had manifested no disposition to look out for itself exclusively. What was good enough for the people, was good enough for government. No condescending and gracious preference had, before that period, ever been tendered to members of congress, over other persons having claims upon the public funds. Such a singular spectacle had never been exhibited, as an amicable, disinterested, and patriotic understanding, between those who are to vote taxes on the people, for the purpose of replenishing the treasury, and those who, from the treasury, dispense the money back again among those who have claims on it. In that respect I think the secretary stands alone. He is the first,

as far as I know, in our long list of able heads of departments, who has thought it a delicate and skilful touch, in financial administration, to be particularly kind and complaisant to the interest of the law-makers,—those who hold the tax-laying power; the first whose great deference and cordial regard for members of congress have led him to provide, for them, as the medium of payment and receipt, something more valuable than is provided, at the same time, for the army, the navy, the judges, the revolutionary pensioners, and the various classes of laborers in the pay of government.

Through our whole history, sir, we have found a convertible paper currency, under proper control, highly useful, by its pliability to circumstances, and by its capacity of enlargement, in a reasonable degree, to meet the demands of a new and enterprising community. As I have already said, sir, we owe a permanent debt of a hundred millions abroad; and the present abundance of money in England, and the state of demand here, this amount will probably be increased. But it must be evident to every one, that, so long as, by a safe use of paper, we give some reasonable expansion to our own circulation, or at least do not reasonably contract it, we do, to that extent, create or maintain an ability for loans among ourselves, and so far diminish the amount of annual interest paid abroad.

But let me now, Mr. President, ask the attention of the senate to another subject, upon which, indeed, much has already been said. I mean that which is usually called the CREDIT SYSTEM.

Sir, what is that system? Why is credit a word of so much solid importance, and of so powerful charm, in the United States? Why is it that a shock has been felt through all classes and all interests, the first moment that this credit has been disturbed? Does its importance belong, equally, to all commercial states? Or are there peculiarities in our condition, our habits, and modes of business, which make credit more indispensable, and mingle it more naturally, more intimately, with the life-blood of our system?

A full and philosophical answer to these inquiries, Mr. President, would demand that I should set forth both the ground-work and the structure of our social system. It would show that the wealth and prosperity of the country have as broad a foundation as its popular constitutions. Undoubtedly there are peculiarities in that system, resulting from the nature of our political institutions, from our elementary laws, and from the general character of the people. These peculiarities most unquestionably give to credit, or to those means and those arrangements, by whatever names we call them, which are calculated to keep the whole, or by far the greater part, of the capital of the country in a state of constant activity, a degree of importance far exceeding what is experienced elsewhere.

In the old countries of Europe there is a clear and well-defined line, between capital and labor: a line which strikes through society with a horizontal sweep, leaving on one side wealth, in masses, held by few hands, and those having little participation in the laborious pursuits of life; on the other, the thronging multitudes of labor, with here and there, only, an instance of such accumulation of earnings as to deserve the name of capital.—This distinction, indeed, is not universal and absolute in any of the commercial states of Europe, and it grows less and less definite as commerce advances; the effect of commerce and manufactures, as all history shows, being every where, to diffuse wealth, and not to aid its accumulation in few hands. But still the line is greatly more broad, marked, and visible in European nations, than in the United States. In those nations the gains of capital, and wages, or the earnings of labor, are not only distinct in idea, as elements of the science of political economy, but, to a great degree, also, distinct in fact; and their respective claims, and merits, and modes of relative adjustment, become subjects of discussion and of public regulation. Now, sir, every body may see that that is a state of things which does not exist with us. We have no such visible and broad distinction between capital and labor; and much of the general happiness of all classes results from this. With us, labor is every day augmenting its means by its own industry; not in all cases, indeed, but in very many. Its savings of yesterday become its capital, therefore, of to-day. On the other hand, vastly the greater portion of the property of the country exists in such small quantities that its holders cannot dispense altogether with their own personal industry; or if, in some instances, capital be accumulated till it rises to what may be called affluence, it is usually disintegrated and broken into particles again, in

one or two generations. The abolition of the rights of primogeniture; the descent of property of every sort to females as well as males; the cheap and easy means by which property is transferred and conveyed; the high price of labor; the low price of land; the genius of our political institutions; in fine, every thing belonging to us, counteracts large accumulation. This is our actual system.—Our politics, our constitutions, our elementary laws, our habits, all centre in this point, or tend to this result. From where I now stand, to the extremity of the northeast, vastly the greatest part of the property of the country is in the hands and ownership of those whose personal industry is employed in some form of productive labor. General competence, general education, enterprise, activity, and industry, such as never before pervaded any society, are the characteristics which distinguish the people who live, and move, and act in this state of things, such as I have described it.

Now, sir, if this view be true, as I think it is, all must perceive that, in the United States, capital cannot say to labor and industry, "stand ye yonder, while I come up hither;" but labor and industry lay hold on capital, break it into parcels, use it, diffuse it widely, and, instead of leaving it to repose in its own inertness, compel it to act at once as their own stimulus and their own instrument.

But, sir, this is not all. There is another view still more immediately affecting the operation and use of credit. In every wealthy community, however equally property may be divided, there will always be some property-holders who live on its income. If this property be land, they live on rent; if it be money, they live on its interest. The amount of real estate held in this country on lease, is comparatively very small, except in the cities. But there are individuals and families, trustees and guardians, and various literary and charitable institutions, who have occasion to invest funds for the purpose of annual moneyed income. Where do they invest? Where can they invest? The answer to these questions shows at once a mighty difference between the state of things here, and that in England. Here, these investments, to produce a moneyed income, are made in banks, insurance companies, canal and railroad corporations, and other similar institutions. Placed thus immediately in active hands, this capital, it is evident, becomes at once the basis of business; it gives occupation, pays labor, excites enterprise, and performs, in short, all the functions of employed money. But, in England, investments for such purposes usually take another direction. There is, in England, a vast amount of public stocks, as eight or nine hundred millions sterling of public debt actually exists, constituting, to the amount of its annual interest, a charge on the active capital and industry of the country. In the hands of individuals, portions of this debt are capital; that is, they produce income to the proprietors, and income without labor; while in a national point of view, it is mere debt. What was obtained for it, or that on account of which it was contracted, has been spent in the long and arduous wars, which the country has sustained, from the time of king William the third, to our own days. There are thousands of individuals, therefore, whose fixed income arises, not from the active use of property, either in their own hands, or the hands of others, but from the interest on that part of this national charge to which they are entitled. If, therefore, we use the term *capital* not in the sense of political economy exactly, but as implying whatever returns income to individuals, we find an almost incalculable mass so circumstanced as not to be the basis of active operations.

To illustrate this idea further, sir, let us suppose that, by some occurrence, (such as is certainly never to be expected,) this debt should be paid off; suppose its holders were to receive, to-morrow, their full amounts; what would they do with them? Why, sir, if they were obliged to loan the one-quarter part into the hands of the industrious classes, for the purposes of employment in active business; and if this operation could be accompanied by the same intelligence and industry among the people which prevail with us, the result would do more toward raising the character of the laboring classes, than all reforms in parliament, and other general political operations. It would be as if this debt had never been contracted; as if the money had never been spent, and now remained part of the active capital of the country, employed in the business of life. But this debt, sir, has created an enormous amount of private property, upon the income of which its owners live, which does not require their own active labor or that of others. We have no such debt; we have no such mode of investment; and this circumstance gives quite a different aspect and a different reality to our condition.

Now, Mr. President, what I understand by the credit system is, that which thus connects labor and capital, by giving to labor the use of capital. In other words, intelligence, good character, and good morals bestow on those who have not capital, a power, a trust, a confidence, which enables them to obtain it, and to employ it usefully for themselves and others. These active men of business build their hopes of success on their attentiveness, their economy, and their integrity. A wider theatre for useful activity is under their feet, and around them, than was ever spread before the eyes of the young and enterprising generations of men, on any other spot enlightened by the sun. Before them is the ocean. Every thing in that direction invites them to efforts of enterprise and industry in the pursuits of commerce and the fisheries. Around them, on all hands, are thriving and prosperous manufactures: an improving agriculture, and the daily presentation of new objects of internal improvement: while behind them is almost half a continent of the richest land, at the cheapest prices, under healthful climates, and washed by the most magnificent rivers that on any part of the globe pay their homage to the sea. In the midst of all these glowing and glorious prospects, they are neither restrained by ignorance nor smitten down by the penury of personal circumstances. They are not compelled to contemplate, in hopelessness and despair, all the advantages thus bestowed on their condition by Providence. Capital though they may have little or none, CREDIT supplies its place; not as the refuge of the prodigal and the reckless; not as gratifying present wants with the certainty of future absolute ruin; but as the genius of honorable trust and confidence; as the blessing, voluntarily offered to good character and to good conduct; as the beneficent agent, which assists honesty and enterprise in obtaining comfort and independence.

Mr. President, take away this credit, and what remains? I do not ask what remains to the few, but to the many? Take away this system of credit, and then tell me what is left for labor and industry, but mere manual toil and daily drudgery? If we adopt a system that withdraws capital from active employment, do we not diminish the rates of wages? If we curtail the general business of society, does not every laboring man find his condition grow daily worse? In the politics of the day, sir, we hear much said about divorces; and when we abolish credit, we shall divorce labor from capital; and, depend on it, sir, when we divorce labor from capital, capital is hoarded, and labor starves.

The declaration, so often quoted, that "all who trade on borrowed capital ought to break," is the most aristocratic sentiment ever uttered in this country. It is a sentiment which, if carried out by political arrangement, would condemn the great majority of mankind to the perpetual condition of mere day-laborers. It goes to take away from them all that solace and hope which arises from possessing something which they can call their own. A man loves his own; it is fit and natural that he should do so; and he will love his country and its institutions, if he have some stake in it, although it be but a very small part of the general mass of property. If it be but a cottage, an acre, a garden, its possession raises him, gives him self-respect, and strengthens his attachment to his country. It is our happy condition, by the blessings of providence, that almost every man of sound health, industrious habits, and good morals, can ordinarily attain, at least, to this degree of comfort and respectability; and it is a result devoutly to be wished, both for its individual and its general consequences.

But even to this degree of acquisition, that credit, of which I have already said so much, (as its general effect is to raise the price of wages, and render industry productive,) is highly important. There is no condition so low, if it be attended with industry and economy, which this credit does not benefit, as any one will find, if he will examine and follow out its operations.

Such, Mr. President, being the credit system in the United States, as I understand it, I now add, that the banks have been the agents and their circulation the instrument, by which the general operations of this credit have been conducted. Much of the capital of the country, placed at interest, is vested in bank stock, and those who borrow, borrow at the banks: and discounts of bills, and anticipation of payments, in all its forms, the regular and appropriate duty of banks, prevail universally.

In the north, the banks have enabled the manufacturers of all classes, to realize the proceeds of their industry at an early moment. The course has been, that the producers of commodities for

southern consumption, having despatched their products, draw their bills. These bills are discounted at the banks, and with the proceeds other raw material is bought, and other labor paid; and thus the general business is continued in progress. All this is well known to those who have had opportunity to be acquainted with such concerns.

But bank credit has not been more necessary to the north than to the south. Indeed, no where has interest been higher, or the demand for capital greater, or the full benefit of credit more indispensable, than in the new cotton and sugar-growing states. I ask gentlemen from those states if this be not so? Have not the plantations been bought, and the necessary labor procured, to a great extent, on credit? Has not this credit been obtained at the banks? Even now do they not find credits, or advances on their crops, important in enabling them to get those crops to market? And if there had been no credit—if a hard-money system had prevailed, let me ask them what would have been, at this moment, the condition of things in Alabama, Louisiana, Mississippi and Arkansas? These states, sir, with Tennessee, and the south Atlantic states, constitute the great plantation interest. That there has been a vast demand for capital to be invested in this interest, is sufficiently proved, by the high price paid for the use of money.

In my opinion, sir, credit is as essential to the great export of the south, as to any other interest. The agriculture of the cotton and sugar-producing states partakes, in no inconsiderable degree, of the nature of commerce. The product and sale of one great staple only, is an operation essentially different from ordinary farming pursuits. The exports of the south, indeed, may be considered as the aggregate result of various forms and modes of industry, carried on by various hands, and in various places, rather than as the mere product of the plantation. That product itself is local; but its indispensable aids and means are drawn from every part of the union. What is it, sir, that enables southern labor to apply itself so exclusively to the cultivation of these great articles for export? Certainly, it is so applied, because its own necessities for provision and clothing are supplied, meanwhile, from other quarters. The south raises to sell, and not to consume; and with the proceeds of the sales it supplies itself with whatever its own consumption demands. There are exceptions; but this is the general truth. The hat-makers, shoe-makers, furniture-makers, and carriage-makers of the north, the spinners at Lowell, and the weavers at Philadelphia, are all contributors to the general product both of cotton and sugar, for export abroad; as are the live-stock raisers of Kentucky, the grain-growing farmers, and all who produce and vend provisions, in Indiana, Ohio and Illinois. The northern ship-owner and the mariner, who carry these products to market, are agents acting to the same end; and so are they too who, little thinking of cotton-fields, or sugar estates, are pursuing their adventurous employment in the whale fisheries, over the whole surface, and among all the islands, of the Pacific and the Indian oceans. If we take the annual cotton crop at sixty millions of dollars, we may, perhaps, find that the amount of forty-five millions is expended, either for interest on capital advanced, or for the expense of clothing and supporting labor, or in the charges which belong to the household, the education of families, and to the domestic expenditure of the proprietor.

Thus, sir, all the laborious classes, are, in truth, cotton-growers and sugar-makers. Each, in its own way, and to the extent of its own productiveness, contributes to swell the magnitude of that enormous export, which was nothing at the commencement of this government, and which now has run up to so many millions. Through all these operations the stream of credit has constantly flowed, and there is not one of them that will not be checked and interrupted, embarrassed and thwarted, if this stream be now dried up. This connexion of the various interests of the country with one another forms an important and interesting topic. It is one of the natural ties of the union. The variety of production, and mutual wants mutually supplied, constitute a strong bond between different states; and long may that bond last, growing with their growth, and strengthening with their strength!

But, Mr. President, that portion of our productions which takes the form of export, becomes distinct and visible; it is prominent and striking, and is seen and wondered at, by every body. The annual returns all show it, and every day's commercial intelligence speaks of it. We gaze at it with admiration, and the world is no less admiring than ourselves.

With other branches of industry the case is quite

different. The products of these branches, being put in the train of domestic exchanges, and consumed in the country, do not get into statistical tables, are not collected in masses, and are seldom presented, in the aggregate, to the public view. They are not of the character of a few large and mighty rivers, but of a thousand little streams, meandering through all the fields of business and of life, and refreshing and fertilizing the whole.

Few of us, Mr. President, are aware of what would be the amount of the general production of the country, if it could be accurately ascertained. The legislature of Massachusetts, under the recommendation of the intelligent chief magistrate of that state, has caused to be prepared and published a report on the condition and products of certain branches of its industry, for the year ending in April, 1837. The returns of the authorities of each city and town were made, apparently, with much care; and the whole has been collated by the secretary of state, and the result distinctly presented in well-arranged statistical tables. From a summary of the statements in these tables, I will take the liberty of selecting a few articles, and of adverting to them here, as instances, or specimens, of the annual product of labor and industry in that state.

And to begin with a very necessary and important article: I find, that of boots and shoes, the value of the whole amount manufactured within the year exceeds fourteen millions and a half of dollars. If the amount of other articles of the same class, or material, be added, viz: leather, saddles, trunks, harness, &c. the total will be not far from eighteen millions and a half of dollars.

I will read the names of some other articles, and state the amount of annual product belonging to each:

Cotton fabrics	- - -	\$17,408,000
Woollen fabrics	- - -	10,399,000
Fisheries	- - -	7,592,000
Books and stationery, and paper	- - -	2,592,000
Soap and candles	- - -	1,620,000
Nails, brads, and tacks	- - -	2,500,000
Machinery of various kinds	- - -	1,235,000
Agricultural implements	- - -	645,000
Glass	- - -	881,000
Hats	- - -	700,000
Clothing, neckcloths, &c.	- - -	2,013,000
Wool	- - -	539,000

These, sir, are samples. The grand total is ninety-one million seven hundred thousand dollars. From this, however, deductions are to be made for the cost of the raw material when imported, and for certain articles enumerated under different heads. But, then, the whole statement is confined to some branches of industry only; and to present an entire and comprehensive view, there should be added the gains of commerce within the year, the earnings of navigation, and almost the whole agricultural product of the state.

The result of all, if it could be collated and exhibited together, would show that the annual product of Massachusetts capital and Massachusetts industry exceeds one hundred millions of dollars. Now, sir, Massachusetts is a small state, in extent of territory. You may mark out her dimensions seven or eight times on the map of Virginia. Yet her population is seven hundred thousand souls; and the annual result of their laborious industry, economy, and labor, is as I have stated.

Mr. President, in looking over this result, it is most gratifying to find, that its great mass consists in articles equally essential and useful to all classes. They are not luxuries, but necessities and comforts. They belong to food and clothing, to household conveniences, and education. As they are more and more multiplied, the great majority of society becomes more elevated, better instructed, and happier in all respects. I have looked through this whole list, sir, to find what there is in it that might be fairly classed among the higher luxuries of life; and what do I find? In the whole hundred millions, I find but one such item; and that is an item of two or three hundred thousand dollars for "jewelry, silver, and silver-plate." This is all that belongs to luxury, in her annual product, of a hundred millions; and of this, no doubt, the far greater portion was sent abroad. And yet we hear daily, sir, of the amassing of aristocratic wealth, by the progress of manufactures, and the operations of the credit system! Aristocracy, it is said, is stealing upon us, and, in the form of aggregate wealth, is watching to seize political power from the hands of the people! We have been more than once gravely admonished that, in order to improve the times, and restore a metallic currency for the benefit of the poor, the rich ought to melt down their plate! Whatever such a melting process might find to act upon elsewhere, Mr. Presi-

dent, I assure you that in Massachusetts it would discover little. A few spoons, candlesticks, and other similar articles, some old family pitchers and tankards, and the silver porringers of our nurseries, would be about the whole.

Sir, if there be any aristocrats in Massachusetts the people are all aristocrats; because I do not believe there is on earth, in a highly civilized society a greater equality in the condition of men, than exists there. If there be a man in the state who maintains, what is called an equipage, or drives four horses in his coach, I am not acquainted with him. On the other hand, there are few who are not able to carry their wives and daughters to church in some decent conveyance. It is no matter of regret or sorrow to us that few are very rich; but it is our pride and glory that few are very poor. It is our still higher pride, and our just boast, as I think, that all her citizens possess means of intelligence and education; and that, of all her productions, she reckons, among the very chiefest, those which spring from the culture of the mind and the heart.

Mr. President, one of the most striking characteristics of this age, is the extraordinary progress which it has witnessed in popular knowledge. A new and powerful impulse has been acting in the social system of late, producing this effect in a striking degree.

In morals, in politics, in art, in literature, there is a vast accession to the number of readers, and to the number of proficient. The present state of popular knowledge is not the result of a slow and uniform progress, proceeding through a lapse of years, with the same regular degree of motion. It is evidently the result of some new causes, brought into powerful action, and producing their consequences rapidly and strikingly. What, sir, are these causes?

This is not an occasion, sir, for discussing such a question at length: allow me to say, however, that the improved state of popular knowledge is but the necessary result of the improved condition of the great mass of the people. Knowledge is not one of our merely physical wants. Life may be sustained without it. But, in order to live, men must be fed, and clothed, and sheltered; and in a state of things in which one's whole labor can do no more than procure clothes, food, and shelter, he can have no time nor means for mental improvement. Knowledge, therefore, is not attained, and cannot be attained, till there is some degree of respite from daily manual toil, and never-ending drudgery. But whenever a less degree of labor will produce the absolute necessities of life, then there comes leisure and means, both to teach and to learn.

But if this great and wonderful extension of popular knowledge be the result of an improved condition, it may, in the next place, well be asked what are the causes which have thus suddenly produced that great improvement? How is it that the means of food, clothing, and shelter, are now so much more cheaply and abundantly procured than formerly? Sir, the main cause I take to be the progress of scientific art, or a new extent of the application of science to art. This it is, which has so much distinguished the last half century in Europe and America; and its effects are every where visible, and especially among us. Man has found new allies and auxiliaries, in the powers of nature, and in the inventions of mechanism.

The general doctrine of political economy is, that wealth consists in whatever is useful or convenient to man, and that labor is the producing cause of all this wealth. This is very true. But, then, what is labor? In the sense of political writers, and in common language, it means human industry; but in a philosophical view, it may receive a much more comprehensive meaning. It is not, in this view, human toil only—the mere action of their hands and muscles; but it is any active agency which working upon the materials with which the world is supplied, brings forth products useful or convenient to man. The materials of wealth are in the earth, in the seas, and in their natural and unaided productions. Labor obtains them, works upon them, and fashions them to human use. Now, it has been the object of scientific art, or of the application of science to art, to increase this active agency, to augment its power, by creating millions of labor in the form of automatic machines, all to be diligently employed, and kept at work by the force of natural powers. To this end these natural power principally those of steam and falling water, are subsidized and taken into human employment. Spinning machines, power-looms, and all the mechanical devices, acting, among other operative in the factories and work-shops, are but so many laborers. They are usually denominated labor-saving machines, but it would be more just to call them labor-doing machines. They are made to do active agents; to have motion, and to produce effect

and though without intelligence, they are guided by those laws of science, which are exact and perfect, and they produce results, therefore, in general, more accurate than the human hand is capable of producing. When we look upon one of these, we behold a mute fellow-laborer, of immense power, of mathematical exactness, and of ever-during and unwearyed effort. And while he is thus a most skillful and productive laborer, he is a none-consumer—at least, beyond the wants of his mechanical being. He is not clamorous for food, raiment, or shelter, and makes no demands for the expenses of education. The eating and drinking, the reading and writing and clothes-wearing world, are benefited by the labors of these co-operatives, in the same way as if providence had provided for their service millions of beings, like ourselves in external appearance, able to labor and to toil, and yet requiring little or nothing for their own consumption or subsistence; or rather, as if providence had created a race of giants, each of whom, demanding no more for his support and consumption than a common laborer, should yet be able to perform the work of a hundred.

Now, sir, turn back to the Massachusetts tables of production, and you will see that it is these automatic allies and co-operators, and these powers of nature, thus employed and placed under human direction, which have come, with such prodigious effect, to man's aid, in the great business of procuring the means of living, of comfort, and of wealth, and which have so swollen the products of her skillful industry. Look at these tables once more, sir, and you will see the effects of labor, united with and acting upon capital. Look yet again, and your will see that credit, mutual trust, prompt and punctual dealings, and commercial confidence, are all mixed up as indispensable elements in the general system.

I will ask you to look yet once more, sir, and you will perceive that general competence, great equality in human condition, a degree of popular knowledge and intelligence, no where suppressed, if any where equalled, and the prevalence of good moral sentiment, and extraordinary general prosperity, is the result of the whole. Sir, I have done with Massachusetts. I do not praise the old "Bay State" of the revolution; I only present her as she is.

Mr. President, such is the state of things actually existing in the country, and of which I have now given you a sample. And yet there are persons who constantly clamor against this state of things. They call it aristocracy. They beseech the poor to make war upon the rich, while, in truth, they know not who are either rich or poor. They complain of oppression, speculation, and the pernicious influence of accumulated wealth. They cry out loudly against all banks and corporations, and all the means by which small capitals become united, in order to produce important and beneficial results. They carry on a mad hostility against all established institutions. They would choke up the fountains of industry, and dry all its streams.

In a country of unbounded liberty, they clamor against oppression. In a country of perfect equality, they would move heaven and earth against privilege and monopoly. In a country where property is more equally divided than any where else, they rend the air with the shouting of agrarian doctrines. In a country where the wages of labor are high beyond all parallel, and where lands are cheap, and the means of living low, they would teach the laborer that he is but an oppressed slave. Sir, what can such men want? What do they mean? They can want nothing, sir, but to enjoy the fruits of other men's labor. They can mean nothing, but disturbance and disorder: the diffusion of corrupt principles, and the destruction of the moral sentiments and moral habits of society. A licentiousness of feeling and of action is sometimes produced by prosperity itself. Men cannot always resist the temptation to which they are exposed by the very abundance of the bounties of providence and the very happiness of their own condition; as the steed, full of the pasture, will, sometimes, throw himself against its enclosures, break away from its confinement, and, feeling now free from needless restraint, betake himself to the moors and barrens, where want, ere long, brings him to his senses, and starvation and death close his career.

Having said so much, sir, on the general condition of the country, and explained what I understand by credit, I proceed to consider the present actual state of the currency.

The most recent treasury estimate, which I have seen, supposes that there are eighty millions of metallic money now in the country. This I believe, however, to be a good deal too high; I cannot believe it exceeds sixty, at most; and supposing one-half this sum to be in the banks, thirty millions are in circulation, or in private hands. We have seven hundred banks and branches, with capitals assigned for the security of their notes and bills, amounting to

two hundred and eighty millions. The amount of bank notes in actual circulation is supposed to be one hundred millions; so that our whole circulation is about one hundred and thirty millions. The amount of debts due to the banks, or the amount of their loans and discounts, may be taken at four hundred and fifty millions.

Now, sir, this very short statement exhibits at once a general outline of our existing system of currency and credit. We see a great amount of money or property in banks, as their assigned and appropriate capital, and we see a great amount due to these banks. These bank debtors generally belong to the classes of active business, or are such as have taken up credits for purposes of investment in lands or merchandise, looking to future proceeds as the means of repayment. If we compare this state of circulation, of bank capital and bank debt, with the same things in England, important differences will not fail to strike us.

The whole paper circulation of England, by the latest accounts, is twenty-eight millions sterling—made up of eighteen millions of Bank of England notes, and ten millions of the notes of private bankers and joint-stock companies; bullion in the bank, nine and a half millions; debts due the Bank of England, twenty-two and a half millions. The amount of loans and discounts by private bankers and joint-stock companies is not usually stated, I believe, in the public accounts. If it bear the same proportion to their notes in circulation, as in the case of the Bank of England, it would exceed twelve millions. We may, therefore, take the amount of bank debts in England to be thirty-five millions. But I suppose that, of the securities held by the Bank of England, exchequer notes constitute a large part; in other words, that a large part of the bank debt is due by government. The amount of coin in actual circulation is estimated to be thirty and a half millions. The whole amount of circulation in England, metallic and paper, is usually stated, in round numbers, at sixty millions; which, rating the pound sterling at \$4 80, is equal to two hundred and eighty-eight millions of dollars.

It will be seen, sir, that our paper circulation is one-half less than that of England, but our bank debt is, nevertheless, much greater; since thirty-five millions sterling amount to only one hundred and sixty millions of dollars; and this sum, too, includes the amount of exchequer bills, or government debt in the form of such bills, which the bank holds. These facts are very material to any just comparison of the state of things in the two countries. The whole, or nearly the whole capital of the Bank of England, is lent to the government, not by means of exchequer notes, but on a permanent loan. And as to the private banks and joint-stock companies, though they issue bills for circulation, they have no assigned or appropriated capital whatever. The bills circulate on the private credit of the individual banker, or of those who compose the joint-stock companies. In the United States, an amount of capital, supposed to be sufficient to sustain the credit of the paper and secure the public against loss, is provided by law, in the act of incorporation for each bank, and is assigned as a trust-fund for the payment of the liabilities of the bank. And if this capital be fairly and substantially advanced it is a proper security; and in most cases, no doubt it is substantially advanced. The directors are trustees of this fund, and they are liable, both civilly and criminally, for mismanagement, embezzlement, or breach of trust.

This amount of capital, thus secured, is the basis of loans and discounts; and this is the reason why permanent, or at least long loans are not considered so inappropriate to banking operations, with us, as they are in England. With us, it is evident that the directors are agents holding a fund intended to be loaned, and acting between lender and borrower; and this form of loan has been found exceedingly convenient and useful in the country.

In some states it is greatly preferred to mortgages, though there are others in which mortgages are usual. Whether exactly conformable to the true notion of banking or not, the truth is, that the object and operation of our banks is to loan money; and this is mostly on personal security. The system, no doubt, is liable to abuse, in particular instances. There may be directors who will loan too freely to themselves and their friends. Gross cases of this kind have recently been detected and exposed, and, I hope, will be suitably treated; but, considering the great number of banks, these instances, I think, are remarkably few. In general the banks have been well conducted, and are believed to be solvent and safe.

We have heard much, sir, in the course of this debate, of excess in the issue of bank notes for circulation. I have no doubt, sir, that there was a very improper expansion some years ago. When president Jackson, in 1832, had negatived the bill for continuing the Bank of the United States,

(which act I esteem as the true original source of all the disorders of the currency,) a vast addition was immediately made to the number of state banks. In 1833, the public deposits were removed from the Bank of the United States, and placed in selected state banks. And for the purpose of showing how much better the public would be accommodated without, than with, a bank of the United States, these banks were not only encouraged, but admonished to be free and liberal in loans and discounts, made on the strength of the public moneys, to merchants and other individuals. The circular letter from the treasury department, addressed to the new deposit banks, under date of 26th September, 1833, has this significant clause, which could not have been misunderstood:

"The deposits of public money will enable you to afford increased facilities to commerce, and to extend your accommodation to individuals; and as the duties which are payable to the government arise from the business and enterprise of the merchants engaged in foreign trade, it is but reasonable that they should be preferred in the additional accommodation which the public deposits will enable your institution to give, whenever it can be done without injustice to the claims of other classes of the community."

Having read this letter, sir, I ask leave to refer the senate to the 20th section of the bill now before us. There we find that, "if any officer charged with the safe-keeping of the public money, shall loan the same, or any portion thereof, with or without interest, such act shall be deemed an embezzlement and a high misdemeanor, and the party convicted thereof shall be sentenced to imprisonment." Sir, what a pretty piece of consistency is here! In 1833 the depositaries of the public money were not even left to their own desire for gain, or their wishes to accommodate others, as being sufficient incentives to lend it out: they were admonished and directed to afford increased facilities to commerce, and to extend their accommodation to individuals, since the public moneys in their vaults would enable them to give such additional accommodation! Now, sir, under this bill, any officer who shall do any one of the same things, instead of being praised, is to be punished: he is to be adjudged guilty of embezzlement and of a high misdemeanor, and is to be confined, for aught I know, in cells as dark and dismal as the vaults and safes which are to contain our metallic currency. But although I think, sir, that the acts of government created this expansion, yet I am certainly of opinion that there was a very undue expansion created. A contraction, however, had begun; and I am of opinion, that had it not been for the specie order of July, 1836, and for the manner in which the deposit law was executed, the banks would have gone through the crisis without suspension. This is my full and firm belief. I cannot, however, discuss these points here. They were treated with very great ability, last year, by a gentleman who then occupied one of the seats of Georgia on this floor. Whomsoever he did not satisfy, I cannot convince. Still, sir, the question is, whether there was an excess in the general amount of our circulation, in May last, or whether there be now such excess.

By what standard is this to be judged? If the question be whether there be too much paper in circulation, it may be answered, by reference to the amount of coin in the banks from which the paper issues; because I am unquestionably of opinion—an opinion which I believe nothing can ever shake—that the true criterion by which to decide the question of excess, in a convertible paper currency, is the amount of that paper, compared with the gold and silver in the banks. Such excess would not be proved, absolutely and certainly, in every case, by the mere fact of the suspension of specie payments; because such an event might be produced by panic, or other sudden cause, having power to disturb the best regulated system of paper circulation. But the immediate question now is, whether, taking the whole circulation together, both metallic and paper, there was an excess existing in May, or is an excess now existing? Is one hundred and thirty millions an excessive or undue amount of circulation for the United States? Seeing that one part of this circulation is coin, and the other part paper, resting upon coin, and intended to be convertible, is the whole mass more than may be fairly judged necessary to represent the property, the transactions, and the business of the country? Or, in order to sustain such an amount of circulation, and to keep that part of it which is composed of paper in a safe state, should we be obliged to attempt to draw to ourselves more than our just proportion of that metallic money, which is in the use of all the commercial nations? These

questions appear to me to be but different modes of stating the same inquiry.

Upon this subject we may, perhaps, form some general idea, by comparing ourselves with others. Various things, no doubt, exist, in different places and countries, to modify, either by enlarging or diminishing, the demand for money or currency in the transactions of business; still the amount of trade and commerce may furnish a general element of comparison between different states or nations. The aggregate of American imports and exports in 1836 was three hundred and eighteen millions; that of England, reckoning the pound sterling at \$4 80, again, was four hundred and eighteen millions, as near as I can ascertain; the currency of England being, as already stated, sixty millions sterling, or two hundred and eighty-eight millions of dollars. If we work out a result from these proportions, the currency of the United States, it will be found, should be one hundred and ninety millions in order to be equal to that of England; but, according to the estimates of the treasury, it did not even in that year exceed one hundred and eighty millions.

Our population is about equal to that of England and Wales. The amount of our mercantile tonnage, perhaps, one-fifth less. But then we are to consider that our country is vastly wider; and our facilities of internal exchange, by means of bills of exchange, greatly less. Indeed there are branches of our intercourse, in which remittances cannot be well made, except in currency. Take one example: The agricultural products of Kentucky are sold to the south; her purchases of commodities made at the north. There can be, therefore, very little of direct exchange between her and the places of purchase and sale. The trade goes round in a circle. Therefore, while the Bank of the United States existed, payments were made to a vast amount in the north and east by citizens of Kentucky, and of the states similarly situated, not in bills of exchange, but in the notes of the bank.

These considerations augment the demand for currency. More than all, the country is new, sir; almost the entire amount of our capital active; and the whole amount of property, in the aggregate, rapidly increasing. In the last three years thirty-seven millions of acres of land have been separated from the wilderness, purchased, paid for, and become subject to private individual ownership, to transfer and sale, and all other dispositions to which other real estate is subject. It has thus become property, to be bought and sold for money; whereas, while in the hands of government, it called for no expenditure, formed the basis of no transactions, and created no demand for currency. Within that short period our people have bought from government a territory as large as the whole of England and Wales, and, taken together, far more fertile by nature. This seems incredible, yet the returns show it. Suppose all this to have been bought at the minimum price of a dollar and a quarter per acre; and suppose the value to be increased in the common ratio in which we know the value of land is increased, by such purchase, and by the preliminary steps and beginnings of cultivation; an immense augmentation, it will readily be perceived, is made, even in so short a time, of the aggregate of property, in nominal price, and, to a great extent, in real value also.

On the whole, sir, I confess I know no standard by which I can decide that our circulation is at present in excess. I do not believe it is so. Nor was there, as I think, any depreciation in the value of money, up to the moment of the suspension of specie payments by the banks, comparing our currency with the currency of other nations. An American paper dollar would buy a silver dollar in England, deducting only the charge of transporting a dollar across the ocean, because it commanded a silver dollar here. There may be excess, however, I admit, where there is no present depreciation, in the sense in which I now use the term. It is hardly necessary to dwell, Mr. President, on the evils of a sudden depreciated circulation. It arrests business, puts an end to it, and overwhelms all debtors, by depression and downfall of prices. And even if we reduce circulation—not suddenly, but still reduce it farther than is necessary to keep it within just and reasonable limits—we produce many mischiefs; we augment the necessity of foreign loans; we contract business, discourage enterprise, slacken the activity of capital, and restrain the commercial spirit of the country. It is very important to be remembered, sir, that, in our intercourse with other nations, we are acting on a principle of equality; that is to say, we do not protect our own shipping interest by peculiar privileges; we ask a clear field, and seek no favor. Yet, the materials for ship-building are high with us, and the wages of ship-builders and seamen are high al-

so. We have to contend against these unfavorable circumstances; and if, in addition to these, we are to suffer further by unnecessary restraints on currency, and by a cramped credit, who can tell what may be the effect? Money is abundant in England, very abundant; the rate of interest, therefore, is low, and capital will be seeking its investment wherever it can hope to find it. If we derange our own currency, compulsively curtail circulation, and break up credit, how are the commerce and navigation of the United States to maintain themselves against foreign competition?

Before leaving, altogether, this subject of an excessive circulation, Mr. President, I will say a few words upon a topic which, if time would permit, I should be glad to consider at more length; I mean, sir, the proper guards and securities for a paper circulation. I have occasionally addressed the senate on this subject before, especially in the debate on the specie circular, in December, 1836; but I wish to recur to it again, because I hold it to be of the utmost importance to prove, if it can be proved, to the satisfaction of the country, that a convertible paper currency may be so guarded as to be secure against probable dangers. I say, sir, a convertible paper currency: for I lay it down as an unquestionable truth, that no paper can be made equal, and kept equal to gold and silver, but such as is convertible into gold and silver, on demand. But, I have gone farther, and still go farther than this; and I contend that even convertibility, though itself indispensable, is not a certain and unfailing ground of reliance. There is a liability to excessive issues of paper, even while paper is convertible at will. Of this, there can be no doubt. Where, then, shall a regulator be found? What principle of prevention may we rely on?

Now I think, sir, it is too common with banks, in judging of their condition, to set off all their liabilities against all their resources. They look to the quantity of specie in their vaults, and to the notes and bills becoming payable, as means or assets; and, with these, they expect to be able to meet their returning notes, and to answer the claims of depositors. So far as the bank is to be regarded as a mere bank of discount, all this is very well. But banks of circulation exercise another function. By the very act of issuing their own paper, they affect the amount of currency. In England, the Bank of England, and in the United States, all the banks, expand or contract the amount of circulation, of course, as they increase or curtail the general amount of their own paper. And this renders it necessary that they should be regulated and controlled. The question is, by what rule? To this I answer, by subjecting all banks to the rule which the most discreet of them always follow—by compelling them to maintain a certain fixed proportion between specie and circulation; without regarding deposits on one hand, or notes payable on the other.

There will always occur occasional fluctuations in trade, and a demand for specie, by one country on another, will arise. It is too much the practice, when such occurrences take place, and specie is leaving the country, for banks to issue more paper, in order to prevent a scarcity of money. But exactly the opposite course should be adopted. A demand for specie to go abroad should be regarded as conclusive evidence of the necessity of contracting circulation. If, indeed, in such cases, it could be certainly known that the demand would be of short duration, the temporary pressure might be relieved by an issue of paper to fill the place of departing specie. But this never can be known. There is no safety, therefore, but in meeting the case at the moment, and in conforming to the infallible index of the exchanges. Circulating paper is thus kept always nearer to the character, and to the circumstances of that, of which it is designed to be the representative—the metallic money. This subject might be pursued, I think, and clearly illustrated; but, for the present, I only express my belief that, with experience before us, and with the lights which recent discussions, both in Europe and America, hold out, a national bank might be established, with more regard to its function of regulating currency, than to its function of discount, on principles, and subject to regulations, such as should render its operations extremely useful; and I should hope that, with an example before them of plain and eminent advantage, state institutions would conform to the same rules and principles; and that, in this way, all the advantages of convertible paper might be enjoyed, with just security against its dangers.

I have detained the senate too long, sir, with these observations upon the state of the country, and its pecuniary system and condition.

And now, when the banks have suspended payments, universally; when the internal exchanges

are all deranged, and the business of the country most seriously interrupted, the questions are—

Whether the measure before us is suitable to our condition? and

Whether it is a just and proper exercise and fulfilment of the powers and duties of congress?

What, then, sir, will be the practical operation and effect of this measure, if it should become a law?

Like its predecessor of the last session, the bill proposes nothing for the general currency of the country; nothing to restore exchanges; nothing to bring about a speedy resumption of specie payments by the banks. Its whole professed object is the collection and disbursement of the public revenue. Some of its friends, indeed, say, that when it shall go into operation, it will, *incidentally*, produce a favorable effect on the currency, by restraining the issue of bank paper. But others press it as if its effect was to be the final overthrow of all banks, and the introduction of an exclusive metallic currency for all the uses of the country.

Are we to understand, then, that it is intended, by means, of which this is the first, to rid the country of all banks, as being but so many nuisances, and to abolish all paper currency whatever?

Or is it expected, on the contrary, that after this system shall be adopted for the use of government, there will still be a paper currency in the country for the use of the people?

And if there shall be a paper currency, will that currency consist of irredeemable government paper, or of convertible bank notes, such as have circulated heretofore? These questions must be answered, before we can judge accurately of the operation of this bill.

As to an exclusive metallic currency, sir, the administration on this point is regularly Janus-faced. Out doors, and among the people, it shows itself "all *cléquant*, all in gold." There, every thing is to be hard money—no paper rags—no delusive credits—no bank monopolies—no trust in paper of any kind. But in the treasury department, and in the houses of congress, we see another aspect—a mixed appearance, partly gold and partly paper; gold for government, and paper for the people. The small voice which is heard here, allows the absolute necessity of paper of some sort, and to some extent. But the shouts in the community demand the destruction of all banks, and the final extermination of all paper circulation.

To the people, the lion roars against paper money in all the loudness and terror of his natural voice; but to members of congress, he is more discreet; lest he should frighten them out of their wits, he here restrains and modulates, and roars "as gently as any sucking dove, or, as it were, any nightingale." The impracticability of an exclusive metallic currency, the absurdity of attempting any such thing in a country like this, are so manifest, that nobody here undertakes to support it by any reasoning or argument. All that is said in its favor, is general denunciation of paper, general outcry against the banks, and declamation against existing institutions, full of sound and fury, signifying nothing.

The moment any one considers it, he sees how ridiculous any such attempt would be. An exclusive metallic circulation for the second commercial country on earth, in the nineteenth century! Sir, you might as well propose to abolish commerce altogether.

The currency of England is estimated at sixty millions sterling; and it is Mr. McCulloch's calculation, that if this currency were all gold, allowing only one quarter of one per cent. for wear of metals, the annual expense, attending such a currency, would be three millions and a quarter a year, or nearly five per cent. upon the whole. With us, this charge would be much greater. The loss of capital would be more, owing to the higher rates of interest; and besides all this, is the cost of transportation, which, in a country so extensive as ours, would be vast, and not easily calculated. We should also require, proportionally, more specie than is requisite in England, because our system of exchange, by means of bills of exchange, is, at present, and would be, under such a system as is proposed, much less perfect and convenient than that of England. Besides, the English metallic circulation is mostly gold, gold being in England the standard metal. With us, silver and gold both are made standards, at a fixed relation; and if we should succeed to keep this relation so true as to preserve both of the precious metals among us, (which, indeed, is not very probable,) our circulation would be still more expensive and cumbersome, from the quantity of silver which it would contain. The silver in the world is estimated to be fifty times that of gold in amount, and consequently something more than three times in value. If both should cir-

culate, therefore, equally, in proportion to value, the currency would be three parts silver, and one gold.

Now, sir, the annual expense of such a circulation, upon the basis of Mr. McCulloch's estimate, would exceed the whole annual expenditure made for our army and our navy. Consider, sir, the amount of actual daily payments made in the country. It is difficult to estimate it, and quite impossible to ascertain it, with any accuracy. But we can form some notion of it, by the daily amount of payments in the banks in some of the cities. In times of prosperous business and commerce, the daily amount of payments in the banks of New York alone has been equal to eight millions. Whether we call this a tenth, a twentieth, or a fiftieth part of all payments and receipts made daily in the country, we see to what an aggregate result the whole would rise. And how is it possible that such amount of receipt and payment could be performed by an actual passing of gold and silver from hand to hand?

Such notions, sir, hardly require serious refutation.

Mr. President, an entire metallic currency would necessarily create banks immediately. Where would the money be kept, or how could it be remitted? Banks of deposit must and would be instantly provided for it. Would the merchants of the cities be seen, in their daily walks of business, with servants behind them, with bags of gold and kegs of silver on their wheel-barrow? What folly is great enough to imagine this? If there were not now a bank note, nor a bank in the country, and if there should be an exclusive specie currency to-morrow morning at nine o'clock, there would be fifty banks before sunset. From necessity, there would be created at once places of deposit; and persons having money in such depositories would draw checks for it, and pass these checks as money, and from one hand they would pass to another; or the depository himself would issue certificates of deposit, and these would pass as currency. And all this would do no more than just to carry us back two or three hundred years, to the infancy of banks. We should then have done nothing but reject the experience of the most civilized nations, for some centuries, as well as all our own experience, and have returned to the rude conceptions of former times. These certificates of deposit would soon be found to be often issued without any solid capital, or actual deposit. Abuses arising from this source would call for legislative interference, and the legislature would find it necessary to restrain the issue of paper intended for circulation, by enacting that such issues should only be made on the strength of competent capital, actually provided and assigned, placed under proper regulation, and managed by persons responsible to the laws. And this would bring us again exactly to the state of things, in which we now are; that is to say, to the use of the paper of banks, established, regulated, and controlled by law. In the mean time, before this process could be carried through, half the community would be made bankrupt by the ruin of their business, and by the violent and revolutionary changes of property which the process would create. The whole class of debtors, all that live more by industry than on capital, would be overwhelmed with unextinguishing destruction.

There will then, sir, be no such thing as an exclusive paper currency. The country will not be guilty of the folly of attempting it.

I should have felt that I had occupied too much time with such a senseless and preposterous suggestion, were it not the manifest object of parliament to press such notions upon the attention of the people, in aid of the war against the banks.

We shall then, sir, have paper of some sort, forming a part of our currency. What will that paper be? The honorable gentleman from South Carolina, admitting that paper is necessary as part of the currency, or circulation, has contended that that paper ought to be government paper—government paper, not convertible nor redeemable, only so far as by being receivable for debts and dues to government. My colleague has endeavored to satisfy the senate, that the aim of the whole system, of which he regards this bill as but part, is to establish a circulation of government paper and a government bank. Other gentlemen have taken the same view of it. But, as the bill itself does not profess any such purpose, I am willing to discuss it in the character in which it presents itself. I take it for what its friends say it is—a bill making further provision for collecting the revenues.

We are, then, sir, still to have paper as a general medium of circulation; that paper is to be the paper of banks; but government is to be divorced from these banks, altogether. It is not to keep its funds in them, as heretofore. It is to have nothing to do with them, but is to collect and disburse its revenues by its own means, and its own officers.

The receipt of the notes of specie-paying banks is to be partially allowed for some time, but it is to be gradually discontinued; and six years hence, we are to arrive at the maturity and the perfection of the system. When that auspicious day comes, government is to receive and to pay out gold and silver, and nothing but gold and silver.

Now, Mr. President, let us anticipate this joyous epoch; let us suppose the six years to have expired; and let us imagine this bill, with its specie payments and all, to be in full operation at the present hour. What will that operation be? In the first place, disregarding all question of public convenience, or the general interests of the people, how will this system work as a mere mode of collecting and paying out revenue? Let us see.

Our receipts and expenditures may be estimated, each, at thirty millions a year. Those who think this estimate too high or too low, may make the necessary allowance. Here, then, is the sum of thirty millions, to be collected and paid out every year; and it is all to be counted, actually told over, dollar after dollar, and gold piece after gold piece; and how many times counted? Let us inquire into that. The importing merchant, whose ship has arrived, and who has cash duties to pay, goes to the bank for his money, and the tellers count it out: that is once. He carries it to the custom-house, pays it, and the clerks count it over: that is twice. Some days afterwards, the collector takes it out of his bags and chests, carries it to the receiver general's office, and there it is counted again, and poured into the bags and chests of that office: that is the third time. Presently a warrant comes from the treasury, in favor of some disbursing officer, and the boxes are opened, and the necessary sums counted out: this is the fourth counting. And, fifthly and lastly, the disbursing officer pays it to the persons entitled to receive it, on contracts, or for pensions, salaries, or other claims. Thirty millions of hard money are thus to be handled and told over five times in the course of the year, and if there be transfers from place to place, then, of course, it is to be counted so much oftener. Government officers, therefore, are to count over one hundred and fifty millions of dollars a year; which, allowing three hundred working days in the year, gives five hundred thousand dollars a day. But this is not all. Once a quarter, the naval officer is to count the collector's money, and the register in the land office is to count the receiver's money. And moreover, sir, every now and then the secretary of the treasury is to authorize unexpected and *impromptu* countings, in his discretion, and just to satisfy his own mind!

Sir, what a money counting, tinkling, glingling generation we shall be! All the money-changers in Solomon's temple will be as nothing to us. Our sound will go forth unto the lands. We shall all be like the king in the ditty of the nursery:

"There sat the king, a counting of his money."

You will observe, sir, that these receipts and payments cannot be made in parcels, without the actual handling of each piece of coin. The marks on kegs of dollars, and the labels on bags of gold, are not to be trusted. They are a part of *credit*—and all credit, all trust, all confidence is to be done away with. When the surveyor, for instance, at the custom-house, is to *examine the money on hand*, in possession of the collector, or receiver general, he is, of course, to count the money. No other examination can come to anything. He cannot tell, from external appearance, nor from the weight, whether the collector has loaned out the money, and filled the bags and boxes up with sand and lead, or not. Nor can counterfeit pieces be otherwise detected than by actual handling. He must open, he must examine, he must count. And so at the land offices, the mints, and elsewhere. If these officers shall have a taste for silver sounds, they are all likely to be gratified.

Mr. President, in all soberness, is not this whole operation preposterous?

It begins by proposing to *keep the public moneys*. This, itself, in the sense the word is here used, is a perfect novelty, especially in the United States. Why *keep the public moneys*; that is to say, why hoard them, why *keep them out of use*? The use of money is in the exchanges. It is designed to circulate, not to be hoarded. All that government should have to do with it, is to receive it to-day that it may pay it away to-morrow. It should not receive it, before it needs it; and it should part with it as soon as it owes it. To *keep it*—that is, to detain it, to hold it back from general use, to hoard it, is a conception belonging to barbarous times and barbarous governments. How would it strike us, if we should see other great commercial nations acting upon such a system? If England, with a revenue of fifty millions sterling a year, were found to be collecting and disbursing every shilling of it in

hard money, through all the ramifications of her vast expenditure, should we not think her mad? But the system is worse here, because it withdraws just so much actual capital from the uses of a country that requires capital, and is paying interest for capital wherever it can obtain it.

But now, sir, allow me to examine the operation of this measure upon the general interest of commerce, and upon the general currency of the country. And in this point of view, the first great question is, *What amount of gold and silver will this operation subtract from the circulation of the country, and from the use of the banks?*

In regard to this important inquiry, we are not without the means of forming some judgment. An official report from the treasury, made to the other house, shows that, for the last ten years, there has been, at the end of each year, on an average, fifteen millions and four hundred thousand dollars in the treasury. And this sum is exclusive of all that had been collected of the people, but had not yet reached the treasury; and also of all that had been drawn from the treasury by disbursing officers, but which had not yet been by them paid to individuals. Adding these sums together, sir, and the result is, *we are on an average for the last ten years, the attached been at least twenty millions of dollars in ten no sol-sury*. I do not mean, of course, that *this* should the whole of it, unappropriated. I mean, *and* in amount has, in fact, been in the treasury, and *it* fully appropriated, or not called for under the *an* *of* *aged* *in* *tions*; so that if this sub-treasury scheme *in* *Tampa* *in* *operation*, in times past, of the specie *ing*, *a* *difference*, twenty millions would have been *counted* *and* *locked* *up* *in* *the* *safes* *and* *vaults*. Now, sir, *who* *not* *believe* *that*, for these ten years, the *whole* *of* *the* *amount* *of* *silver* *and* *gold* *in* *the* *country* *has* *ex-* *ceeded*, on the average, fifty or sixty millions. I do not believe it exceeds sixty millions at the present moment; and if we had now the whole system in complete operation, it would lock up, and keep locked up, one full third of all the specie in the country. Locked up I say—boarded—rendered as useless, to all purposes of commerce and business, as if it were carried back to its native mines. Sir, is it not inconceivable that any man should fall upon such a scheme of policy as this? Is it possible that any one can fail to see the destructive effects of such a policy on the commerce and the currency of the country?

It is true, the system does not come into operation all at once. But it begins its demands for specie immediately; it calls upon the banks, and it calls upon individuals, for their hard dollars, that they may be put away and locked up in the treasury, *at the very moment when the country is suffering for the want of more specie in the circulation, and the banks are suffering for means to enable them to resume their payments*. And this, it is expected, will improve the currency, and facilitate resumption!

It has heretofore been asserted, that the general currency of the country needed to be strengthened, by the introduction of more specie into the circulation. This has been insisted on, for years. Let it be conceded. I have admitted it, and, indeed, contended for the proposition heretofore, and endeavored to prove it. But it must be plain to every body, that any addition of specie, in order to be useful, must either go into the circulation, as a part of that circulation, or else it must go into the banks, to enable them the better to sustain and redeem their paper. But this bill is calculated to promote neither of those ends, but exactly the reverse. It withdraws specie from the circulation and from the banks, and piles it up in useless heaps in the treasury. It weakens the general circulation, by making the portion of specie, which is part of it, so much the less; it weakens the banks, by reducing the amount of coin which supports their circulation. The general evil imputed to our currency, for some years past, is, that paper has formed too great a portion of it. The operation of this measure must be to increase that very evil. I have admitted the evil, and have concurred in measures to remedy it. I have favored the withdrawing of small bills from circulation, to the end that specie might take their place. I discussed this policy, and supported it, as early as 1832. My colleague, who, shortly after that period, was placed in the chair of the chief magistracy of Massachusetts, pressed its consideration, at length, upon the attention of the legislature of that state. I still think it was a right policy. Some of the states had begun to adopt it. But the measures of the administration, and especially this proposed measure, throw this policy all aback. They undo at once all that we have been laboring. Such, and so pertinacious has been the demand of government for specie, and such new demand does this bill promise to create, that the states have found themselves compelled again to issue small bills for the use of the people. It was a day of re-

joining, as we have lately seen, among the people of New York, when the legislature of that state suspended the small-bill restraining law, and furnished the people with some medium for small payments, better than the miserable trash which now annoys the community.

The government, therefore, I insist, is evidently breaking down its own declared policy; it is defeating, openly and manifestly defeating, its own professed objects.

And yet, theory, imagination, presumptuous generalization, the application of military movements to questions of commerce and finance, and the abstractions of metaphysics, offer us, in such a state of things, their panacea. And what is it? What is it? What is to cure or mitigate these evils, or what is to ward off future calamities? Why, sir, the most agreeable remedy imaginable; the kindest, tenderest, most soothing, and solacing application in the whole world! Nothing, sir, nothing upon earth, but a smart, delightful, perpetual, and irreconcilable warfare, between the government of the United States and the state banks! All will be well, we are assured, when the government and the banks become antagonistical! Yes, sir, "antagonistical!" that is the word. What a stroke of policy is this! It is as delicate a stratagem "as on velvet Lear's, and a good deal like it. It pro- and then, we should tread lightly along, in felt or Sir, we will we get the banks within our power, resumpt "kill, kill, kill!" with great talk as much as we please about the resumption of specie payments, but I tell you that, fear government thus warring upon the banks, if suspension should take place, another suspension I would follow. It is not war, successful or unsuccessful, between government and the banks; it is only peace, trust, confidence, that can restore the prosperity of the country. This system of perpetual annoyance to the banks, this hoarding up of money which the country demands for its own necessary uses, this bringing of the whole revenue to act, not in aid and furtherance, but in direct hindrance and embarrassment of commerce and business, is utterly irreconcilable with the public interest. We shall see no return of former times till it be abandoned—altogether abandoned. The passage of this bill will create new alarm and new distress.

People begin already to fear their own government. They have an actual dread of those who should be their protectors and guardians. There are hundreds of thousands of honest and industrious men, sir, at this very moment, who would feel relieved in their circumstances, who would see better prospect of an honest livelihood, and feel more sure of the means of food and clothing for their wives and children, if they should hear that this measure had received its death. Let us, then, sir, away with it. Do we not see the world prosperous around us? Do we not see other governments and other nations enlightened by experience, and rejecting arrogant innovations and theoretic dreams, accomplishing the great ends of society?

Why, sir, why are we, why are we alone among the great commercial states? Why are we to be kept on the rack and torture of these experiments? We have powers, adequate, complete powers. We need only to exercise them; we need only to perform our constitutional duty, and we shall spread content, cheerfulness, and joy, over the whole land.

This brings me, sir, to the second inquiry.

Is this measure, Mr. President, a just exercise of the powers of congress, and does it fulfil all our duties?

Sir, I have so often discussed this point, I have so constantly insisted, for several years past, on the constitutional obligation of congress to take care of the currency, that the senate must be already tired of the speaker, if not weary of the topic; and yet, after all, this is the great and paramount question. Until this is settled, the agitation can never be quieted. If we have not the power, we must leave the whole subject in the hands of those who have it, or in no hands; but if we have the power, we are bound to exercise it, and every day's neglect is a violation of duty. I therefore again insist, that we have the power, and I again press its exercise on the two houses of congress. I again assert, that the regulation of the general currency—of the money of the country, whatever actually constitutes that money—is one of our solemn duties.

(To be concluded.)

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

March 30. The bill from the house making appropriations for the support of the army for 1838, was read twice and referred.

Mr. Grundy laid on the table a second substitute for the bill to reduce and graduate the price of the public lands. Read and ordered to be printed.

[Mr. G.'s substitute provides that the price of the public lands shall be reduced twenty-five cents for every five years that they shall continue in the market, till reduced to the minimum price of fifty cents; waiting, in each case, an additional year before the reduction is made. It provides for no estimate or classification of the lands, as proposed by the first substitute.]

The following bills were severally read a third time and passed:

To revive and continue in force the act granting pensions to persons disabled by wounds received in the revolutionary war.

To give effect to the eighth article of the treaty of 1819 with Spain.

The senate resumed the consideration of the bill to prohibit the giving or accepting of a challenge within the District of Columbia, to fight a duel, and for the punishment thereof.

Mr. Clayton expressed his desire that the main object of this bill might be obtained, and his willingness to vote for the bill in its present form rather than have no measure of prevention; still he regarded the bill as both unjust in some of its features, and not likely to be carried into effect on account of its severity.

Mr. Prentiss argued that the criminality of taking the preliminary steps in this District for a duel to be consummated out of the District, would be materially aggravated by the intention in so doing to evade the law of the District.

Mr. Linn, admitting all the evils of duelling, and the importance of suppressing it as far as possible, yet urged the difficulty of having laws against duelling duly executed. To illustrate this point, he alluded to a particular case in his own knowledge, in which the legal penalty, and a very heavy one, was remitted almost by acclamation by the legislature; and also to the fact that far disproportionate success had attended the attempts of various states to suppress duelling. When people, he said, were determined to marry or to fight, no law could prevent them from coming together.

The subject being still up, the senate, after an executive session, adjourned till Monday.

April 2. After the presentation of a number of petitions, and the transaction of some business of minor importance,

The bill for the relief of Samuel Milligan was read a third time, and passed.

The senate concurred in the amendment of the house to the bill directing the expenditure of appropriations heretofore made for the removal of the troops from fort Gibson; which amendment provides that the new fort shall be erected at or near the western boundary of Arkansas, instead of at or near old fort Smith. This concurrence was made with the understanding that the new fort would be erected at or near the site of fort Smith, if it could be purchased at a reasonable price.

The house bills for the relief of David and James Robinson and others, of Isaac and William Wellborn, of William Enos, of David H. Maxwell, and the bill authorizing the sale of the old custom-house, &c. at Bath, Maine, and the appropriation of the proceeds toward the purchase of a new site and the erection of a new custom-house, were severally considered, and ordered to a third reading.

A message was received from the house of representatives, by Mr. Franklin, their clerk, announcing the death of the honorable Isaac McKim, a member of that house from the state of Maryland, and that his funeral would take place from their hall at 11 o'clock to-morrow.

Mr. Grundy rose and addressed the senate as follows:

Mr. President: In the absence of both the senators from Maryland, I have been requested by the delegation in the other house from that state, to move a concurrence with the resolutions of the house of representatives, in honor of the memory of the deceased.

A few days since he was amongst us, in all the vigor of health. Within a few hours only before his death, he was actually engaged in the faithful discharge of the arduous duties assigned him by his country. He is now gone; and those who esteemed him and loved him, will see him no more.

Mr. McKim was emphatically the author of his own fortunes. He commenced life in very moderate circumstances, without the patronage of influential friends. His industry and energy, under the guidance of a clear and discriminating intellect, enabled him to amass a fortune, not only ample, but magnificent.

He not only knew how to acquire property, but he knew how to use it. The accumulation of wealth in him did not beget the passion of avarice. Go to

the city of his residence, and the inhabitants can point out innumerable instances of his noble charities, and monuments of his munificence and liberality.

He had reached a good old age. He had been honored by his fellow-citizens with a seat in the senate of his state, and he had often been elected to fill the station he lately occupied. We, his associates, knew that, although he was unassuming and unpretending, he brought into our councils a stock of useful and practical knowledge possessed by few men.

The reflection that he lived worthily, and died probably without a single enemy, will comfort, and in some degree alleviate the sorrows, of her who was the partner of his bosom and sharer of his joys and sorrows, and those relatives and friends who now deplore his loss.

Mr. Grundy then submitted the following resolution, which was adopted unanimously:

Resolved unanimously, That the senate will attend the funeral of the honorable Isaac McKim, late a member of the house of representatives from the state of Maryland, at 11 o'clock to-morrow; and, as a testimony of respect for the memory of the deceased, they will go into mourning by wearing crape on the left arm for thirty days.

On motion of Mr. Grundy,

The senate adjourned to meet to-morrow at 1 o'clock.

April 4. Among the petitions, &c. presented this morning, were the following:

By Mr. Merriek: Resolutions of the legislature of Maryland, on the subject of finance and currency generally, and especially in opposition to the sub-treasury scheme. Read, laid on the table, and ordered to be printed.

Mr. Wright, from the committee on finance, reported, without amendment, the bill from the house referred to them, making appropriations for the support of the army for 1838.

The bills from the house, for the relief of the heirs of Robert Fulton, of capt. John Downes, and another, were read twice and referred.

The bills for the relief of Isaac and William Wellborn, of David H. Maxwell, of William Eadus of the captors of the privateer Lydia, of Mose Campen, and the bill authorizing the sale of property and the application of the avails toward a new custom-house at Bath, Maine, were severally read a third time and passed.

On motion of Mr. Knight, the committee of commerce were instructed to inquire into the expediency of ordering a survey of the harbor of Providence, Rhode Island, preparatory to the removal of the sand bar at the mouth of that harbor.

The senate proceeded to consider the bill making appropriations for the civil and diplomatic expense of the government for 1838.

After a brief conversation by Messrs. Wright, Crittenden, Niles, and Grundy, the only amendment from the committee, authorizing the transfer of funds in the post office department from any branch of the service to any other, was adopted.

Mr. Crittenden offered an amendment to the bill requiring that the salary of the postmaster general and all other expenses of the department should be paid from its own income. Mr. C. supported this amendment chiefly on the ground that it is an admitted principle, in relation to the department, that it shall sustain itself, and that the funds of the department are now abundant, while the general treasury is in debt.

Mr. Wright opposed the amendment on the ground that it had been the general practice to pay clerks hire in the general post office and the salary of the postmaster general out of the general treasury, without regard to the income of the department; and also, on the ground that such a restriction would curtail so much the mail accommodations.

Mr. Grundy also objected to the amendment, that the late contracts of the department had been more unfavorable than usual, that many new routes were required; and that if the franking privilege should be taken into the account, the department would still far more than support itself.

The amendment was lost, and the bill, as amended from the committee, was ordered to a third reading.

The bill from the house, making appropriations for the support of the army for 1838, was taken up and considered, and, after a brief explanation by Mr. Wright, it was ordered to a third reading. Subsequently read a third time, and passed.

The senate took up the bill providing that, after the expiration of six months, the money for pensions remaining unpaid in the hands of agents should be returned to the treasury, where only such pensions should then be paid.

On motion of Mr. Hubbard, the bill was amended so as to extend the above time to eight months.

and the bill, so amended, was ordered to a third reading.

On motion of Mr. Roane, the bill to establish a criminal court in the District of Columbia was considered, amended, and ordered to a third reading.

The senate resumed the consideration of the bill to prohibit the giving and accepting of challenges to duels in the District of Columbia.

Mr. Preston made some remarks, (to be published hereafter,) chiefly in vindication of southern gentlemen and the southern community, in reply to some observations of Mr. Smith, of Connecticut. The bill still being up

The senate adjourned, after an executive session.

HOUSE OF REPRESENTATIVES.

Friday, March 30. On leave, memorials were presented by Messrs. Fairfield, Grennell, and Taylor, on the subject of the late duel, and, on motion, were referred to the select committee now in session.

On motion of Mr. Henry Johnson,

Resolved, That the committee of ways and means inquire into the expediency of increasing the salaries of the officers of the mint establishment at New Orleans.

Mr. McKay, from the committee on military affairs, reported a joint resolution from the senate directing the expenditure of an appropriation heretofore made for the removal of the troops from fort Gibson, with an amendment; which was read and concurred in by the house, and the resolution was ordered to be read a third time to-day.

The Speaker laid before the house a letter from the secretary of the treasury in answer to a resolution of the house of the 5th instant, requiring copies of all letters written by him to collectors and receivers between the 1st of January, 1834, and the present time, having reference to defalcations, omissions to comply with the laws and regulations established for their government, and other irregularities, &c. &c.

The following resolution, offered by Mr. Hopkins, came up in order:

Resolved, That a select committee, consisting of five members, be appointed, whose duty it shall be to make a faithful and comprehensive investigation into all such abuses as may exist in the administration of the legislative branch of the federal government, with a view to the speedy correction of the same by the adoption of such a system of reform and retrenchment in the contingent expenses thereof as the public good may require; and that the said committee be instructed also to inquire into the expediency of divorcing, by law, the government from the public press, by prohibiting, in future, every officer thereof, in his official capacity, from employing any conductor of a political journal to execute any portion of the public printing.

Mr. Hopkins, the mover of this resolution, defended the same, in a few remarks. He viewed the connexion of the government with the press in any way or mode, as tending to great abuse and corruption, in the great amount of patronage the government is enabled to give to the press. He considered this the most important measure of reform that could possibly be presented to congress.

Mr. Cushman was in favor of the proposed reform, and was glad that the gentleman proposed to commence it where it should be in this house. He had long heard the outcry against executive abuses, but had ever believed that that outcry should rather be raised against the conduct of this house in connexion with the press. Mr. C. was, however, opposed to the resolution, because there was no press not liable, whilst having the government printing, to become a partisan press. Mr. C. having concluded,

Mr. Clark asked the chairman of the committee of ways and means when he proposed that the house go into committee of the whole on the sub-treasury bill?

Mr. Cambreleng replied, so soon as the appropriation bills shall have been gone through with.

The bill for the relief of the heirs of Robert Fulton, which has once been passed by the house, came up for discussion, on the motion of Mr. Thompson to reconsider the vote by which it was carried.

Mr. Duncan, of Ohio, had the floor, and made an extended speech in opposition to the bill. He took the grounds that Mr. Fulton was not entitled to the credit he had enjoyed of being the first to apply steam-power to the propelling of boats, &c.

Mr. Hoffman replied to the objections urged on to-day, and on the former day when the subject was up, against the bill, defending its various items, and vindicating the memory of Fulton against the attacks of Messrs. Craig, Duncan, and Russell.

Mr. Thompson made some remarks in defence of the motion to re-consider, and was followed by

Mr. Whittlesey, who opposed it, and defended the bill at length, and in minute detail.

Mr. Cushman rose, and moved the previous question, but withdrew it at the request of

Mr. Biddle, who rose to correct some errors, in fact, of Mr. Duncan, relative to the introduction of steamboats upon the waters of the Ohio, to defend the bill on its merits, and to discuss the question of re-consideration, as applicable to the present case.

Mr. B. concluded this debate (a report of which we shall give hereafter) by renewing, as he had promised to do, the motion for the previous question, which was seconded, and the main question ordered to be put.

The yeas and nays being ordered on the question of re-consideration, it was decided as follows: yeas 81, nays 87. And the bill, as passed, was sent to the senate for their concurrence.

On motion, the house adjourned at a quarter before 5 o'clock.

Saturday, March 31. Reports having been called for, the following was presented:

Mr. W. Cost Johnson, from the committee on accounts, made a report reducing and fixing the number and compensation of messengers, pages, &c. in the employ of the house, and prescribing certain duties to the sergeant-at-arms, doorkeeper, &c. and gave notice that he should on Monday next call up this report, and ask the action of the house upon it.

Mr. Hopkins, of Virginia, resumed the debate cut off by the expiration of the morning hour yesterday, by some further remarks in support of the resolution offered by him on the subject of retrenchment and reform, and the divorce of the government from the press, and was followed by

Mr. Bond, of Ohio, who spoke at considerable length in support of the resolution referring to and copiously quoting the celebrated retrenchment report in 1833, and insisting that none of the reforms then urged had since taken place; but, on the contrary, the expenses of the government had been greatly increased. Mr. B. also quoted reports to show the enormous sums paid to the editor of the government organ for printing for the executive offices, &c. Before he had concluded, the morning hour expired, and the discussion lies over.

Several senate bills received their first and second readings, and were committed.

On the reference of the bill to carry into effect the 8th article of the treaty of Ghent, a desultory discussion arose, which, ever and anon, diverged into references to the merits of the bill, so as to render it frequently necessary for the chair to interfere, and confine the discussion to the question before the house.

Mr. Johnson, of Louisiana, moved that the bill be referred to the committee on foreign affairs.

Mr. Harlan advocated the reference of the bill to the committee on private land claims, because the object of the bill was to settle certain private claims to the lands between the Perdido and the Pearl rivers. In this motion he was supported by Mr. Williams, of North Carolina, and Mr. Lawler.

Mr. Garland, of Louisiana, opposed this reference on the ground that that committee stood committed, and had made up their minds in relation to these claims. He moved that the bill go to the committee on the public lands; because, if the claims were confirmed, compensation must be made to the claimants out of the public domain. Mr. Craig proposed that the bill be referred to a committee of the whole on the state of the union. Mr. Pope thought, as the bill proposed a tribunal for the adjudication of these claims, it ought to be referred to the committee on the judiciary. After a good deal of dispute, the controversy was settled by referring the bill to the committee on private land claims.

A bill for the relief of John Downes was engrossed, read a third time, and passed.

A bill for the relief of N. Quertier and Albert, of New Orleans, was ordered to be engrossed, and read a third time to-day.

The house then went into committee of the whole (Mr. Lyon, of Ala., in the chair,) and considered a number of private bills. The committee then rose, reported progress, and the house adjourned.

Monday, April 2. As soon as the journal was read—

Mr. Howard rose and addressed the house as follows:

Mr. Speaker: I rise to perform a duty, the painful extent of which I did not fully appreciate until the present moment. It is from the effort required to control the feelings which are struggling for the mastery, that I am made sensible of the difficulty of the task. Sir, my friend and colleague, who lightened the toils and shared the responsibilities of our joint representation, is no more. After a brief but severe illness, Isaac McKim expired yesterday morning, meeting his fate with exemplary resignation and composure.

Conscious of his approaching end for many days previous to its occurrence, he looked steadily at death as he drew near, step by step, with that unflinching courage which a quiet conscience only can give. Feeling and knowing, as I now feel and know, that he had tried to do his duty, he looked forward without alarm, because he looked backward without self-reproach. His course through life had been the same as his conduct in this house, where, I am sure, he has not left an unkind feeling in the breast of a single member. Engaged in the active pursuits of commerce from an unusually early period of life, he was one, and perhaps the last, of that enterprising class of merchants, whose hazardous, but successful industry, some thirty years ago, built up, at the same time, their own fortunes, and the prosperity of the city which he partly represented upon this floor; but the liberality, with which he dispensed his gains around him, was equal to the sagacity which he manifested in their acquisition. Two public schools, one founded by his father and the other by himself, have long made his name blessed by the destitute widow, to whose children the rich gift of education, thus benevolently and wisely imparted, woods-orphan boys who have habitually attired by brave school of Isaac McKim, may perhaps have attached a sense of the loss which they have sustained in the tears of their widowed mothers, shed in sorrow, will attest their mingled gratitude and remembrance. Sir, to rescue from the temptations and influences of idleness and ignorance any portion of the youth of our country, is to effect a work in which patriotism and philanthropy eminently unite. It was not in this instance alone the kindness and goodness of my deceased friend was manifested. Not cannot call to mind a single individual in our extensive population whose loss will be more felt or deplored. He has passed through life with such an unstained character, that all men of integrity knew him to be their proper associate. Mild and courteous in his deportment towards others, he followed, as a guide in his own conduct, that sincerity and honesty of purpose, upon which his friends never counted in vain.

Next to his family, Mr. Speaker, his loss falls most heavily upon myself. Elected by the same constituency, we have been, for some years, in the habit of the most unreserved communication with each other upon every topic relating to our public duties, and upon his strong sagacity I have been accustomed greatly to rely. His untiring attention to business has long been conspicuous in this house. No care, no time, no labor seemed to him too great to be devoted to the public service. In this house, amongst his constituents, in his state, and by his country, his absence will be felt. It only remains for us to pay such respect to his memory as is due to it, and, for that purpose I offer the following resolutions:

Mr. Howard then offered the following; which were read, and unanimously concurred in.

Resolved, That the members and officers of this house will attend the funeral of Isaac McKim, deceased, late a member of this house from the state of Maryland, at 11 o'clock to-morrow morning.

Resolved, That a committee be appointed to take order for superintending the funeral of Isaac McKim, deceased.

Resolved, That the members and officers of this house will testify their respect for the memory of Isaac McKim by wearing crape on the left arm for thirty days.

Resolved, That when this house adjourn to-day, it will adjourn to meet again on Wednesday, the 4th instant.

Mr. Howard, Mr. Adams, Mr. Cambreleng, Mr. Robertson, Mr. Glascock, Mr. Johnson, of La. and Mr. Miller, were appointed a committee to take order for superintending the funeral in pursuance of the second resolution.

The clerk was ordered to notify the senate of the proceedings of the house, and then

The house adjourned to Wednesday.

The following was the order of arrangements for the funeral.

The committee of arrangements and pall-bearers will attend at the late residence of the deceased, at Gadsby's hotel, on Pennsylvania avenue, at ten o'clock, a. m. Tuesday, April 3d; at which time the remains will be removed, in charge of the committee of arrangements, attended by the sergeant-at-arms of the house of representatives, to the hall of the house.

At 2 o'clock, p. m. funeral service will be performed in the hall of the house of representatives, and, immediately after, the procession will move to the rail-road depot, on Pennsylvania avenue, in the following order:

The chaplains of both houses.
Physicians who attended the deceased.
Committee of arrangements, viz:

Mr. Howard, of Maryland, Mr. Adams, of Mass., Mr. Cambreleng, of N. Y., Mr. Taliaferro, of Va., Mr. Glascock, of Ga., Mr. Johnson, of La., Mr. Miller, of Mo.

Pall-bearers, viz:

Mr. McKay, of N. C., Mr. Whittlesey, of O., Mr. Lyon, of Ala., Mr. Ingham, of Conn., Mr. Yell, of Ark., Mr. Southgate of Ky.

The family and friends of the deceased.

The members of the house of representatives and senators from Maryland, as mourners.

The sergeant-at-arms of the house of representatives.

The house of representatives preceded by their speaker and clerk.

The other officers of the house.

The sergeant-at-arms of the senate.

The senate of the United States, preceded by the Vice president and their secretary.

The other officers of the senate.

The president of the United States.

The heads of departments.

Foreign ministers.

Citizens and strangers.

They will then be placed in the car, which was provided for the purpose, and carried to Baltimore, attended by the chaplains and physicians, the committee of arrangements, the pall-bearers, the delegation from Maryland as mourners, and such of the officers and members of the two houses of congress as may be able to attend, for whom cars will be provided.

On the arrival of the procession at Baltimore, it will move to the place of interment, in the order which is designated above.

Arrangements have been made for the return to Washington, on the same evening, of those who may attend the body to Baltimore.

Tuesday, April 3. Pursuant to order, the house of representatives convened a few minutes before 11 o'clock, for the purpose of attending the funeral obsequies of the hon. Isaac McKim, late a representative in Congress from the state of Maryland; which were performed in conformity to the above arrangements.

Wednesday, April 4. Among the memorials presented to day were the following:

Mr. Birdsall, on leave, presented the memorial of E. Price and one hundred and fifty-seven others, and the memorial of J. W. Patton and two hundred and forty-four others, all inhabitants of the county of Wayne, New York, praying the interposition of congress on the subject of the late duel between Mr. Cilley and Mr. Graves, and the expulsion from congress of every member of that body criminally engaged therein; which, on motion of Mr. B. were referred to the select committee of the house having the affair under investigation.

Mr. Birdsall, also, on leave, presented the petition of Thomas McClintock and thirty-six others, citizens of Waterloo, New York, praying the abrogation of the resolution of Mr. Patton, on the subject of abolition memorials; which was received, and laid on the table.

Mr. Peck, by the unanimous consent of the house, presented the petition of W. H. Stanly and sundry other citizens of Genesee, Livingston county, N. Y. on the subject of the late duel. Also, a similar petition of Shepard Pierce and two hundred and seventy-one other citizens of Livingston, Livingston county, N. Y. Also, a similar petition of J. A. Campbell and one hundred others, citizens of Lima, Livingston county N. Y.

Mr. Henry presented the petition of George Cassidy, of Mercer county, Pennsylvania, a soldier of the late war, who had his arm shot off in the battle of Chippewa, and prays congress for an increase of his pension; which was, on motion, referred to the committee on invalid pensions.

Mr. Thomas, of Maryland, moved that the speaker inform the governor of Maryland of the vacancy in the representation from that state, occasioned by the death of the late honorable I. McKim; which was agreed to.

Mr. Wise asked leave to offer a resolution proposing to convert the vessels now employed for an exploring expedition into a coast squadron, and detailing its duties. But objection being made, Mr. Montgomery moved a suspension of the rules to allow of its being offered; but the motion was negative.

Mr. Graham asked leave to offer a resolution to alter the hour of meeting from 12 to 11 o'clock, A. M. Objection being made, he moved a suspension of the rules to allow of the motion being made.

On this motion, Mr. Cambreleng demanded the yeas and nays; which, being taken, resulted as follows: Yeas 110, nays 29.

So the rules were suspended. The resolution was read, when

Mr. Whittlesey suggested the expediency of having a recess, to admit time for dinner. He had never

witnessed a more general attendance and seen more business done than when such a plan was pursued. He moved to amend the resolution by adding that a daily recess be had at half past 2 to 4 p. m.

Mr. Cambreleng hoped the gentleman from Ohio would not press the amendment. Whenever such an arrangement had been adopted, the house had had reason to regret it. He hoped there would be no more night sessions.

Mr. Whittlesey defended his proposition at some length, upon the ground that the arrangement would conduce to the expedition of business. He thought the health of members required some such arrangement. At present, after the hour of two o'clock, it was impossible to keep a quorum in the house; and he gave notice that he should hereafter move a call of the house, whenever this occurred. If members come at 11 o'clock, they need refreshment before 4 or 5; and if any are to remain, all should be required to do so.

Mr. Reed hoped the resolution would be adopted. He agreed with the suggestion of the gentleman from Ohio, and would vote for the amendment proposed. It was improper that the important business of the house should be transacted in the careless and inattentive manner in which it too often is done.

Mr. Pope was opposed to the amendment, and thought it to be fraught with much mischief. He was not willing to walk three-quarters of a mile, and return, after his dinner. Besides, a great many gentlemen took wine at dinner, and that was a kind indulgence that did not tend to render them so attentive and competent to do business as they should be. He thought that it was rather unreasonable for the gentleman from Ohio to make such a proposition at this time of the session. By and by, when it should come to be absolutely necessary, he would go for it.

Mr. Boon opposed the amendment. The days were yet too short. He was in favor of coming to the house at eleven, or even ten, if necessary; but he was opposed to night sessions, as a system to be adopted by the house.

Mr. Whittlesey demanded the yeas and nays on his amendment; which were not ordered.

Mr. Legare was against the amendment. He thought its adoption would do more harm than good. At the extra session, when it was adopted, it did not work advantageously at all. The whole day was lost. Not so much, instead of more, business was done. Members were called on to vote, hastily, and without deliberation or investigation, upon most important questions; and thus their decisions were crude and hasty, for want of time to form them deliberately. In the case of the Mississippi election, he would have given any thing for a better opportunity to study and investigate all the points in that case. He was in hopes the amendment would not prevail.

Mr. Williams agreed with Mr. Legare as to the inutility of a recess. There was no time gained by it. The night sessions were injurious to the health of members. If the house made it his duty to attend at 11, or even 10, and to sit till sunset, he would do it; but he was opposed to an arrangement which would protract the sessions till night.

Mr. Cambreleng said that had this proposition come from a new member of the house, it would not have surprised him, as it did, coming from so experienced and industrious a member as the gentleman from Ohio. An hour for business before dinner was worth more than all the evening session; and were this amendment adopted, it would retard the public business one-half.

Mr. Whittlesey's amendment was rejected.

The original resolution was adopted.

Mr. Cambreleng then rose and said that he believed the morning hour had expired.

The Speaker replied that it had not yet commenced. It commenced with the call for reports.

On leave, Mr. Pickens presented a memorial from Mr. Mills, the architect employed on the treasury building; which was ordered to be printed.

Mr. Bronson asked, and was refused leave, to present a memorial.

Mr. Dawson asked the house to take up a bill reported by the committee upon mileage. But the house refused to take it up.

The Chair presented several executive communications.

The remainder of the day was occupied in considering the resolutions reported by the committee on the duties and officers of the house, which were amended and adopted.

The house then adjourned.

THURSDAY'S PROCEEDINGS.

Senate, April 5. After some business of minor importance, the bill to establish a criminal court in the District of Columbia was taken up and passed.

On motion of Mr. Benton, the committee of finance were instructed to inquire whether additional supplies are needed by the treasury for the present year; and if

so, to inquire also whether it is best to raise such supplies by the sale of the bonds given by the United States Bank of Pennsylvania for United States stock in the late Bank of the United States, or by resorting to loans.

The senate resumed the consideration of the bill to suppress giving and accepting challenges to duels in the District of Columbia.

Mr. Smith, of Connecticut, spoke at considerable length in reply to Mr. Preston, re-asserting his former ground, that the north ought to be protected from the south by an anti-duelling law.

Mr. Pierce earnestly repudiated the idea that this bill was in any way to be regarded as a measure to protect the north against the south. He insisted that the north required and asked no such protection. The object was and ought to be to suppress an evil and immoral practice, and for that purpose alone he would give his support to such a measure as he thought likely to be most efficient.

Mr. Preston made a brief rejoinder, insisting that all duels are the result of mutual agreement, the impelling force on both sides being equally a moral one; and he remarked further on the impropriety of sectional assaults, and of opprobrious epithets applied to persons now under trial, (by the investigation in the other house.)

Mr. Grundy expressed the belief that public opinion every where was decidedly against the practice; he knew it to be contrary to the laws of God and man, and what he wished was to pass such a law as would be best calculated to suppress it. He argued that for this purpose the substitute of Mr. Clayton was best, for which, therefore, he would give his vote.

Mr. Prentiss spoke briefly in favor of the original bill, and against the substitute of Mr. Clayton as sufficient to effect the object proposed.

The bill being still up, and Mr. Linn having expressed a desire to consider further the question of inflicting the same punishment on seconds as on principals in a duel,

The senate adjourned, after an executive session.

House of representatives, Thursday, April 5. Mr. Patton, on leave, offered a resolution appointing Mr. McCormick (the present incumbent) postmaster to this house; which was agreed to, *nem con.*

Mr. McKennan offered a resolution that the house would on Monday next, at 2 o'clock, proceed to the election of a doorkeeper, in the place of Overton Carr deceased. Mr. Cambreleng objecting, the question was put, and the resolution agreed to: yeas 92, nays 34.

Mr. Gray, of New York, moved to amend it by substituting this day, at 2 o'clock; but it was negatived yeas 69, nays 73. Mr. Sherrod Williams then moved to suspend the election of a doorkeeper until the first Monday of December next. On this motion, Mr. Cambreleng demanded the yeas and nays; which were ordered. A brief debate now ensued, after which, the question was put on Mr. Williams' motion, and decided in the negative: yeas 74, nays 91. Mr. Sherrod Williams now offered to amend the resolution of Mr. McKennan for an election, by adding a clause declaring that, after the election of a door-keeper, the office of assistant doorkeeper be dispensed with.

The amendment was rejected without debate.

Mr. Russell, of New York, moved to amend the resolution by striking out "Monday next at 2 o'clock, and inserting "forthwith;" which was agreed to: yeas 97.

The resolution, as thus amended, was agreed to. Candidates, twenty in number, were then put in nomination, by different members.

Mr. Sherrod Williams proposed that it be agreed, before going into the election, that, after each unsuccessful ballot, (if such should be,) the candidate having the smallest number of votes be dropped, and so on until an election should be made.

But the Chair decided that this amounted to an alteration of the rule of the house, touching the election of officers, and therefore would require a vote of two-thirds. The proposition was negatived.

The house then proceeded to ballot for a doorkeeper. After the 6th ballot, Mr. Jos. Follansbee having received 91 out of 177 votes, was declared to be duly elected. Mr. Follansbee appeared accordingly, and was qualified.

Civil and diplomatic appropriation bill.

This bill came from the senate slightly amended.

The amendment was concurred in by the house. [The bill now only wants the signature of the president of the United States to become a law.]

The pension bill came from the senate with amendment, which was concurred in.

Several bills from the senate (chiefly private) were read for the first time, and were appropriately referred.

On motion of Mr. Legare,

Resolved, That the committee on revolutionary claims be instructed to inquire into the expediency of granting to Mrs. Brown, daughter of sergeant Jasper, the commutation pay of a subaltern officer, or such other compensation as she may be, in the opinion of the committee entitled to under the laws and the practice of congress.

The Speaker laid before the house a message from the president of the United States, transmitting a report from the secretary of state, with accompanying papers, in answer to the resolution of the house of 21st ult. requesting information respecting the destruction of the steamboat Caroline.

Also, a communication from the secretary of treasury, in answer to the resolution of the 21st ult. relation to lands sold under the pre-emption laws, and associations formed by intruders on the public lands.

After which, the house adjourned.

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WASHINGTON CITY, APRIL 14, 1838.

[VOL. LIV.—WHOLE No. 1,885.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

—We are happy to have it in our power to state, that Mr. Poinsett, whose illness we mentioned in our last, is entirely out of danger, and will soon be able to attend to the duties of his office.

—Mr. Jenifer, of Maryland, who was confined on his estate, by severe indisposition, has returned to his duties in the house of representatives.

—Mr. Hunter, of Ohio, has also so far recovered from his indisposition, as to be able to attend in the house.

CONNECTICUT. Mr. Ellsworth, the whig candidate for governor, has been elected by a majority, estimated at nearly 6000 votes. The senate will be comprised of 20 whigs and one friend of the administration. The whig majority in the legislature is very large.

MAINE. Edward Robinson (W) has been elected a member of congress from the Lincoln district, to supply the vacancy occasioned by the death of Mr. Cilley. Mr. McCrate was the opposing candidate. We have not yet seen an official account of the election, but Mr. Robinson's majority is said to be 166 over all the candidates.

NEW YORK CITY. The election for mayor, aldermen, council, &c. took place on Tuesday last and terminated on Thursday evening. The contest was ardent and rallied the entire strength of both parties. We have no returns, but we learn that on the first day 19,209 votes were taken, on the second 11,780, making for the two days 30,989 votes. In the great contest of 1834, the votes given on the corresponding two days amounted to 29,289.

BANKS, CURRENCY, &c. The bank convention assembled in New York on Wednesday last, pursuant to adjournment. The following notices from the New York papers of that day, contain all the information we have yet seen on the subject of its deliberations:

This important convention met to-day at 12 o'clock at the City Hall, according to adjournment.

They sit with closed doors, consequently we can glean but little concerning their proceedings. We can state, however, that a very considerable number of delegates are in attendance, say from 130 to 150. The hon. Samuel Hubbard of Boston, the same gentleman who occupied the chair at the former meeting, presiding on the present occasion. None but preliminary business has as yet been transacted.

The annexed paragraph is from the New York Express, of same date:

The bank convention assembled this morning, according to agreement. It did not take long to ascertain that a decided majority of the convention is opposed to the present resumption of specie payments, because successful resumption, in the present condition of things, is deemed impossible.

The news from Washington and Albany, together with the uncertain position our own banks are about to take, has thrown a gloom over the mercantile community. Stocks have felt the shock very sensibly. The future is all dark and doubtful, and what sort of a plunge our currency is about to take nobody seems to know.

Referring to the convention, the New York Commercial Advertiser of Monday says—

We have no means of knowing the present views of the convention or to what results its deliberations will come. Be the votes of the convention what they may however, the banks of this city and state must resume. There is no alternative. But for a course on their part the wisdom of which we have never been able to perceive, they might readily have received farther indulgence at the hands of the legislature, in the event of such indulgence being necessary. But they have themselves closed the doors against an extension of the suspension law, however necessary it may be to save what remains of this noble and suffering city. Come what will, our banks must resume.

It was stated in the "New York American" a few days ago, that governor Marcy would recommend to the legislature, the expediency of loaning ten millions of state stocks to the banks to enable them to sustain themselves in their resumption of

specie payments. But the "Albany Argus" intimates that the governor will not take the lead in this measure, though willing to sanction it, if brought forward by the party in the majority in the legislature.

On Tuesday last Mr. Birdseye offered the following to the consideration of the assembly of N. York.

Whereas the banks of the state of New York, as the fiscal agents of the United States, have heretofore received in deposit large amounts of the federal revenues, all which they have paid over on demand, without loss or defalcation—

And whereas those institutions are now preparing to resume specie payments at an early day, and have evinced a commendable desire to place the currency of this state in a sound condition—

And whereas it is just and proper, that these banks should be adequately sustained in these their praiseworthy efforts, by the confidence of the states and general governments—

Therefore resolved, That all the revenues of this state be continued, as heretofore, to be collected in the notes of the solvent, specie-paying banks of this state, and deposited with those banks for safe keeping.

Resolved, That our senators and representatives in congress be requested to urge the immediate passage of a law, or the adoption of a resolution, directing all the officers of the general government within this state to receive the notes of the specie-paying banks thereof, in payment of all debts due and to become due to the United States, and to disburse the same in payments to be made by the federal government within this state.

We find the following in the "New York American" of Tuesday last, which has been before the banks of New York for more than a month.

WASHINGTON, 18th March, 1838.

DEAR SIR—In reply to yours of the 16th instant. I hasten to remove any erroneous inferences from the rumor mentioned. The settled policy of the department, and one which it makes known to all inquiries is, to promote the resumption of specie payments by the banks, so far as its limited power may permit.

Consequently it has not, and will not hereafter purchase specie beyond what may be needed for immediate disbursement, and in that way will neither hoard it nor compete with others for its possession.

All we receive in any way, will immediately be paid out again to defray the appropriations.

I make these statements explicitly and promptly, and have forwarded similar ones to Boston, in order that no injurious apprehension need be entertained as to the financial operations of the government.

Respectfully, yours,

LEVI WOODBURY.

Sales at the New York stock exchange, April 11.		
207 shares U. S. bank	111	1-2
50 do do do 100 days,	111	1-2
Specie—1-2 a 1 per cent. premium.		
Treasury notes—Sales of \$5000 at 1-4, and \$4000 at 1-8 per cent discount.		
Sales of stock at Philadelphia, April 11.		
\$1600 draft of New York,	104	1-2
\$1000 do do	104	1-2
50 shares U. S. Bank,	117	1-4

FROM THE ARMY. St. Augustine, April 6.—Recent arrivals from Jupiter river, inform us that the 500 Indians encamped there, "awaiting the decision of the president," have been captured, by order of gen. Jessup. A part of them have been sent to Key Biscayne, (Cape Florida)—the remainder have gone over land to Tampa Bay. They are in all, 520 in number, men, women, and children; among them 150 to 200 warriors.

A more recent arrival brings information that colonel Bankhead, with his command, after traversing some "terrible" swamps came up with a body of Indians, number not known, but supposed to be Sam Jones' gang, to whom a flag was sent; but the Indians fired upon the flag. An attempt was then made to surround the Indians but without success—they escaped.

An express arrived here a few days since from Micanopy, by which we learn that two men have been killed and scalped in that vicinity. The name of one, we understand was Hogsans—we have not learned the name of the other.

It is reported that Nelson's brigade have gone home

From the Tallahassee "Floridian," March 31.

During the week our town has been filled with troops, col. Snodgrass' command of Alabamians passed through, on their way home, having been discharged. We learn that out of 1200 men, the whole command have lost during four months but three by sickness. Part of the force has been chiefly stationed at posts and garrisons, and the residue near the main army in the lower part of the peninsula.

On Thursday last about 1000 of gen. Nelson's brigade passed through on their route to Columbus, where they are to be discharged. We have the highest respect for those troops. Hardy woodsmen, inured to danger and commanded by brave and intelligent officers, to whom they are attached and have full confidence in, we have seen no soldiers during the war on whose services we should place higher value. The duty assigned them in the protection of the frontier has been faithfully performed. They have been actively engaged in scouring the country from Suwannee to Tampa Bay. No lives have been lost, though on the different skirmishes several have been badly wounded. The brave col. Foster was severely shot through the breast while charging upon an Indian, but we are glad to learn will probably soon recover from its effects.

GENERAL ORDERS—No. 7.

HEAD QUARTERS OF THE ARMY, }
ADJUTANT GENERAL'S OFFICE, }

Washington, April 10, 1838.

I. Major-general Jesup having reported that the operations in Florida will have terminated by the 1st of May, and that a portion of the troops will be disposable, the following arrangements will be carried into effect as soon thereafter as practicable.

II. The 1st and 8th regiments of infantry, the six companies of the second infantry and four companies of the second dragoons, will constitute the regular force to remain in Florida, with as many companies of the volunteers or militia of the territory as the officer remaining in command may deem necessary. The three companies of the 8th infantry, now in Louisiana, will forthwith join the head quarters of the regiment at Tampa Bay.

III. The four regiments of artillery, the 4th regiment of infantry, six companies of the 2d dragoons, and the detachment of marines, will repair to the Cherokee country by the most convenient and expeditious routes from the several points at which they may be found on the receipt of this order. The troops, as far as practicable, will move by regiments, and be accompanied by all the officers belonging to each. Should any of the companies ordered to the Cherokee country, occupy stations in Florida from which they should not be immediately withdrawn, they will continue in position until they can be relieved by the troops designated to remain in the territory; after which they will follow their regiments without delay, it being important to concentrate the companies of each regiment.

IV. Two surgeons, and as many assistants as the service may require, will be retained in Florida, to be selected from those whose who have served the shortest period in the territory. All other officers of the medical staff will proceed with the troops ordered to the Cherokee country.

V. Major general Jesup will take all the necessary measures for the prompt execution of this order, and will then turn over the command of the troops in Florida to brevet brigadier general Z. Taylor, colonel of the 1st infantry; and on being relieved, he will repair to the seat of government, and resume the duties of quartermaster general.

VI. The officers at the heads of the several branches of the staff will make the necessary arrangements for moving and supplying the troops on their routes to their destination, and for the service in which they are to be employed.

VII. Major-general Scott is assigned to the immediate command of the troops ordered to the Cherokee country, and the direction of affairs in that quarter. The commanders of regiments and detachments will report to his head quarters, at Athens, in Tennessee, or wherever else they may be established at the time.

By order of ALEXANDER MACOMB,
Major-general commanding-in-chief,

R. JONES,
Adjutant general.

MR. BIDDLE'S LETTER.

TO THE HON. JOHN QUINCY ADAMS, WASHINGTON.

MY DEAR SIR: I propose to say a few words on the question whether the banks should resume specie payments in May next. I do this because my position seems to justify, if not require it. For nineteen years I have been connected with the institution which caused the last resumption, and during all that period my efforts have been directed to secure to the country the benefits of a sound currency, and to banish from circulation every thing but the precious metals and notes always convertible into them. I think no other currency is safe or tolerable; and that we should now return to it at the first moment it can be done permanently. For this purpose the institution to which I belong has made great efforts. Since the suspension in May last it has bought and added to its vaults nearly three millions of dollars in gold and silver; and now with a capital of thirty-five millions, its notes in circulation are six millions, while its specie, after paying more than half a million to the government of the United States, amounts to nearly four millions, and it has eight or ten millions of funds in Europe. Our principles, therefore, incline us to an early resumption; our preparations would justify it—and if we were at all influenced by the poor ambition of doing what others cannot do so readily, or the still poorer desire of profiting by the disasters of others, the occasion would certainly be tempting. But the Bank of the United States makes common cause with the other banks, and the character and prosperity of the country are identified with its banking system. They must stand or fall together; and it is of vital importance that the banks should act wisely and act harmoniously, and above all, that they should not suffer themselves to be driven, by the dread of being thought weak, into rash and hazardous enterprises.

The great prerogative of strength is not to be afraid of doing right; and it belongs to those who have no fear that prudent counsels will be mistaken for timidity, to examine calmly whether the general interest of the country recommend the voluntary resumption of specie payments in May next. I say the voluntary resumption, because there is not now, nor has there ever been, any legal suspension of specie payments as there was for more than twenty years in England. The suspension is wholly conventional between the banks and the community, arising from their mutual conviction that it is for their mutual benefit. In truth, the banks are but the mere agents of that community. They have no funds not already lent out to the people, of whose property and industry they are the representatives. They are only other names for the farms, the commerce, the factories, and the internal improvements of the country—and the inquiry whether the banks are ready to resume is only another form of asking whether the people are ready to pay their debts to the banks.

The true question then, after all, is, whether the time has arrived when the banks should announce that the causes of the suspension, which then satisfied the community, have ceased to exist, and that the suspension itself, with all its necessary attendants of restriction, need no longer be continued. To that inquiry I now proceed. And—

I. What were the causes of the suspension? They were the specie circular, which forbade the receipt of any thing but gold or silver at the land offices—the mismanagement of the deposits, which scattered them to the frontiers—the clamor raised by the executive against banks notes, which alarmed the people for their safety, and caused a run upon the banks for specie. Now has any one of these causes ceased? On the contrary, have they not acquired ten fold force? The specie circular is not repealed. On the contrary, it has been extended, for bank notes are prescribed, not merely from the land offices, but from all payments of every description to the government. The distribution of the surplus is over, because there is no longer any surplus to distribute; but the great disbursements on the southern and western frontiers operate as injuriously by requiring the transfer of so much revenue from the points where it is collected. Lastly, and mainly, the alarm about bank notes propagated by the government, has been deeply spread throughout the country, till what was at first a passing outcry, has settled into an implacable hostility. No man, I think, can doubt for a moment that the executive of the United States seeks to maintain his power by exciting popular passions against the credit system; and that the whole influence of the government is employed to infuse into the minds of the people distrust and hatred of all banks.

For this purpose, the most insane ravings are addressed to the cupidity of the ignorant, who are taught that gold and silver are the only true riches,

and above all, that these shrewd metals would enable us to outwit the paper dullness of England. "Sir," said lately one of these politicians in the senate of the United States, "sir, a man loses all by any circumstance that but for that circumstance he would have made. Although England is a paper country, yet if we were exclusively a metallic country we should make more out of our intercourse with her. And why should we, because she chooses to maim herself by her paper system, follow her example." The government, it may be said, is comparatively harmless, because its expenditures exceed its income. Its regular income, no doubt—but while it can pledge the public credit for treasury notes at a high rate of interest by which every man's property is mortgaged, and buy specie with them, there can never be wanting the means of oppressing the banks. There is therefore no one circumstance which occasioned the suspension, sufficiently removed to justify a change, and the most prominent cause remains with increased intensity. Accordingly—

II. The credit system of the United States and the exclusively metallic system are now fairly in the field, face to face with each other. One or the other must fall. There can be no other issue. It is not a question of correcting errors or reforming abuses, but of absolute destruction; not which shall conquer but which shall survive. The present struggle too must be final. If the banks resume and are able, by sacrificing the community, to continue for a few months, it will be exclusively employed at the next elections to show that the schemes of the executive are not as destructive as they will prove hereafter. But if they resume and again are compelled to suspend, the executive will rejoice at this new triumph, and they will fall in the midst of a universal outcry against their weakness. This is perfectly understood, and accordingly all the influence of the executive is directed to drive the banks, by popular outrage and clamor, into a premature resumption—not a business resumption, general and permanent, but a political and forced resumption, which may place them at the mercy of those in power. They who have special charge of these interests must then beware of being deceived from their present position.

They are now safe and strong, and they should not venture beyond their entrenchments while the enemy is in the plain before them. If they resume, one of two things will happen—their notes will not be received by the government or they will be received. If they are not received, the government, to the extent of the revenue, will force the holders of the notes to draw specie from the banks to be deposited with collectors of the revenue. For the difference between the revenue and the expenses, the government will issue treasury notes to be sold for bank notes, and converted into specie, and as the disbursements are made at points on the frontiers, remote from the places of collection, it will not return to the banks issuing it except circuitously. But if the notes are received, they will not, as formerly, be deposited in banks and drawn out again so as to enter into the circulation, leaving the public creditor his choice of specie or notes, but they will be left in special deposit with the receivers. When warrants are drawn on these receivers they will call on the banks for specie to pay the favored public creditor, selecting, of course, the bank on whom they will draw according to its servility or opposition to the executive, and thus placing them all under his control. Now under such circumstances, is it wise for the banks to disarm themselves in the presence of the enemy?

III. The disorders of the currency lie too deep for superficial remedies, and these palliatives irritate without curing. Congress, and congress alone, can apply adequate relief. What Mr. Madison said to congress in 1816, is even more true in 1838. "For the interest of the community at large," said he, "as well as for the purposes of the treasury, it is essential that the nation should possess a currency of equal value, credit and use wherever it may circulate. The constitution has entrusted congress exclusively with the power of creating and regulating the currency of that description." The only reform in the currency which that body has yet made, is the issue of ten millions of irredeemable paper money, and a proposal for ten millions more. Is it worth while then, so long as congress fails to exercise its legitimate powers, to waste the strength of the country in efforts to accomplish what we all know to be impracticable? To resume now without some clear understanding with the government, seems to be throwing away the benefits of experience, and the lessons of misfortune. We have gone through all the mortification and all the inconvenience of suspension. Let us endeavor to profit by them; to fix the future on some solid basis—have some guarantee of the stability of the currency, and not set every thing afloat again without knowing where we may be drifted. For—

IV. Compare the situation of the banks at the last resumption and now. After a suspension for nearly three years, congress applied all its power to induce, to persuade, and to assist the banks in their efforts to resume. They passed the resolution of 1816, authorizing the receipt of the notes of specie paying banks. But this alone was insufficient; and at the same time, they established the Bank of the United States, with a capital of thirty-five millions. That bank called a convention of state banks, and agreed that if they would resume specie payments, it would

1. Assume all their debts to the government of the United States.

2. Discount to those who had payments to make to the government, the whole amount of their bonds; and in addition

3. Discount to those not indebted to the government two millions in New York, two millions in Philadelphia, one and a half million in Baltimore, and a half million in Richmond—and

5. Would sustain the resuming banks in case the resumption brought them into difficulty.

The bank, at the same time, imported, at an expense of more than half a million, the sum of seven millions of specie, and two months after the resumption its discounts reached twenty millions. Compare with this statement our condition now.

Then the government agreed to receive for all dues the notes of the Bank of the United States—now all bank notes are refused and discredited. Then the government endeavored to sustain the banks—now it is striving to destroy them. Then it established a new and vigorous bank capital—now it refuses to create a new bank, and seeks to cripple those in existence. Then we had two hundred and sixty banks—now we have nearly nine hundred.

In short, what reliance have the banks now with the executive hostile to them? What protection like that of the late Bank of the United States have they to sustain them? None whatever.

The only circumstance not wholly unfavorable in the comparison, is the low rate of exchange with England. But nothing general or permanent can be inferred from this circumstance, which frequently occurs, and on the present occasion is wholly accidental in New York, from the unnatural condition into which her measures of extreme rigor have driven every thing. If under ordinary circumstances, while other things underwent no depression, exchange on England should decline, it might be inferred that England owes to the United States more than we have yet drawn from her. But it is not exchange alone that has fallen. Exchange on England has not fallen in New York as much as the internal exchanges or stocks or real estate, or house rent have fallen. This fact seems decisive as to the cause. But can this depression continue? Certainly not. These rigorous measures are understood to be only preliminary—only preparations for an expansion by the banks of New York, which is to restore ease and confidence. Well, the moment this ease and confidence return, all things will rise, and exchange of course among the number. Besides, this unnatural condition will work its own remedy, as all irregularities are cured by their own excesses. To sell every thing and to buy nothing is impracticable, and when the English have bought all the produce we have to spare, we must of course buy from them what manufactures they have to spare. As soon as the proceeds of our industry are realized in England—while we have gradually exhausted our supply of English goods—our own merchants will convert their produce into a fresh supply to be brought over; or if this process be too slow, the English manufacturers themselves will send their own goods for sale. In either case the exchange will recover its equilibrium, and of course will rise here, for between two such countries as America and England, a permanent inequality of exchange, as a basis of the metallic currency of either, is impossible.

V. Perceiving nothing in the conduct of the government to justify an early resumption, let us see if there be any thing in the state of the country which recommends it. Now what is the condition of our affairs? The suspension found us with a heavy debt to the banks—not less probably than five hundred millions—with large balances from the southern and western states to the Atlantic cities, and with a very considerable debt to Europe. All parties were willing to pay; almost all were able to pay; but great forbearance and great indulgence were necessary from the creditor, and above all, after such a convulsion, the great restorer was time; time to settle; time to adjust accounts; time to send the debtors' crops to market; time to dispose of his property with the least sacrifice; time to bring out his resources to pay his debts. In all the large movements of human affairs, as in the operations of nature, the great law is gentleness—

violence is the last resource of weakness. The disease of the country was an overstrained and dis-tempered energy. The remedy was repose. The question of the currency, though important, was only secondary. The first concern was to pay our debts, and especially not to depreciate the value of our means of paying them.

Accordingly it seemed to me that after the suspension, the true course of this country was to begin a gentle and gradual diminution of loans, sufficient to prevent the hazards of expansion while the restraint of specie payments was removed, and to prepare for the resumption, but with no rash competition as to the amount which the several banks could curtail—to make no violent changes in the standard of value, and give time for a settlement with foreigners, and among ourselves, on the same or nearly the same basis upon which these mutual engagements were contracted—letting the crops go to their destined markets without depreciating their price. After this, the resumption with the aid of congress, would have been easy and spontaneous. It was in this spirit that the Bank of the United States has not diminished ten per cent. of its loans—while it added about three millions to its specie—and will have given the necessary facilities for shipping the crops of the south and west to the amount of probably fifteen or twenty millions of dollars; placing its own confidential agent in England to protect the great commercial and pecuniary interests of the country. This seemed to be its proper function.

It was thus that it hoped to discharge its duty to the whole union. It was thus, too, it could show its fidelity to Pennsylvania, by aiding its public improvements—by keeping its business and its people in comparative ease, and by not suffering the prosperity of its commercial capital to be prostrated—objects these, far more important than whether specie payments be resumed a few months sooner or later.

The injurious effects of a contrary course are seen in all the relations of business. Take for instance the debts to banks and to individuals. The debts were mainly contracted when the currency was abundant. They must now be paid in a very altered state of the currency—and it is necessary to proceed with extreme caution when the relation of the debtor to his creditor is changed by events which neither could control, because if this change be not made very gradually so as to bring at the same time all the other relations of life to the same standard, you inflict injustice or perhaps ruin on the debtor. It was thus that England continued her suspension for twenty-five years, and by act of parliament gave several years notice of the progressive resumption, in order that all the business of the country should adjust itself to the approaching change. Of the effect of any sudden movement, we have before us a striking instance.

It appears by the published statements of the banks of the city of New York, that since the suspension to March 1, 1838, they have reduced their loans and discounts from forty-six millions to thirty millions, and their circulation from nine millions to two millions—an aggregate diminution from forty-five millions to thirty-three millions. If this, or any thing near this, be the reduction, what is the consequence? A man who contracted a debt to the banks in New York, before the suspension, finds his ability to provide means for the payment of that debt reduced one third or nearly one half—that is to say, the dollar he now pays is equivalent to one and a half or almost two dollars when he borrowed it, besides the interest. Such a process of reduction would have been wholly intolerable, if the citizens had not escaped from it and sought alleviation by loans elsewhere. But if the other cities had followed the example of New York and made similar reductions, the whole country would have sunk under it or revolved against it.

These inequalities between members of the same community become more striking when applied to engagements between distant parts of the union. The Atlantic cities for instance, were creditors of the southern and western states for goods sold to them, to be paid for either in those states, or in the Atlantic cities—their currencies being so nearly the same that the exchange would not cost as much as the mere transportation of the specie. When the day of payment arrives, the creditor city suddenly makes an artificial scarcity of its own currency—renders the only money it will receive in payment almost inaccessible to its debtor—reducing at the same time the rates of exchange, and the prices of every thing. This rigor instantly recoils on the creditor. If payment is made in the southern and western states, the Atlantic merchant loses the whole depreciation in the exchange. If payment is to be made in the Atlantic cities, and the debtor sends produce to pay his debt, the scarcity of mo-

ney obliges him to sacrifice it—if he sends the bank notes of his country they sink to seventy-five per cent. in value—and he loses the difference. If he brings the stocks of his state, the scarcity of money renders their negotiation impossible. Once disappointed in this way, he sends no more produce—no more bank notes—and the creditors in turn suffer more than the difference by the delay.

So in respect to foreigners. We owe a large debt to France and England. Why should we destroy the value of our only means of paying it? We can pay it only in *cash*, or *produce*, or *stocks*. As to *cash*—this debt was contracted in an abundant currency. By this artificial scarcity of money we are obliged to pay it in a currency more valuable by one half or one third. Even at that rate we can neither borrow the money nor raise it by sales except by ruinous sacrifice. We then may pay it in *produce* or in *stocks*, but the same scarcity sinks the value of both. A debt contracted when cotton was at twenty cents, we have to pay when cotton is ten cents a pound. If we propose to pay in stocks, these too have sunk perhaps twenty-five per cent. on their price last year. Our resources then are diminished in value while our debt is increasing by interest. The consequence is the foreign debt is postponed. This operates injuriously to both parties—to the domestic debtor by reducing his means of payment—to the foreign creditor by the delay and the hazard of his debt. It is true if he could now receive his money he would remit it home at a low rate.

But then the same scarcity which lowers the rate of remittance, prevents his receiving any thing to remit—and so far from being interested in the early resumption, it injures him essentially, because the forced preparation for it by crushing the resources of his debtors renders them alike unable and unwilling to pay. What the foreign creditor wants is payment—payment of the debt, not in a better currency, but in an equal currency, or if necessary, in an inferior currency, because he can better support a high rate of remittance than a reduced or postponed payment.

There prevails a notion that the credit of the country abroad will be injured by not resuming. Not in the least. Every body connected with America knew the reasons of suspending, and entirely approved of it as the only measure that could have saved the country. What Europeans want now is that we should pay our debt. That is our first duty, and if they see, as they cannot fail to see, that these premature efforts to resume specie payments prevent the collection of what is due to them, they will perceive, that in endeavoring to secure an object wholly domestic, they have been sacrificed.

In respect to the dividends and the stock, payable abroad, many of them are payable in pounds sterling, or guilders, or francs, so that we place the money there at our own cost—and as to dividends payable here, they have almost universally been remitted in the equivalents to specie. What the general merchants of France or England desire, is that we should take their merchandize—that we should trade with them. The state of our currency is a very subordinate concern. You deal with them and pay them in their own currency. They know little and care less about the sort of currency in which you deal with the south and west. Besides, who are to reproach us with the depreciation of our notes. The English? But the Bank of England suspended specie payments for twenty-five years—nearly all which time every American bank paid specie—and men in England were forced by law to take the notes of the Bank of England when they were at thirty per cent. discount—whereas no man is obliged here to take any note of any bank—and at this moment a paper dollar in Philadelphia or New York, will buy a silver dollar delivered in London. The question then of the resumption is one exclusively domestic—one which, however important at home, does not effect the credit of the country abroad.

VI. We come now to the question whether if an early resumption be practicable, the month of May is a fit time. My impression is that the month of May is a very unfit time. The resumption, to be useful, must be general, and no arrangement can be satisfactory which does not include the southern and southwestern states. These I do not think are yet ready to resume. They are straining every nerve to pay their debts. Their crops are going forward to provide funds in Europe and at the north—the banks are laboring to meet their notes at the north—the legislatures are pledging their credit to raise funds in order that their people may pay their debts. Why should we repulse them? All they want is time. They have not yet had the benefit of a single crop, and they may require another; and instead of discrediting them, or diminishing the value of their produce, or curtailing their facilities in

sending their crops to market, it is better to help them and wait till they are more advanced in their preparations. The employment of credit, either of banks or of individuals, most useful to the country at this moment, is to forward its produce to Europe. Instead of this the banks are reducing these facilities and calling upon their debtors for payment. This seems very unreasonable. It is stopping the locomotives as they are carrying the crop to market.

The month of May too is not the right time of the year. For example, it requires on an average about fifty days to take cotton from New Orleans to Liverpool. Supposing it immediately sold, the usage is at the end of ten days to give a banker's acceptance, payable in two months, so that by the month of May there would not be actually realised more than the cotton which left New Orleans before January; when not more than one fourth or one-fifth of the whole crop had been shipped. Much, of course, is drawn for when shipped, but I speak now of the actual obtaining possession of the proceeds of the crop; and at all events not one half of the crop will have reached Europe by the month of May. The spring is, moreover, the season when the credits given for the shipments of southern and western produce, are maturing at the north; and the crop from which reimbursements are to come, remains unsold in Europe. The spring too, is the time when the western business has brought from the interior the notes of the Atlantic banks, when the circulation presses more upon them than at any other period, and when specie is wanted for the trade to China and India, making that time particularly unpropitious for the resumption.

VII. It remains now to inquire how far these general views of the expediency of a resumption in May should be changed by the determination of the banks of the city of New York to resume at that period.

For the gentlemen of New York who announced that decision, I have great personal respect, and under ordinary circumstances would willingly yield my own convictions to their better opportunities and understanding. But the natural influence of their judgment is weakened by the knowledge of the fact, that the banks of New York would not have had the least idea of a resumption in May—but because the immunity allowed by the legislature will then expire and they fear that it will not be renewed.

This was distinctly avowed at the bank convention, and the deputation who visited Philadelphia repeated it again and again. Now this may be a very good reason for the banks of New York to resume—but certainly no reason whatever for the banks of Pennsylvania to do the same. The states of Pennsylvania, of Virginia, of Kentucky, have legislatures as well as New York has, and they have refused to direct their banks to resume in May next. Why should they obey the legislature of New York and not their own legislatures? The position of New York is on all hands regretted. But how is it to be remedied? A single legislature out of twenty-six legislatures had passed a law forfeiting the charters of banks, if they were unable to redeem their notes in specie.

A public calamity overtakes the country and the declining to pay specie, so far from being criminal, became an act of public safety—so adopted by all the banks, and so confirmed by this very legislature. The provision originally designed to guard against fraud, may thus become the punishment of honesty and ability. The legislative body which protected banks for years is now in session, and in twenty-four hours can extend the indemnity till a more appropriate season for resuming. I presume no difficulty will occur in this. Why should there be? Is it possible that such a body can see with indifference the distress which a perseverance in this course must inevitably create, or permit the pride of opinion or any mere political or party consideration to prevent them interposing to protect their noble but suffering city? If they decline how can we of Pennsylvania interfere?

Why should we voluntarily place ourselves in the same situation into which New York has been forced? By doing so we share only a common disaster—instead of husbanding our resources against the period when our interposition may be really useful. In the mean while, the most effectual service which we can render is to speak in a tone of frank sincerity. She may perhaps bear it from one than whom she has never had a more true and constant friend—who, although an entire stranger, has for a long series of years, done every thing in his power to advance her prosperity, and never saw her in any misfortune which he did not anxiously strive to mitigate. But I wish to serve her, not to flatter her. I believe then that at this moment New York is in an entirely false position. She is obliged by

the existing law to do what she feels to be wrong. Her natural course is to appeal to her representatives to rectify their mistake, and not to thrust out their own state banks to be crushed by the executive.

Instead of doing this, she perseveres from a mistaken, though honorable pride, in not asking relief where relief is attainable, but is preparing for the event by sacrificing her own interests and inflicting distress on the community. The apparent superiority in the exchanges which this produces, is wholly fallacious as well as injurious. The state of the exchanges in New York proves nothing whatever, except the scarcity of money in New York. The exchanges are even less depreciated than many other things. The bank notes of the southern states are at a great depreciation. But store rent and real estate in the very spot where these notes are sacrificed, are much more depreciated than the notes themselves. So too in New York, the notes of Philadelphia are at a discount, yet at this moment New York has to pay to Philadelphia, little less than ten millions of dollars, for actual debts to Philadelphia and to foreigners represented by Philadelphia.

It is not, therefore, the abundance, but the want of means—it is not strength but weakness which causes this difference. By the same process bread and meat may be reduced in price for the want of purchasers. You make an artificial scarcity of money, and then boast how much the little that remains will buy—but your superiority is punished by the debtor, who does not settle with a creditor so much above him. And what is the benefit of all this? The other states are not obliged to submit to this local legislation, and the suffering of New York is not certainly fitted to make them adopt it voluntarily. It is better, therefore, for them to state with perfect frankness that they do not mean to unite with her in this forced resumption—to say this decidedly and finally, so that she may apply the only remedy—an extension of her law. The whole subject would then be open for future adjustment upon principles of safety, alike to the banks and to the community.

On the whole, the course which in my judgment the banks ought to pursue, is simply this:

The banks should remain exactly as they are—prepared to resume, but not yet resuming.

They should begin, as the Bank of England did, under similar circumstances, by paying the small notes, so as to restore coin to all the minor channels of circulation—but not make any general resumption until they ascertain what course the government will pursue, employing, in the meantime, their whole power to forward the crops to market. The American banks should do in short what the American army did at New Orleans, stand fast behind their cotton bales until the enemy has left the country.

These are my opinions very deliberately formed, and very frankly expressed. They are thus set forth, not to influence the course of others, but to explain my own.

With great respect and esteem, yours,

N. BIDDLE.

Philadelphia, April 5, 1838.

From the New York Times.

MR. TALLMADGE'S LETTER.

We take great pleasure in placing before our readers, in a conspicuous manner, the very interesting and able letter from the hon. N. P. Tallmadge to recorder Riker. Mr. Riker applied to Mr. Tallmadge, when the bearing of the sub-treasury bill, as passed by the senate, was a matter of conjecture in this community, for information on this subject, so pregnant with momentous consequences to this commercial city. The letter has been hastily drawn up by Mr. Tallmadge in reply; and the subject to which it relates being one of immense public interest, and upon which the views of every patriotic citizen and faithful republican ought to be freely expressed, Mr. Riker has consented to its publication.

WASHINGTON, March 28, 1838.

Hon. RICHARD RIKER—Dear Sir: You ask my opinion of the sub-treasury bill as it passed the senate. I will give it as briefly as possible.

Before the bill was engrossed, the 23d section, originally introduced by Mr. Calhoun, and commonly called the *specie clause*, was stricken out. Mr. Tipton then moved to insert a section in its place, requiring the notes of specie paying banks to be received in payment of the public revenues, under such restrictions and regulations as congress should provide, which was rejected. A section was then adopted, on motion of Mr. Webster, taking from the secretary of the treasury the power of discriminating as to the kind of funds to be received in the different

branches of the public revenue. In this shape the bill passed the senate.

Now, as to its practical operation: By its provisions the government is thrown back upon the joint resolution of 1816, under which the executive claims the right to prescribe the kind of funds to be received, whether specie or the notes of specie paying banks. Under his construction of this joint resolution, the late president issued the specie circular, by which he required specie in the payment of public lands, whilst the notes of specie-paying banks, under certain restrictions, were received for customs. Mr. Webster's amendment takes away this right of discrimination. The president must, therefore, either require specie or the notes of specie paying banks, in all the different branches of the public revenue, and cannot receive one kind of funds in one branch, and a different kind in another. We must, of course, rescind the specie circular which relates to the public lands, or he must extend it to the customs.

Which will he do? Some have supposed he would authorize the receipt of the notes of specie paying banks, and disburse them in the public service; this, under certain restrictions, might be done, and might, perhaps, be made to operate beneficially upon the different interests to be affected by it. Probably this was the expectation of some of those who voted to strike out Mr. Calhoun's specie clause, for although Mr. Tipton's amendment was rejected, still it was avowed in debate that it was opposed on the ground that it implied a distrust in the president as to the proper performance of his duty.

The question then recurs, which of the two descriptions of funds will be direct to be received? I should think he would hardly direct the public dues to be paid in specie, after the expression of the senate against it by striking out the specie clause; he must, then, direct the receipt of notes of specie paying banks, under such regulations and restrictions as may be prescribed. As to what those will be, we are left to infer from the facts before us. The president, in his message at the extra session said: "If at short and fixed periods, they (bank notes) were converted into specie, to be kept by the officers of the treasury, some of the most serious obstacles to their reception would, perhaps, be removed. To retain the notes in the treasury would be to renew, under another form, the loans of public money to the banks, and the evils consequent thereon."

I took the ground, at the extra session, that if the bank notes were to be converted into specie, as above suggested by the president, it was immaterial to me whether specie or the notes of specie paying banks were to be received: the practical effect would be the same in both cases.

Mr. Wright, in his speech at the extra session, said: "For himself, he agreed with the view of this matter which he understood his honorable colleague to take, that in case the deposits were confined to the safe keeping of the officers of the government, it was a question of much less interest to the banks than seemed to be generally supposed. If the banks were not made the depositories, it could not be supposed their notes, if made receivable, would be retained for any length of time in safe-keeping. It would be a necessary result of this mode of keeping the public funds, that all bank notes received must be presented at short intervals for payment; and he could not see that it would be any very valuable favor to the banks, as a permanent system, to receive their notes merely for the purpose of immediate presentation and payment." At the present session, Mr. Wright said: "If the notes of the banks continue to be received in payment of the public dues, and the depositories are directed, as in that case they unquestionably would be, to call frequently and at short intervals for the balances against the banks, and to demand specie for those balances, this must operate as a powerful check upon all the banks in the vicinity of those depositories where the collections are large."

From the above quotations, and from the sources from which they come, I trust there can no longer be any doubt on the public mind as to the manner in which the sub-treasury bill, if it shall become a law in its present shape, will be carried into effect; and I leave it to the judgment of every rational man to say whether the receipt of the notes of specie paying banks, under such regulations, and under the discretionary power claimed by the executive, is not far worse than the positive and absolute receipt of gold and silver only? In the latter case, the banks would only suffer in consequence of their specie being drawn from them, and deposited in these sub-treasury vaults, by which they would be disabled to extend those accommodations to which the mercantile community is entitled. In the former, it would subject them to the same inconvenience by the presentment of their notes for specie, and put it in the power of the executive to pull down or build up any bank he pleased, from the manner in which

he could accumulate its bills, if it continued to do business, and suddenly present them for specie. The same remark is also applicable to Mr. Calhoun's proposition, (whilst bank notes are received,) by which one-sixth was to be received in specie the first year, two-sixths the second year, and so on till the whole receipts of the public revenue should be in gold and silver. Who can fail to see that, under such a system, every bank throughout the country may be destroyed, and all those evils, which have been so fully depicted during the discussion of this question, inflicted on the community. It is in fact establishing a gold and silver currency for officers and contractors of government, and leaving the people at the mercy of the executive or the secretary of the treasury. The banks cannot resume specie payments, if they continue to do business under such a system. Nay, they cannot live but by executive clemency.

The great evil consists in the adoption of the sub-treasury system in any form. That done, all others must follow. There is no way in which the objections to its adoption can be overcome. It is not capable of being made by any amendments either useful or harmless. I hope the country will not be deceived by the present form of the bill. It was right to strike out the specie clause, if we could, because that was giving a blow which destroyed that little congruity it had, and left it in a shape in which it was hoped none would seriously think of passing it.

It contains powers which led directly to an unmitigated despotism of opinion. You have not failed to see, in reference to the progress of this measure, the dangerous extent of executive influence. You can scarcely imagine the evils which may follow the exercise of the additional powers proposed to be conferred by this bill on that department of the government. Away, then, with the whole system—away with these vaults and safes, these bars and bolts. Let the government deposit its funds in sound institutions, and let there be received the notes of such banks as the deposit banks will agree to credit to the government as cash. Let the government then make its drafts on those depositories, and let the holders draw such currency as they desire.

I am utterly astonished at the manner in which this measure is attempted to be forced upon congress and the people. If the collection of the revenue in gold and silver be so essential for the general government, why is it not equally so for every state government? The same argument would apply in the one case as in the other. What would be said to such a proposition in the state of New York? I believe it was entertained at Tammany Hall. But what would the people of the state say? What would the legislature say? It could scarcely command a voice or a vote with the one or the other. Who is there that would require our canal tolls, our auction and salt duties, and our taxes, to be collected in specie? Such a law, if it were passed, could not be enforced. The same remark is applicable to every state in the union. And, I say, what is good enough for the states, and the people of the states, is good enough for the general government. I hope, then, the community will not be deceived as to the character of this bill. It does not contain a single mitigating feature. I trust it will be resisted, or any thing like it, in all the stages of its progress, until the executive be compelled to abandon his scheming, and return to a system based on sound principles and sanctioned by experience.

There is no occasion to despond. The spirit here is good. We are in earnest, and our resolution is fixed and firm. Let but the people have an opportunity to see this matter in its true light, and an end will be put, ere long, to these pernicious and dangerous projects.

Very respectfully, yours,

N. P. TALLMADGE.

STATE OF THE TREASURY.

LETTER FROM THE SECRETARY OF THE TREASURY.

Transmitting the information required by a resolution of the house of representatives of the 24th instant, in relation to the amount of treasury notes issued; the amount of the same which has been received in payment of the public dues up to this time; also the amount of moneys received on account of the customs, &c.

TREASURY DEPARTMENT, March 28, 1838.

SIR: This report is submitted in compliance with the following resolution, passed by the house of representatives on the 24th instant:

"Resolved, That the secretary of the treasury report to this house, at as early a day as may be found practicable, the amount of treasury notes issued under the authority of the act of the last session of congress, and

the amount of the same which has been received in payment of the public dues up to this time; also the amount of moneys received on account of the customs, and the public lands, during the last quarter of the year 1837, and during the first quarter of the present year, so far as the quarterly returns, or other information in possession of the department, may show; also, what amount of moneys of every description, available for the public service, is now in the treasury, or in the hands of receivers, liable to draft, and at what points deposited."

1. In reply to the first inquiry, I would state; that "the amount of treasury notes issued under the authority of the act of the last session of congress" was, on the 24th instant, \$7,116,633 75.

2. The amount of the same which "had been received in payment of the public dues, up to" that time, was, so far as then ascertained by actual returns, \$3,241,000.

Undoubtedly some two or three hundred thousand dollars more had then been received by the collecting officers, but time enough had not elapsed for the returns of them to reach the department.

3. In answer to the third inquiry, I would observe, that "the amount of moneys received on account of the customs and the public lands during the last quarter of the year 1837," was \$3,016,816 77. Of this, \$2,115,953 78 was from customs, and \$901,857 99 from lands.

But, for reasons explained in the last report on the finances from this department, and in a subsequent part of this report, the amount above stated as received from customs is the aggregate, without making all the usual deductions for debentures, bounties and other expenses, which it is customary to pay out of the current revenue before it is carried into the treasury.

4. The fourth inquiry relates to the amount of money received from customs and lands "during the first quarter of the present year, so far as the quarterly returns, or other information in possession of the department, may show."

That quarter not being completed, all the returns for it have, of course, not yet been received. But from the monthly returns, which had been received on the 23d instant, the receipts by the collecting officers since the first of January had been, from customs and lands, about \$2,945,260; of this, about \$2,560,600 was from customs, and \$384,660 from lands.

It is computed that, when all the returns for the quarter are made, the customs will appear to be about \$3,000,000, and the lands about \$500,000.

It should be noticed, in relation to these receipts, as well as those in the last quarter of 1837, that most of them from customs have been in the treasury notes and drafts on banks returned through the custom-houses. As none of these can, by the existing laws, be re-issued to defray even the cost of collection, and as very little money has been paid for customs during that period, it has followed that a considerable part of the custom-house expenses in the United States, since last October, including debentures, fishing bounties, and current charges, has, by an act of congress then passed, been obliged to be advanced from the treasury. These advances have amounted in all to \$666,663; consequently, the receipts from customs, during that period, appear so much larger than they otherwise would, it being customary to deduct the payments for those objects from the current receipts before they are carried into the treasury.

5. The last inquiry is, "what amount of moneys, of every description, available for the public service," is "now in the treasury, or in the hands of receivers, liable to draft, and at what points deposited."

In reply to this, I would observe, that the whole amount of money so available is, nominally, \$2,299,544 03. But, deducting \$592,212 of it, which belongs to certain trust funds, and \$400,000 of what is deposited in the mint, (which, as explained in the last annual report, cannot, without great public inconvenience, be withdrawn,) and the balance, available and applicable to general purposes, is only \$1,307,332 03.

These "moneys of every description," consisted, *Firstly*, of the sums liable to draft in the present deposit banks, being \$126,693 70.

The amounts in each, and "the points" where the money in them is "deposited," will appear in the schedule annexed.

Secondly. Another portion of them is money in such of the former deposit banks, on *general deposit*, as it is expected will be paid satisfactorily when drawn for, in a gradual manner, amounting to \$516,697 17.

For details as to each, with the "points where deposited," see the tabular statement.

Thirdly. Another portion is money in special deposit by the treasurer in certain banks, amounting to \$104,184 89.

For particulars, reference may be had to the document.

Fourthly. Another part is the money placed in the mint and its branches, under provisions in two acts of congress—one to procure metal for coining, and one to make speedy payment to depositors.

Of the aggregate coin in the mint, being \$908,780 02, it is computed that the treasurer, in an emergency could draw out for the public service, without great inconvenience or delay, about \$508,780 02.

Fifthly. The remaining sums amount to \$670,004 51, and are those which have never been deposited or paid into the treasury, and are in the hands of collectors and receivers. But, deducting what belongs to the Chickasaws at Pontotoc, they are public money, liable to be drawn in case of necessity, equalling \$643,188 25.

A schedule, giving the amount and situation of each, is annexed.

Respectfully,

LEVI WOODBURY,

Secretary of the treasury.

HON. JAMES K. POLK,

Speaker of the house of representatives.

MR. WEBSTER'S SECOND SPEECH

ON THE SUB-TREASURY BILL.

Delivered in the Senate of the United States, March 12, 1838.

(Concluded.)

The constitution confers on us, sir, the exclusive power of coinage. This must have been done for the purpose of enabling congress to establish one uniform basis for the whole money system. Congress, therefore, and congress alone, has power over the foundation, the ground-work, of the currency; and it would be strange and anomalous, having this, if it had nothing to do with the structure, the edifice, to be raised on this foundation! Convertible paper was already in circulation when the constitution was framed, and must have been expected to continue and increase. But the circulation of paper tends to displace coin; it may banish it altogether: at this very moment it has banished it. If, therefore, the power over the coin does not enable congress to protect the coin, and to restrain any thing which would supersede it, and abolish its use, the whole power becomes nugatory. If others may drive out the coin, and fill the country with paper which does not represent coin, of what use, I beg to know, is that exclusive power over coins and coinage which is given to congress by the constitution?

Gentlemen on the other side admit that it is the tendency of paper circulation to expel the coin; but then they say, that, for that very reason, they will withdraw from all connexion with the general currency, and limit themselves to the single and narrow object of protecting the coin, and providing for payments to government. This seems to me to be a very strange way of reasoning, and a very strange course of political conduct. The coinage-power was given to be used for the benefit of the whole country, and not merely to furnish a medium for the collection of revenue. The object was to secure, for the general use of the people, a sound and safe circulating medium. There can be no doubt of this intent. If any evil arises, threatening to destroy or endanger this medium or this currency, our duty is to meet it, not to retreat from it; to remedy it, not to let it alone; we are to control and correct the mischief, not to submit to it. Wherever paper is to circulate, as subsidiary to coin, or as performing, in a greater or less degree, the function of coin, its regulation naturally belongs to the hands which hold the power over the coinage. This is an admitted maxim by all writers; it has been admitted and acted upon, on all necessary occasions, by our own government, throughout its whole history. Why will we now think ourselves wiser than all who have gone before us?

This conviction of what was the duty of government led to the establishment of the bank in the administration of General Washington. Mr. Madison, again, acted upon the same conviction in 1816, and congress entirely agreed with him. On former occasions, I have referred the senate, more than once, to the clear and emphatic opinions and language of Mr. Madison, in his messages in 1815 and 1816, and they ought to be repeated, again and again, and pressed upon the public attention.

And now let me say, sir, that no man in our history has carried the doctrine farther, defended it with more ability, or acted upon it with more decision and effect, than the honorable member from South Carolina. His speech upon the bank bill, on the 26th of February, 1816, is strong, full, and conclusive. He has heretofore said that some part

of what he said on that occasion does not appear in the printed speech; but, whatever may have been left out by accident, that which is in the speech could not have got in by accident. Such accidents do not happen. A close, well-conducted, and conclusive constitutional argument, is not the result of an accident or of chance; and his argument on that occasion, as it seems to me, was perfectly conclusive. He founds the right of regulating the paper currency directly on the coinage power. "The only object," he says, "the framers of the constitution could have in view, in giving to congress the power to coin money, regulate the value thereof, and of foreign coin, must have been to give a steadiness and fixed value to the currency of the United States." The state of things, he insisted, existing at the time of the adoption of the constitution, afforded an argument in support of the construction. There then existed, he said, a depreciated paper currency, which could only be regulated and made uniform by giving a power, for that purpose to the general government.

He proceeded to say that, by a sort of undercurrent, the power of congress to regulate the money of the country had caved in, and upon its ruin had sprung up those institutions which now exercised the right of making money for and in the United States. "For gold and silver (he insisted) are not the only money; but whatever is the medium of purchase and sale; in which bank paper alone was now employed, and had therefore, become the money of the country." "The right of making money," he added "an attribute of sovereign power, a sacred and important right, was exercised by two hundred and sixty banks, scattered over every part of the United States."

Certainly, sir, nothing can be clearer than this language; and, acting vigorously upon principles thus plainly laid down, he conducted the bank bill, through the house of representatives. On that occasion, he was the champion of the power of congress over the currency, and others were willing to follow his lead.

But the bank bill was not all. The honorable gentleman went much farther. The bank, it was hoped and expected, would furnish a good paper currency to the extent of its own issues; but there was a vast quantity of bad paper in circulation, and it was possible that the mere influence of the bank, and the refusal to receive this bad money at the treasury, might not, both, be able to banish it entirely from the country. The honorable member meant to make clean work. He meant that neither government nor people should suffer the evils of irredeemable paper. Therefore, he brought in another bill, entitled "A bill for the more effectual collection of the public revenue." By the provisions of this bill, he proposed to lay a direct stamp tax on the bills of state banks; and all notes of non-specie paying banks were, by this stamp, to be branded with the following words, in distinct and legible characters, at length—"NOT A SPECIE NOTE." For the tax laid on such notes, there was to be no composition, no commutation; but it was to be specifically collected, on every single bill issued, until those who issued such bills should announce to the secretary of the treasury, and prove to his satisfaction, that, after a day named in the bill, all their notes would be paid in specie on demand.

And now, how is it possible, sir, for the author of such a measure as this, to stand up and declare, that the power of congress over the currency is limited to the mere regulation of the coin? So much for our authority, as it has heretofore been admitted and acknowledged, under the coinage power.

Now, sir, is the other source of power, in my opinion, at all more questionable.

Congress has the supreme regulation of commerce. This gives it, necessarily, a superintendence over all the interests, agencies, and instruments of commerce. The words are general, and they confer the whole power. When the end is given, all the usual means are given. Money is the chief instrument or agent of commerce; there can, indeed, be no commerce without it, which deserves the name. Congress must, therefore, regulate it as it regulates other indispensable commercial interests. If no means were to be used to this end but such as are particularly enumerated, the whole authority would be nugatory, because no means are particularly enumerated. Who regulate ships; their tonnage; their measurement; the shipping articles; the medicine chest; and various other things belonging to them; and for all this we have no authority but the general power to regulate commerce; none of these, or other means or modes of regulation are particularly and expressly pointed out.

But is a ship a more important instrument of commerce than money? We protect a policy of insurance, because it is an important instrument of ordinary commercial contract; and our laws punish with death any master of a vessel, or others, who shall commit a fraud on the parties to this contract by casting away a vessel. For all this we have no express authority. We infer it from the general power of regulating commerce, and we exercise the power in this case, because a policy of insurance is one of the usual instruments, or means, of commerce. But how inconsiderable and unimportant is a policy of insurance, as the means or an instrument of commerce, compared with the whole circulating paper of the country?

Sir the power is granted to us; and granted without any specification of means; and therefore we may lawfully exercise all the usual means. I need not particularize these means, nor state, at present, what they are, or may be. One is, no doubt, a proper regulation of receipts at the custom-houses and land offices. But this, of itself, is not enough. Another is a national bank, which I fully believe, would, even now, answer all desired purposes, and reinstate the currency in ninety days. These, I think, are the means to be first tried; and if, notwithstanding these, irredeemable paper should overwhelm us, others must be resorted to. We have no direct authority over state banks; but we have power over the currency, and we must protect it, using, of course, always, such means, if they be found adequate, as shall be most gentle and mild. The great measure, sir, is a bank; because a bank is not only able to restrain the excessive issues of state banks, but is able also to furnish for the country a currency of universal credit, and of uniform value. This is the grand desideratum. Until such a currency is established, depend on it, sir, what is necessary for the prosperity of the country can never be accomplished.

On the question of power, sir, we have a very important and striking precedent.

The members of the senate, Mr. President, will recollect the controversy between New York and her neighbor states, fifteen or sixteen years ago, upon the exclusive right of steam navigation. New York had granted an exclusive right of such navigation over her waters to Mr. Fulton and his associates; and declared by law, that no vessel propelled by steam should navigate the North river or the sound, without license from these grantees, under penalty of confiscation.

To counteract this law, the legislature of New Jersey enacted, that if any citizen of hers should be restrained, or injured, in person or property by any party acting under the law of New York, such citizen should have remedy in her courts, if the offender could be caught within in her territory, and should be entitled to treble damages and costs. New Jersey called this act a law of retaliation; and justified it on the general ground of reprisals.

On the other side, Connecticut took fire, and as no steamboat could come down the sound from New York to Connecticut, or pass up from Connecticut to New York, without a New York license, she enacted a law, by which heavy penalties were imposed upon all who should presume to come into her ports and harbors, having any such license.

Here, sir, was a very harmonious state of commercial intercourse! a very promising condition of things indeed! You could not get from New York to New Haven by steam; nor could you go from New York to New Jersey, without transhipment in the bay. And now, sir, let me remind the country, that this belligerent legislation of the states concerned was justified and defended, by exactly the same arguments as those which we have heard in this debate. Every thing which has been said here, to prove that the authority to regulate commerce does not include a power to regulate currency was said in that case, to prove that the same authority did not include an exclusive power over steamboats or other means of navigation. I do not know a reason, a suggestion, an idea, which has been used in this debate, or which was used in the debate in September, to show that Congress has no power to control the currency of the country and make it uniform, which was not used in this steamboat controversy, to prove that the authority of this government did not reach the matter then in dispute. Look to the forensic discussions in New York! Look to the argument in the court here! You will find it every where urged that navigation does not come within the general idea of regulating commerce; that steamboats are but vehicles and instruments; that the power of congress is general, and general only; and that it does not extend to agents and instruments.

And what, sir, put an end to this state of things? What stopped these seizures and confiscations? Nothing in the world, sir, but the exercise of the constitutional power of this government. Nothing in the world, but the decision of the supreme court, that the power of congress to regulate commerce was paramount; that it overruled any interfering state laws; and that these acts of the states did interfere with acts of congress, enacted under its clear constitutional authority.

As to the extent of the power of regulating commerce, allow me to quote a single sentence from the opinion of one of the learned judges of the supreme court, de-

livered on that occasion; a judge always distinguished for the great care with which he guarded state rights: I mean Mr. justice Johnson. And when I have read it, sir, then say, if it does not confirm every word and syllable which I have uttered on this subject, either now, or at the September session. "In the advancement of society," said the judge, "labor, transportation, intelligence, care, and various means of exchange, become commodities, and enter into commerce; and the subject, the vehicle, the agent, and these various operations, become the objects of commercial regulation."

These just sentiments prevailed. The decision of the court quieted the dangerous controversy; and satisfied, and I will add gratified, most highly gratified, the whole country.

Sir, may we not perceive at the present moment, without being suspected of looking with eyes whose sight is sharpened by too much apprehension—may we not perceive, sir, in what is now passing around us, the possible beginnings of another controversy between states, which may be of still greater moment, and followed, if not arrested, by still more deplorable consequences? Do we see no danger, no disturbance, no contests ahead? Si, do we not behold excited commercial rivalry, evidently existing between great states and great cities? Do we not see an emulous competition for trade, external and internal? Do we not see the parties concerned enlarging, and proposing to enlarge, to a vast extent, their plans of currency, evidently in connection with these objects of trade and commerce? Do we not see states themselves becoming deeply interested in great banking institutions? Do we not know that, already, the notes and bills of some states are prohibited by law from circulating in others?

Sir, I will push these questions no farther: but I tell you that it was for exactly such a crisis as this—for this very crisis—for this identical exigency now upon us—that this constitution was framed, and this government established. And now, sir, let those who expect to get over this crisis without effort and without action, let those whose hope it is that they may be borne along on the tide of circumstances and favorable occurrences, and who repose in the denial of their own powers and their own responsibility—let all such, look well to the end.

For one, I intend to clear myself from all blame. I intend, this day, to free myself of the responsibility of consequences, by warning you of the danger into which you are conducting our public affairs, by urging and entreating you, as I do now urge and entreat you, by invoking you, as I do now invoke you, by your love of country, and your fidelity to the constitution to abandon all untried expedients; to put no trust in ingenuity and contrivance; to have done with projects which alarm and agitate the people; to seek no shelter from obligation and duty; but with manliness, directness, and true wisdom, to apply to the evils of the times their proper remedy. That Providence may guide the counsels of the country to this end, before even greater disasters and calamities overtake us, is my most fervent prayer!

Mr. President, on the subject of the power of congress, as well as on other important topics, connected with the bill, the honorable gentleman from South Carolina has advanced opinions, of which I feel bound to take some notice.

That honorable gentleman, in his recent speech, attempted to exhibit a contrast between the course of conduct which I, and other gentlemen who act with me, at present pursue, and that which we have heretofore followed. In presenting this contrast, he said, he intended nothing personal; his only object was truth. To this I could not object. The occasion requires, sir, that I should now examine his opinions; and I can truly say, with him, that I mean nothing personally injurious, and that my object, also, is truth, and nothing else. Here I might stop: but I will even say something more.

It is now five and twenty years, sir, since I became acquainted with the honorable gentleman, in the house of representatives, in which he had held a seat, I think, about a year and a half before I entered it. From that period, sir, down to the year 1824, I can say, with great sincerity, there was not, among my political contemporaries, any man for whom I entertained a higher respect or warmer esteem. When we first met, we were both young men. I beheld in him a generous character, a liberal and comprehensive mind, engrossed by great objects, distinguished talent, and, particularly, great originality and vigor of thought. That he was ambitious, I did not doubt; but that there was any thing in his ambition low or sordid, any thing approaching to a love of the mere loaves and fishes of office, I did not then believe, and do not now believe. If, from that moment, down to the time I have already mentioned, I differed with him on any great constitutional question, I do not know it.

But in 1824, events well known to the senate separated us; and that separation remained, wide and broad, until the end of the memorable session which terminated in March, 1833. With the events of that session, our occasions of difference had ceased; certainly for the time, and, as I sincerely hoped, forever. Before the next meeting of congress, the public deposits had been removed from their lawful custody by the president. Respecting this exercise of the executive power, the honorable gentleman and myself entertained the same opinions; and, in regard to subsequent transactions connected with that, and growing out of it, there was not, so far as I know, any difference of sentiment between us. We looked upon all these proceedings

but as so many efforts to give to the executive an unconstitutional control over the public moneys. We thought we saw, everywhere, proofs of a design to extend executive authority, not only in derogation of the just powers of congress, but to the danger of the public liberty. We acted together, to check these designs, and to arrest the march of executive prerogative and dominion. In all this, we were but co-operating with many other gentlemen here, and with a large and intelligent portion of the whole country.

The unfortunate results of these executive interferences with the currency had made an impression on the public mind. A revolution seemed in progress, and the people were coming in their strength, as we began to think, to support us and our principles.

In this state of things, sir, we met here at the commencement of the September session: but we met, not as we had done; we met, not as we had parted. The events of May, the policy of the president in reference to those events, the doctrines of the message of September, the principles and opinions which the honorable gentleman, both to my surprise, and to my infinite regret, came forward then to support, rendered it quite impossible for us to act together, for a single moment longer. To the leading doctrines of that message, and to the policy which it recommended, I felt, and still feel, a deep, conscientious, and irreconcilable opposition. The honorable gentleman supported, and still supports, both. Here, then, we part. On these questions of constitutional power and duty and on these momentous questions of national policy, we separate. And so broad and ample is the space which divides us, and so deep does the division run, touching even the very foundations of the government, that, considering the time of life to which we both have arrived, it is not probable that we are to meet again. I say this with unfeigned and deep regret. Believe me, sir, I would most gladly act with the honorable gentleman. If he would but come back, now, to what I consider his former principles and sentiments; if he would place himself on those constitutional doctrines which he has sustained through a long series of years; and if, thus standing, he would exert his acknowledged ability to restore the prosperity of the country, and put an end to the mischiefs of reckless experiments and dangerous innovation,—I would not only willingly act with him, I would act under him; I would follow him, I would support him, I would back him, at every step, to the utmost of my power and ability. Such is not to be our destiny. That destiny is, that we here part; and all I can say further is, that he carries with him the same feeling of personal kindness on my part, the same hearty good will which have heretofore inspired me.

There have been three principal occasions, sir, on which the honorable gentleman has expressed his opinions upon the questions now under discussion. They are, his speech of the 15th September, his published letter of the 3d November, and his leading speech of the present session. These productions are all marked with his characteristic ability; they are ingenious, able, condensed, and striking. They deserve an answer. To some of the observations in the speech of September, I made a reply on the day of its delivery; there are other parts of it, however, which require a more deliberate examination.

Mr. President, the honorable gentleman declares in that speech, "that he belongs to the state-rights party; that that party, from the beginning of the government, has been opposed to a national bank as unconstitutional, inexpedient, and dangerous; that it has ever dreaded the union of the political and moneyed power, and the central action of the government, to which it so strongly tends, that the connection of the government with the banks, whether it be with a combination of state banks, or with a national institution, will necessarily centralize the action of the system at the principal point of collection and disbursement, and at which the mother bank, or the head of the league of state banks, must be located. From that point, the whole system, through the connection with the government, will be enabled to control the exchanges both at home and abroad, and with it, the commerce, foreign and domestic, including exports and imports."

Now, sir, this connection between government and the banks, to which he imputes such mischievous consequences, he describes to be "the receiving and paying away their notes as cash; and the use of the public money, from the time of the collection to the disbursement."

Sir, if I clearly comprehend the honorable gentleman, he means no more, after all, than this: that, while the public revenues are collected, as heretofore, through the banks, they will lie in the banks between the time of collection and the time of disbursement; that, during that period, they will be regarded as one part of the means of business and of discount possessed by the banks; and that, as a greater portion of the revenue is collected in large cities than in small ones, these large cities will, of course, derive greater benefits than the small ones from these deposits in the banks. In other words, that, as the importing merchants in a great city pay more duties to government than those in a small one, so they enjoy an advantage to be derived from any use which the banks may make of these moneys, while on deposit with them. Now, sir, I would be very glad to know, supposing all this to be true, what there is in it either unequal or unjust? The benefit is exactly in proportion to the amount of business, and to the sums paid. If individuals in large cities enjoy the incidental use of more money, it is simply because they pay more money. It is like the case of credit on duty

bonds. Whoever imports goods with the benefit of giving bond for duties, instead of making present payment, enjoys a certain benefit; and this benefit, in a direct sense, is in proportion to the amount of goods imported—the large importer having credit for a large sum, the small importer having credit for a small sum. But the advantage, the benefit, or the indulgence, or whatever we call it, is, nevertheless, entirely equal and impartial.

How, then, does the collection of revenue through the banks "centralize" the action of the commercial system? It seems to me, sir, the cause is mistaken for the effect. The greatest amount of revenue is collected in the greatest city because it is already the greatest city; because its local advantages, its population, its capital and enterprise, draw business towards it, constitute it a central point in commercial operations, and have made it the greatest city. It is the centralization of commerce by these just and proper causes—causes which must always exist in every country which produce a large collection of revenue in the favored spot. The amount of capital is one of very important cause, no doubt; and leaving public moneys in the banks till wanted, allows to merchants, in places of large import, a degree of incidental benefit, in just proportion to the amount of capital by them employed in trade, and no more.

I suppose, sir, it is the natural course of things in every commercial country, that some place, or a few places should go ahead of others in commercial business importance. This must ever be so, until all places possess precisely equal natural advantages. And I suppose, too, that, instead of being mischievous, it is rather for the common good of all, that there should be some commercial emporium, some central point, for the exchanges of trade. Government, certainly, should not seek to produce this result by the bestowal of unequal privileges; but surely, sir, it would be a very strange and indefensible policy which should lead the government to withhold any portion of the capital of the country from useful employment, merely because that, if employed, while all enjoyed the benefit proportionately, all would not enjoy it with the same absolute mathematical equality.

So much, sir, for concentration, arising from depositing the revenues in banks. Let us now look to the other part of the connection, viz: the receiving of bank notes for duties. How in the world does this "centralize" the commercial system? The whole tendency and effect, as it seems to me, is directly the other way. It counteracts centralization. It gives all possible advantage to local currency and local payments, and thereby encourages both imports and exports. It tends to make local money good every where. If goods be imported into Charleston, the duties are paid in Charleston notes. New York notes are not demanded. Nothing, certainly, can be fairer or more equal than this, and nothing more favorable to the Charleston importers.

But how would that system work, which the gentleman himself proposes?

If his plan could prevail, he would have the duties collected either in specie, or in a government paper to be issued from the treasury. He would reject all bank notes whatever. If the gentleman, sir, fears centralization, I am astonished that he does not see centralization in all its terrors in this very proposition of his own. Pray allow me to ask, sir, where will this government paper, in the course of its issue and circulation, naturally centre? To what points will it tend? Certainly, most certainly, to the greatest points of collection and expenditure; to the very heart of the metropolitan city, wherever that city may be. This is as inevitable as the full of water or the results of attraction. If two-thirds of the duties be collected in New York, it will follow, of course, that two-thirds of any government paper received for duties will be there received; and it will be more valuable there than elsewhere. The value of such paper would consist in its receivability, and nothing else. It would always tend, therefore, directly to the spot where the greatest demand should exist for it for that purpose. Is it not so at this moment with the outstanding treasury notes. Are they abundant in Georgia, in Mississippi, in Illinois, or in New Hampshire? No sooner issued, than they commence their march toward the place where they are most valued and most in demand: that is, to the place of the greatest public receipt. If you want concentration, sir, and enough of it—if you desire to dry up the small streams of commerce, and fill more full the deep and already swollen great channels, you will act very wisely to that end, if you keep out of the receipt of the treasury all money but such paper as the government may furnish, and which shall be no otherwise redeemable than in receipt for debts to government while at the same time you depress the character of the local circulation.

Such is the scheme of the honorable member in its probable commercial effect. Let us look at it in a political point of view.

The honorable member says he belongs to the state-rights party; that party professes something of an uncommon love of liberty; an extraordinary sensibility to all its dangers; and of those dangers, it most dreads the union of the political and money power. This we learn from the authentic declaration of the gentleman himself. And now, oh, transcendental consistency! oh, most wonderful conformity of means and ends! oh, exquisite mode of gratifying high desires! behold, the honorable member proposes that the political power of the state shall take to itself the whole function of supplying the entire paper circulation of the country by notes or bills of its own, issued at its own discretion, to

be paid out or advanced to whomsoever it pleases, in discharging the obligations of government, bearing no promise to pay, and to be kept in circulation merely by being made receivable at the treasury! The whole circulation of the country, excepting only that which is metallic, and which must always be small, will thus be made up of mere government paper, issued for government purposes, and redeemable only in payment of government debts. In other words, the entire means of carrying on the whole commerce of the country will be held by government in its own hands, and made commensurate, exactly, with its own wants, purposes, and opinions; the whole commercial business of the country being thus made a mere appendage to revenue.

But, sir, in order that I may not misrepresent the honorable member, let me show you a little more distinctly what his opinions are respecting this government paper.

The honorable member says, sir, that to make this sub-treasury measure successful, and to secure it against reaction, some safe and stable medium of circulation, "to take the place of bank notes in the fiscal operations of the government, ought to be issued;" that, "in the present condition of the world, a paper currency, in some form, if not necessary, is almost indispensable, in financial and commercial operations of civilized and extensive communities;" that, "the great desideratum is to ascertain what description of paper has the requisite qualities of being free from fluctuation in value, and liability to abuse in the greatest perfection; that bank notes do not possess these requisites in a degree sufficiently high for this purpose." And then he says, "I go farther. It appears to me after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests upon a promise to pay, is suitable for currency." "On what, then, (he asks,) ought a paper currency to rest?" "I would say, he answers, 'on demand and supply simply: which regulate the value of every thing else—the constant demand which government has for its necessary supplies.'" He then proceeds to observe, "that there might be a sound and safe paper currency, founded on the credit of government exclusively." "That such paper only to be issued to those who had claims on the government, would, in its habitual state, be at or above par with gold and silver;" that "nothing but experience can determine what amount, and of what denominations, might be safely issued; but that it might be safely assumed that the country would absorb an amount greatly exceeding its annual income. Much of its exchanges, which amount to a vast sum, as well as its banking business, would revolve about it; and many millions would thus be kept in circulation beyond the demands of the government."

By this scheme, sir, government, in its disbursements, is not to pay money, but to issue paper. This paper is no otherwise payable or redeemable, than as it may be received at the treasury. It is expected to be let out much faster than it comes in, so that many millions will be kept in circulation; and its habitual character will be at or above par with gold and silver! Now, sir, if there is to be found anywhere a more plain and obvious project of paper money, in all its deformity, I should not know where to look for it.

In the first place, sir, I have suggested the complete union which it would form, if it were, in itself, practicable, between the political and the money power.

The whole commerce of the country, indeed, under such a state of law, would be little more than a sort of incident to treasury operations—rather a collateral emanation of the revenue system, than a substantial and important branch of the public interest. I have referred, also, to its probable consequences, upon that which the gentleman regards as so great an evil, and which he denominates "the centralization of commercial action."

And now I pray you to consider, Mr. President, in the next place, what an admirable contrivance this would be to secure that economy in the expenses of government which the gentleman has so much at heart. Released from all necessity of taxation, and from the consequent responsibility to the people; not called upon to regard at all, the amount of annual income; having an authority to cause treasury notes to issue whenever it pleases,

"In multitudes, like which the populous north
Poured never from her frozen loins, to pass
Rhene, or the Danau;"

what admirable restraint would be imposed on government, how doubly sure would assurance be made for it, that all its expenditures would be strictly limited to the absolute and indispensable wants and demands of the public service!

But, sir, fortunately, very fortunately, a scheme so wild, and which would be so mischievous, is totally impracticable. It rests on an assumption, for which there is not the least foundation, either in reason or experience. It takes for granted that which the history of every commercial state refutes, and our own, especially, in almost every page. It supposes that irredeemable government paper can circulate in the business of society, and be kept at par. This is an impossibility. The honorable gentleman rejects convertible bank notes, which are equivalent to specie, since they will always command it, and adopts, in their stead, government paper, with no promise to pay, but a promise only to be received for debts and taxes; and he puts forth the imagination, as I have said, so often and so long refused, that this paper will be kept in circulation in the

country, and will be able to perform the great business of currency and exchange, even though it exist in quantities exceeding, by many millions, the demands of government.

If it be necessary, sir, at this day, to refute ideas like these, it must be because the history of all countries, our own included, is a dead letter to us. Even at the very moment in which I am speaking, the small amount of treasury notes which has been issued by government, hardly a fifth part of the ordinary annual revenue—though those notes bear an interest of five per cent—though they are redeemable in cash at the treasury at the expiration of the year—and though, in the mean time, they are everywhere received in payment of the government dues, are not only of less value than specie, but of less value, also, than the notes of non-specie-paying banks; those banks whose paper is daily denounced here as "rags, filthy rags." In my opinion, sir, the whole scheme is as visionary and impracticable as any which the genius of project ever produced.

Mr. President, toward the close of this speech of September, I find a paragraph in which several other subjects are brought together, and which I must ask permission to read.

Having commended the wise and noble bearing of the little state-rights party, of which he says it is his pride to be a member throughout the eventful period through which the country has passed since 1824, he adds:

"In that year, as I have stated, the tariff system triumphed in the councils of the nation. We saw its disastrous political bearings; foresaw its surpluses, and then the extravagancies to which it would lead; we rallied on the election of the late president to arrest it through the influence of the executive department of the government. In this we failed. We then fell back upon the rights and sovereignty of the states; and, by the action of a small but gallant state, and through the potency of its interposition, we brought the system to the ground, sustained, as it was, by the opposition and the administration, and by the whole power and patronage of the government."

Every part of this most extraordinary statement well deserves attention.

In the first place, sir, here is an open and direct avowal that the main object for rallying on general Jackson's first election, was to accomplish the overthrow of the protective policy of the country. Indeed! Well, this is very frank. I am glad to hear the avowal made. It puts an end to all suspicions.

It was, then, to overthrow protection, was it, that the honorable gentleman took so much pains to secure general Jackson's first election? I commend his candor, in now acknowledging it. But, sir, the honorable member had allies and associates in that rally. They thronged round him from all quarters, and followed his lead. And pray, sir, was his object, as now avowed by himself, the joint object of all the party? Did he tell Pennsylvania, honest, intelligent, straight-forward Pennsylvania, that such was his purpose? And did Pennsylvania concur in it? Pennsylvania was first and foremost in espousing the cause of general Jackson. Every body knows she is more of a tariff state than any other in the union. Did he tell her that his purpose was to break the tariff entirely down? Did he state his objects, also, to New York? Did he state them to New Jersey? What say you gentlemen from Pennsylvania? gentlemen from New York? and gentlemen from New Jersey? Ye who supported general Jackson's election, what say you? Was it your purpose, also, by that election, to break down the protective policy? Or, if it were not your purpose, did you know, nevertheless—pray let us understand that—did you know, nevertheless, that it was the purpose, and the main purpose, of the honorable member from Carolina? and did you, still, co-operate with him?

The present chief magistrate of the country was a member of this body in 1828. He and the honorable member from Carolina were, at that time, exerting their united forces, to the utmost, in order to bring about general Jackson's election. Did they work thus zealously together, for the same ultimate end and purpose? or did they mean merely to change the government, and then each look out for himself.

Mr. Van Buren voted for the tariff bill of that year, commonly called the "bill of abominations;" but, very luckily, and in extremely good season, instructions for that vote happened to come from Albany! The vote, therefore, could be given, and the member giving it could not possibly thereby give any offence to any gentleman of the state-rights party, with whom the doctrine of instructions is so authentic.

Sir, I will not do gentlemen injustice. Those who belong to tariff states, as they are called, and who supported general Jackson for the presidency, did not intend thereby to overthrow the protective policy. They only meant to make general Jackson president, and to come into power along with him! As to ultimate objects, each had his own. All could agree, however, in the first step. It was difficult, certainly, to give a plausible appearance to a political union, among gentlemen who differed so widely, on the great and leading question of the times—the question of the protective policy. But this difficulty was overcome by the oracular declaration that general Jackson was in favor of a "judicious tariff."

Here, sir, was ample room and verge enough. Who could object to a judicious tariff? Tariff men and anti-tariff men, state-rights men and consolidationists, those who had been called prodigals and those who had been called radicals, all thronged and flocked together here,

and with all their difference in regard to ultimate objects, agreed to make common cause, till they should get into power.

The ghosts, sir, which are fabled to cross the Styx, whatever different hopes or purposes they may have beyond it, still unite, in the present wish to get over, and therefore all hurry and huddle into the leaky and shattered craft of Charon, the ferryman. And this motley throng of politicians, sir, with as much difference of final object, and as little care for each other, made a boat of "judicious tariff," and all rushed and scrambled into it, until they filled it, near to sinking. The authority of the master was able, however, to keep them peaceable and in order, for the time, for they had the virtue of submission, and though with occasional dangers of upsetting, he succeeded in pushing them all over with his long setting-pole.

"Ratem conto subigit."

Well, sir, the honorable gentleman tells us that he expected, when general Jackson should be elected, to arrest the tariff system through the influence of the executive department. Here is another candid confession. Arrest the tariff by executive influence! Indeed! Why, sir, this seems like hoping, from the first, for the use of the veto. How, but by veto, could the executive arrest the tariff acts? And is it true, sir, that, at that early day, the honorable member was looking to the veto, not with dread, but with hope? Did he expect it, and did he rely upon it? Did he make the rally of which he speaks, in order that he might choose a president who would exercise it? And did he afterwards complain of it, or does he complain of it now, only because it was ill-directed—because it turned out to be a thunderbolt, which did not fall in the right place?

In this reliance on executive influence—sir, I declare I hardly can trust myself that I read or quote correctly, when I find, in what I read, or from what I quote, the honorable member from South Carolina, by his own confession, hoping or expecting to accomplish any thing by executive influence; yet so it was spoken, and so it is printed—in this reliance, or this hope, or expectation, founded on executive influence, the honorable gentleman and his friends failed; and, failing in this, he says, they fell back on the sovereignty of the states, and brought the system to the ground "through the potency of interposition;" by which he means neither more nor less than nullification. So then, sir, according to this, that excessive fear of power which was so much cherished by the nullifiers, was only awakened to a flame in their bosoms, when they found that they could not accomplish their own ends by the executive power of the president.

I am no authorized commentator, sir, on the doctrines or theories of nullification. *Non nostrum*. But, if this exposition be authentic, I must say it is not calculated to diminish my opposition to the sentiments of that school.

But the gentleman goes on to tell us that nullification, or interposition, succeeded. By means of it, he says, he did bring the protective system to the ground. And so, in his published letter of November 3d, he states that "state interposition has overthrown the protective tariff, and with it, the American system."

We are to understand, then, sir, first, that the compromise act of 1833 was forced upon congress by state interposition, or nullification.

Next, that its object and design, so far as the honorable gentleman was concerned in, was to break down and destroy, forever, the whole protective policy of the country.

And lastly, that it has accomplished that purpose, and that the last vestige of that policy is wearing away.

Now, sir, I must say, that, in 1833, I entertained no doubt at all that the design of the gentleman was exactly what he now states. On this point, I have not been deceived. It was not, certainly, the design of all who acted with him; but that it was his purpose, I know then, as clearly as I know now, after his open avowal of it; and this belief governed my conduct at the time, together with that of a great majority of those in both houses of congress, who, after the act of 1824, felt bound to carry out the provisions of that act, and to maintain them reasonably and fairly. I opposed the compromise act with all my power. It appeared to me every way objectionable: it looked like an attempt to make a new constitution; to introduce another fundamental law, above the power of congress, and which should control the authority and discretion of congress, in all time to come. This, of itself, was a conclusive objection with me; I said so then, have often said so since, and say so now. I said, then, that I, for one, should not be bound by that law more than any other law, except that, as it was a law passed on a very important and agitating subject, I should not be disposed to interfere with it, until a case of clear necessity should arise. On this principle I have acted since. When that case of necessity shall arise, however, should I be in public life, I shall concur in any alteration of that act, which such necessity may require. That such an occasion may come, I more than fear. I entertain something stronger than a doubt upon the possibility of maintaining the manufactures and industry of this country, upon such a system as the compromise act will leave us, when it shall have gone through its processes of reduction. All this, however, I leave to the future.

Having had occasion, Mr. President, to speak of nullification and the nullifiers, I beg leave to say, that I have not done so for any purpose of reproach. Certainly, sir, I see no possible connexion, myself, between their principles or opinions, and the support of this

measure. They, however, must speak for themselves. They may have intrusted the bearing of their standard, for aught I know, to the hands of the honorable member from South Carolina; and I perceived last session, what I perceive now, that in his opinion there is a connexion between these projects of government and the doctrines of nullification. I can only say, sir, that it will be marvellous to me if that banner, though it be said to be tattered and torn, shall yet be lowered in obedience, and laid at the footstool of executive power. To the sustaining of that power, the passage of this bill is of the utmost importance. The administration will regard its success as being to them, what Cromwell said the battle of Worcester was to him—"a crowning mercy." Whether gentlemen, who have distinguished themselves so much by their extreme jealousy of this government, shall now find it consistent with their principles to give their aid in accomplishing this consummation, remains to be seen.

The next exposition of the honorable gentleman's sentiments and opinions, is his letter of November 3d.

This letter, sir, is a curiosity. As a paper, describing political movements, and exhibiting political opinions, it is without a parallel. Its phrase is altogether military. It reads like a despatch, or a bulletin from headquarters. It is full of attacks, assaults, and repulses. It recounts movements and counter-movements; speaks of occupying one position, falling back upon another, and advancing to a third; it has positions to cover enemies, and positions to hold allies in check. Meantime, the celerity of all these operations reminds one of the rapidity of the military actions of the king of Prussia, in the seven years' war. Yesterday he was in the south, giving battle to the Austrian—to-day he is in Saxony, or Silesia; instantly he is found to have traversed the Electorate, and is facing the Russian and the Swede on his northern frontier. If you look for his place on the map, before you find it he has quitted it. He is always marching, flying, falling back, wheeling, attacking, defending, surprising; fighting everywhere, and fighting all the time. In one particular, however, the campaign, described in this letter, differ from the manner in which those of the great Frederick were conducted. I think we nowhere read, in the narrative of Frederick's achievements, of his taking a position to cover an enemy, or a position to hold an ally in check. These refinements, in the science of tactics and of war, are of more recent discovery.

Mr. President, public men must certainly be allowed to change their opinions, and their associations whenever they see fit. No one doubts this. Men may have grown wiser, they may have attained to better and more correct views of great public subjects. It would be unfortunate, if there were any code which should oblige men, in public or private life, to adhere to opinions once entertained, in spite of experience and better knowledge, and against their own convictions of their erroneous character. Nevertheless, sir, it must be acknowledged, that what appears to be a sudden, as well as a great change, naturally produces a shock. I confess, for one, I was shocked, when the honorable gentleman, at the last session, espoused this bill of the administration. And when I first read this letter of November, and, in the short space of a column and a half, ran through such a succession of political movements, all terminating in placing the honorable member in the ranks of our opponents, and entitling him to take his seat, as he has done, among them, if not at their head, I confess I felt still greater surprise. All this seemed a good deal too abrupt. Sudden movements of the affections, whether personal or political, are a little out of nature.

Several years ago, sir, some of the wits of England wrote a mock play, intended to ridicule the unnatural and false feeling, the *sentimentality*, of a certain German school of literature. In this play, two strangers are brought together at an inn. While they are warming themselves at the fire, and before their acquaintance is yet five minutes old, one springs up and exclaims to the other, "A sudden thought strikes me! Let us swear an eternal friendship!"

This affectionate offer was instantly accepted, and the friendship duly sworn unchangeable and eternal! Now, sir, how long this eternal friendship lasted, or in what manner it ended, those who wish to know, may learn by referring to the play.

But it seems to me, sir, that the honorable member has carried his political sentimentality a good deal higher than the flight of the German school; for he appears to have fallen suddenly in love, not with strangers, but with opponents.

Here we all had been, sir, contending against the progress of executive power, and more particularly, and most strenuously, against the projects and experiments of the administration, upon the currency. The honorable member stood among us, not only as an associate, but as a leader. We thought we were making some headway. The people appeared to be coming to our support and our assistance. The country had been roused; every successive election weakening the strength of the adversary, and increasing our own. We were in this career of success carried strongly forward by the current of public opinion, and only needed to hear the cheering voice of the honorable member,

"Once more unto the breach, dear friends, once more!"

and we should have prostrated, forever, this anti-constitutional, anti-commercial, anti-republican, and anti-American policy of the administration. But, instead of these encouraging and animating accents, behold!

in the very crisis of our affairs, on the very eve of victory, the honorable member cries out—to the enemy—not to us, his allies—but to the enemy—"Holloa! A sudden thought strikes me! I abandon my allies! Now I think of it, they have always been my oppressors! I abandon them, and now let you and me swear an eternal friendship!"

Such a proposition, from such a quarter, sir, was not likely to be long withstood. The other party was a little coy, but, upon the whole, nothing loath. After proper hesitation, and a little decorous blushing, it owned the soft impeachment, admitted an equally sudden sympathetic impulse on its own side; and, since few words are wanted where hearts are already known, the honorable gentleman takes his place among his new friends, amidst greetings and caresses, and is already enjoying the sweets of an eternal friendship.

In this letter, Mr. President, the writer says, in substance, that he saw, at the commencement of the last session, that affairs had reached that point, when he and his friends, according to the course they should take would reap the full harvest of their long and arduous struggle, against the encroachments and abuses of the general government, or lose the fruits of all their labors.

At that time, he says, state interposition (*viz.* nullification) had overthrown the protecting tariff and the American system, and put a stop to congressional usurpation; that he had previously been united with the national republicans; and that their joint attacks had brought down the power of the executive; but that, in joining such allies, he was not insensible to the embarrassment of his position; that, with them, victory itself was dangerous; and that, therefore, he had been waiting for events; that now, (that is to say, in September last,) the joint attacks of the allies had brought down executive power; that the administration had become divested of power and influence, and that it had become clear that the combined attacks of the allied forces would utterly overthrow and demolish it. All this he saw. But he saw, too, as he says, that in that case the victory would enure, not to him or his cause, but to his allies and their cause. I do not mean to say that he spoke of personal victories, or alluded to personal objects, at all. He spoke of his cause.

He proceeds to say, then, that never was there before, and never, probably, will there be again, so fair an opportunity for himself and his friends to carry out their own principles and policy, and to reap the fruits of their long and arduous struggle. These principles and this policy, sir, be it remembered, he represents, all along, as identified with the principles and policy of nullification. And he makes use of this glorious opportunity, by refusing to join his late allies in any further attack on those in power, rallying anew the old state rights party to hold in check their old opponents, the national republican party. This, he says, would enable him to prevent the complete ascendancy of his allies, and to compel the southern division of the administration party to occupy the ground of which he proposes to take possession, to wit, the ground of the old state-rights party. They will have, he says, no other alternative.

Mr. President, stripped of its military language, what is the amount of all this, but that, finding the administration weak, and likely to be overthrown, if the opposition continued with undiminished force, he went over to it, to join it; to act, himself, upon nullification principles; and to compel the southern members of the administration to meet him on those principles?—in other words, to make a nullification administration, and to take such part in it as should belong to him and his friends. He confesses, sir, that in thus abandoning his allies, and taking a position to cover those in power, he perceived a shock would be created, which would require some degree of resolution and firmness. In this he was right. A shock, sir, has been created; yet there he is.

This administration, sir, is represented as succeeding to the last, by an inheritance of principle. It professes to tread in the foot-steps of its illustrious predecessor. It adopts, generally, the sentiments, principles, and opinions, of general Jackson—*proclamation and all*—and yet, though he be the very prince of nullifiers, and but lately regarded as the chief of sinners, it receives the honorable gentleman with the utmost complacency; to all appearance the delight is mutual; they find him an able leader, he finds them complying followers. But, sir, in all this movement, he understands himself. He means to go ahead, and to take them along. He is in the engine-car; he controls the locomotive. His hand regulates the steam, to increase or retard speed, at his own discretion. And as to the occupants of the passenger-cars, sir, they are as happy a set of gentlemen as one might desire to see, of a summer's day. They feel that they are in progress; they hope they shall not be run off the track; and when they reach the end of their journey, they desire to be thankful!

The arduous struggle is now all over. Its richest fruits are all reaped; nullification embraces the sub-treasuries, and oppression and usurpation will be heard of no more.

On the broad surface of the country, sir, there is a spot called "the hermitage." In that residence is an occupant very well known, and not a little remarkable both in person and character. Suppose, sir, the occupant of the hermitage were now to open that door, enter the Senate, walk forward, and look over the chamber to the seats on the other side. Be not frightened, gentlemen, it is but fancy's sketch. Suppose he should thus come in among us, sir, and see into whose hands

as fallen the chief support of that administration, which was, in so great a degree, appointed by himself, and which he fondly relied on to maintain the principles of his own. If gentlemen were now to see his steady military step, his erect posture, his compressed lips, his firmly knitted brow, and his eye full of fire, I cannot help thinking, sir, they would all feel somewhat queer. There would be, I imagine, not a little awkward moving, and shifting in their seats. They would expect soon to hear the roar of the lion, even if they did not feel his paw.

I proceed, sir, to the speech of the honorable member, delivered on the 15th of February last, in which he announces propositions, respecting the constitutional power of congress, which, if they can be maintained, must necessarily give a new direction to our legislation, and would go far towards showing the necessity of the present bill.

The honorable member, sir, insists that congress has no right to make general deposits of the public revenue in banks; and he denies, too, that it can authorize the reception of any thing but gold and silver in the payment of debts and dues to the government.

These questions, sir, are questions of magnitude, certainly, and since they have been raised, ought to be answered. They may be considered together. Allow me in the first place, however, to clear them from some extraneous matter. The honorable member puts the first question thus: Have we the right to make deposits in the banks, in order to bestow confidence in them, with a view to enable them to resume specie payments? And, by way of illustration, asks the further question, whether government could constitutionally bestow on individuals, or a private association, the same advantages, in order to enable them to pay their debts? But this I take not to be the question. The true inquiry is, may not congress authorize the public revenue, in the intervening time between its receipt and its expenditure, to be deposited in banks, for the general purpose of safe-keeping, in the same way as individuals deposit their own money? And if this mode of safe-keeping be attended with incidental advantages, of considerable importance to the community, is not that a reason which may properly govern the discretion of congress in the case? To benefit the banks, or to benefit the community, is, in this case, not the main object; it is only the incident; and as to the case put for illustration, it would not be expected of congress, certainly, to make deposits with individuals with a view principally, of enabling such individuals to pay their debts: it might, nevertheless, be very competent to congress, in some cases, and a very proper exercise of its power, to deposit money, even with individuals, in such manner as that it might be advantageous to the depository. This incidental or consequential advantage results, often, from the nature of the transaction, and is inseparable from it. It may always be enjoyed, more or less, by any one, who holds public money for disbursement. In order to the necessary exercise of any of its powers, government doubtless may make contracts with banks or other corporations as well as with individuals. If it has occasion to buy bills of exchange, it may buy them of banks. If it has stock or treasury notes to sell, it may sell to banks, as the secretary of the treasury has lately proposed. It may employ banks, therefore, at its discretion, for the keeping of the public moneys, as those moneys must be kept somewhere. It can no more need a specific grant of power in the constitution for such a purpose, than one merchant, becoming agent for another to receive and pay out money, would need a particular clause in his authority, enabling him to use banks for these purposes as other persons use them. No question has ever been raised in this government about the power of congress to authorize such deposits. Mr. Madison, in opposing the first bank's charter in 1791, argued, strenuously, that a bank of the United States was not necessary to government as a depository of the public moneys, because, he insisted, its use could be supplied by other banks. This sufficiently shows his opinion. And in 1800, congress made it the duty of the collectors of customs to deposit bonds for duties in the bank and its branches for collection.

When the charter of the first bank expired, in 1811, almost every gentleman who opposed its renewal contended that it was not necessary for the purpose of holding deposits of revenue, because state banks could answer all such purposes equally well. A strong and prevailing tone of argument runs through all the speeches on that occasion, tending to this conclusion, viz. that government may derive from state banks all the benefit which a bank of the United States could render. In 1816, when the charter of the last bank was granted, it contained, as originally presented, no provision for making the public deposits in the bank. The bill was probably drawn, in this particular, from the model of the first charter, in which no such clause was contained, without adverting to the law of 1800; but a section was introduced, on my motion, making it the duty of collectors to deposit the public moneys in the bank and its branches. It was this section of the law which some of us thought was violated by the removal of the deposits. The main object of the deposite bill of 1836, as we know, was to regulate deposits of the public money with the state banks; so that, from the commencement of the government to the present time, nobody has thought of making any question of the constitutional power of congress to make such arrangements.

The gentleman's other proposition, and which he lays down with still more confidence and emphasis, is,

that congress cannot, constitutionally, authorize the receipt of bank notes, though they be notes of specie-paying banks, in payment of debts to government; because, he says, that would make them money; and if we make them money, then are we bound to control and regulate that money. Most certainly, sir, I agree with the honorable member, that when bank notes become money, we are bound to control and regulate them. I thank him for this admission; since it goes a great way to support that proposition, for which I have been contending. That bank notes have become money in fact, that they answer the uses of money, that, in many respects, the law treats them as money, is certain. Why, then, are we not already bound to control and regulate them? The gentleman will say, because we have not, ourselves, made them money. But is that any answer? If they have become money in fact, they require the same regulation, and we have the same authority to bestow it, as if they had acquired that character by any acts of our own: because our power is general; it is to take care of the money of the country, and to regulate all the great concerns of commerce.

But let us see how this opinion of the honorable member stands upon the authorities in our own history.

When the first bank was established, the right of congress to create such a corporation was, as we all know, very much disputed. Large majorities, however, in both houses, were of opinion that the right existed, and they therefore granted the charter; and in this charter there was an express provision that the bills of the bank should be receivable in all payments to government. Those who opposed the bank did not object to this clause: on the contrary, they went even much farther; and Mr. Madison expressly insisted that congress might grant or refuse, to state banks, the privilege of having their notes received in revenue. In 1791, therefore, men of all parties supposed that congress, in its discretion, might authorize the receipt of bank notes. The same principle was incorporated into the bank charter of 1816: indeed, it was in the bill which the gentleman himself reported; and it passed without objection from any quarter. But this is not all. Mr. President, let us look into the proceedings of the session of 1815-16, a little more closely. At the commencement of that session, Mr. Madison drew our attention to the state of the currency; by which he meant the paper currency of the country, which was then very much disordered, as the banks had suspended specie payment during the war, and had not resumed. Early in the progress of the session, the honorable member from South Carolina moved that this part of the message should be referred to a select committee. It was so ordered. The committee was raised, and the honorable gentleman placed at its head. As chairman of the committee, he introduced the bank bill, explained it, defended it, and carried it triumphantly through the house, having in it the provision which I have before mentioned.

But there is something more. At the same session the gentleman introduced the bill for the further collection of the revenue, to which I have already referred, and in which bill he carried the receivability of bank notes much further, and provided that *notes of any bank or bankers which were payable and paid, on demand, in specie, might be allowed and accepted in all payments to the United States*. So that the honorable gentleman himself drew, with his own pen, the very first legal enactment in the history of this government, by which it was provided that the notes of state banks should be considered and treated as money at the treasury. Still further, sir. The bill containing this provision did not pass the house; and as I deemed some provision necessary, indispensably necessary, for the state of things then existing, I introduced, I think, the very next day after the failure of the honorable gentleman's bill, three resolutions. The two first were merely declaratory, asserting that all duties, taxes, and imposts, ought to be uniform, and that the revenues of the United States ought to be collected and received in the legal currency, or in treasury notes, or the notes of the Bank of the United States, as by law provided. These two resolutions I agreed to waive, as it was thought they were not essential, and that they might imply some degree of censure upon past transactions. The third resolution was in these words:

"And resolved, further, That the secretary of the treasury be, and he hereby is, required and directed to adopt such measures as he may deem necessary to cause, as soon as may be, all duties, taxes, debts, or sums of money accruing or becoming payable to the United States, to be collected and paid in the legal currency of the United States, or treasury notes, or notes of the Bank of the United States, as aforesaid; and that from and after the 1st day of February next, no such duties, taxes, debts, or sums of money accruing or becoming payable to the United States as aforesaid, ought to be collected or received otherwise than in the legal currency of the United States, or treasury notes, or notes of the Bank of the United States, as aforesaid."

The senate will perceive that, in this resolution of mine, there was no provision whatever for receiving bank notes, except of the Bank of the United States, according to its charter. Well, what happened thereon? Why, sir, if you look into the National Intelligencer of a succeeding day, you will find it stated, that Mr. Calhoun moved to amend Mr. Webster's resolution by *"extending its provisions to the notes of all banks which should, at the time specified therein, pay their notes in specie on demand."*

This amendment was opposed, and for a time defeated; but it was renewed, and finally prevailed. It was incorporated into the resolution, became part of the law of the land, and so remains at this very moment. Sir, may I not now say to the honorable member, that if the constitution of the country has been violated by treating bank notes as money—"Thou art the man!"

How is it possible, sir, the gentleman could so far forget his own agency in these most important transactions, as to stand up here, the other day, and with an air not only of confidence, but of defiance, say: "But I take a still higher ground; I strike at the root of the mischief. I deny the right of this government to treat bank notes as money in its fiscal transactions. On this great question I never have before committed myself, though not generally disposed to abstain from forming or expressing opinions."

I will only add, sir, that this reception and payment of bank notes was expressly recognised by the act of the 14th April, 1836; by the deposite act of June of that year, and by the bill which passed both houses in 1837, but which the president did neither approve nor return. In all these acts, so far as I know, the honorable member from South Carolina himself concurred.

So much for authority.

But now, sir, what is the principle of construction upon which the gentleman relies to sustain his doctrine? "The genius of our constitution," he says, "is opposed to the assumption of power." This is undoubtedly true: no one can deny it. But he adds, "whatever power it gives, is expressly granted."

But I think, sir, this by no means follows from the first proposition, and cannot be maintained. It is doubtless true that no power is to be assumed; but then powers may be inferred, or necessarily implied. It is not a question of assumption, it is a question of fact, just, and reasonable inference. To hold that no power is granted, and no means authorized, but such as are granted or authorized by express words, would be to establish a doctrine that would put an end to the government. It could not last through a single session of congress. If such opinions had prevailed in the beginning, it never could have been put in motion, and would not have drawn its first breath. My friend, near me, from Delaware, has gone so fully and so ably into this part of the subject, that it has become quite unnecessary for me to pursue it. Where the constitution confers on congress a general power, or imposes a general duty, all other powers necessary for the exercise of that general power, and for fulfilling that duty, are implied, so far as there is no prohibition. We act every day upon this principle, and could not carry on the government without its aid. Under the power to coin money, we build expensive mints—fill them with officers—punish such officers for embezzlement—buy bullion—and exercise various other acts of power.

The constitution says that the judicial power of the United States shall be vested in certain courts. Under this general authority we not only establish such courts, but protect their records by penalties against forgery, and the purity of their administration by punishing perjuries.

The department of the post office is another, and signal instance, of the extent and necessity of implied powers. The whole authority of congress over this subject is expressed in very few words; they are merely "to establish post offices and post roads." Under this short and general grant, laws of congress have been extended to a great variety of very important enactments, without the specific grant of any power whatever, as any one may see who will look over the post office laws. In these laws, among other provisions, penalties are enacted against a great number of offences; thus deducting the highest exercise of criminal jurisdiction, by reasonable and necessary inference, from the general authority. But I forbear from traversing a field already so fully explored.

There are one or two other remarks, sir, in the gentleman's speech, which I must not entirely omit to notice.

In speaking of the beneficial effects of this measure, one, he says, would be, that "the weight of the banks would be taken from the side of the *tax-consumers*, where it has been, from the commencement of the government, and placed on the side of the *tax-payers*. This great division of the community necessarily grows out of the fiscal action of the government."

Sir, I utterly deny that there is the least foundation, in fact, for this distinction. It is an odious distinction, calculated to inspire envy and hatred; and being, as I think wholly groundless, its suggestion, and the endeavor to maintain it, ought to be resisted, and repelled. We are all *tax-payers*, in the United States, who use articles on which imposts are laid; and who is there that is excused from this tax, or does not pay his proper part of it, according to his consumption? Certainly no one.

On the other hand, who are the *tax-consumers*?—Clearly, the army, the navy, the laborers on public works, and other persons in government employment. But even these are not idle consumers; they are agents of the government and of the people. Pensioners may be considered as persons who enjoy benefit from the public taxes of the country, without rendering present service in return; but the legal provision for them stands on the ground of previous merits, which none deny. If we had a vast national debt, the annual interest of which was a charge upon the country, the holders of this debt might be considered as *tax-consumers*. But we have no such debt. If the distinction, therefore,

which the gentleman states exists anywhere, most certainly it does not exist here. And I cannot but exceedingly regret that sentiments and opinions should be expressed here, having so little foundation, and yet so well calculated to spread prejudice and dislike, far and wide, against the government and institutions of the country.

But, sir, I have extended these remarks already to a length for which I find no justification but in my profound conviction of the importance of this crisis in our national affairs. We are, as it seems to me, about to rush madly from our proper spheres. We are to relinquish the performance of our own incumbent duties; to abandon the exercise of essential powers, confided by the constitution to our hands, for the good of the country. This was my opinion in September—it is my opinion now. What we propose to do, and what we omit to do, are, in my judgment, likely to make a fearful, perhaps a fatal, inroad upon the unity of commerce between these states, as well as to embarrass and harass the employments of the people, and to prolong the existing evils.

Sir, whatever we may think of it now, the constitution had its immediate origin in the conviction of the necessity for this uniformity, or identity, in commercial regulations.

The whole history of the country, of every year and every month, from the close of the war of the revolution to 1783, proves this. Over whatever other interests it was made to extend, and whatever other blessings it now does, or hereafter may, confer on the millions of free citizens who do or shall live under its protection; even though in time to come, it should raise a pyramid of power and grandeur, whose apex should look down, on the loftiest political structures of other nations and other ages, it will yet be true, that it was itself the child of pressing commercial necessity. Unity and identity of commerce among all the states was its seminal principle. It had been found absolutely impossible to excite or foster enterprise in trade, under the influence of discordant and jarring state regulations. The country was losing all the advantages of its position. The revolution itself was beginning to be regarded as a doubtful blessing. The ocean before us was a barren waste. No American canvass whitened its bosom—no keels of ours ploughed its waters. The journals of the congress of the confederation show the most constant, unceasing, unwearied, but always unsuccessful appeals to the states and the people, to renovate the system, to infuse into that confederation at once a spirit of union and a spirit of activity, by conferring on congress the power over trade. By nothing but the perception of its indispensable necessity—by nothing but their consciousness of suffering from its want, were the states and the people brought, and brought by slow degrees, to invest this power, in a permanent and competent government.

Sir, hearken to the fervent language of the old congress in July, 1785, in a letter addressed to the states, prepared by Mr. Monroe, Mr. King, and other great names, now transferred from the lists of living men, to the records which carry down the fame of the distinguished dead. The proposition before them, the great objects to which they so solicitously endeavored to draw the attention of the states, was this, viz: that "the United States, in congress assembled, should have the sole and exclusive right of regulating the trade of the states, as well with foreign nations as with each other." This, they say, is urged upon the states by every consideration of local as well as of federal policy; and they beseech them to agree to it, if they wish to promote the strength of the union, and to connect it by the strongest ties of interest and affection. This was in July, 1785.

In the same spirit, and for the same end, was that most important resolution which was adopted in the house of delegates of Virginia, on the 21st day of the following January. Sir, I read the resolution entire.

"Resolved, That Edmund Randolph, and others be appointed commissioners, who, or any five of whom, shall meet such commissioners as may be appointed by the other states in the union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situations and trade of the said states; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony, and to report to the several states such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in congress assembled, effectually to provide for the same: that the said commissioners shall immediately transmit to the several states, copies of the preceding resolution, with a circular letter requesting their concurrence therein and proposing a time and place for the meeting aforesaid."

Here, sir, let us pause. Let us linger, at the waters of this original fountain. Let us contemplate this, the first step, in that series of proceedings, so full of great events to us and the world. Notwithstanding the embarrassment and distress of the country, the recommendation of the old congress had not been complied with. Every attempt to bring the state legislatures into any harmony of action, or any pursuit of a common object, had signally and disastrously failed. The exigency of the case called for a new movement; for a more direct and powerful attempt to bring the good sense and patriotism of the country into action upon the crisis. A solemn assembly was therefore proposed—a general convention of delegates from all the states. And now, sir, what was the exigency? What was this crisis? Look at the resolution itself; there is not an

idea in it but trade. Commerce! commerce! is the beginning and end of it. The subject to be considered and examined was "the relative situation of the trade of the states;" and the object to be obtained was the "establishment of a uniform system in their commercial regulations, as necessary to the common interest and their permanent harmony." This is all. And, sir, by the adoption of this ever-memorable resolution, the house of delegates of Virginia, on the 21st day of January, 1786, performed the first act in the train of measures which resulted in that constitution, under the authority of which you now sit in that chair, and I have now the honor of addressing the members of this body.

Mr. President, I am a northern man. I am attached to one of the States of the north, by the ties of birth and parentage, education, and the associations of early life; and by sincere gratitude for proofs of public confidence early bestowed. I am bound to another northern state by adoption, by long residence, by all the cords of social and domestic life, and by an attachment and regard, springing from her manifestations of approbation and favor, which grapple me to her with hooks of steel. And yet, sir, with the same sincerity of respect, the same deep gratitude, the same reverence, and hearty good will, with which I would pay a similar tribute to either of these states, do I here acknowledge the commonwealth of Virginia to be entitled to the honor of commencing the work of establishing this constitution. The honor is hers, let her enjoy it; let her forever wear it proudly; there is not a brighter jewel in the tiara that adorns her brow. Let this resolution stand, illustrating her records, and blazoning her name through all time!

The meeting, sir, proposed by the resolution was held. It took place, as all know, in Annapolis, in May of the same year; but it was thinly attended, and its members, very wisely, adopted measures to bring about a fuller and more general convention. Their letter to the states on this occasion is full of instruction. It shows their sense of the unfortunate condition of the country. In their meditations on the subject, they saw the extent to which the commercial power must necessarily extend. The sagacity of New Jersey had led her, in agreeing to the original proposition of Virginia, to enlarge the object of the appointment of commissioners, so as to embrace not only commercial regulations, but other important matters. This suggestion the commissioners adopted, because they thought, as they inform us, "that the power of regulating trade is of such comprehensive extent, and will enter so far into the general system of the federal government, that to give it efficacy, and to obviate questions and doubts concerning its precise nature and limits, might require a corresponding adjustment of other parts of the federal system." Here you see, sir, that other powers, such as are now in the constitution, were expected to branch out of the necessary commercial power; and, therefore, the letter of the commissioners concludes with recommending a general convention, "to take into consideration the whole situation of the United States, and to devise such further provisions as should appear necessary to render the constitution of the federal government adequate to the exigencies of the union."

The result of that convention was the present constitution. And yet in the midst of all this flood of light, respecting its original objects and purposes, and with all the adequate powers which it confers, we abandon the commerce of the country, we betray its interests, we turn ourselves away from its most crying necessities. Sir, it will be a fact, stamped in deep and dark lines upon our annals; it will be a truth, which in all time can never be denied or evaded, that if this constitution shall not, now and hereafter, be so administered as to maintain a uniform system in all matters of trade; if it shall not protect and regulate the commerce of the country, in all its great interests, in its foreign intercourse, in its domestic intercourse, in its navigation, in its currency, in every thing which fairly belongs to the whole idea of commerce, either as an end, an agent, or an instrument, then that constitution will have failed, utterly failed to accomplish the precise, distinct, original object, in which it had its being.

In matters of trade, we were no longer to be Georgians, Virginians, Pennsylvanians, or Massachusetts men. We were to have but one commerce, and that the commerce of the United States. There were not to be separate flags, waving over separate commercial systems. There was to be one flag, the *E PLURIBUS UNUM*; and toward that was to be that rally of united interests and affections, which our fathers had so earnestly invoked.

Mr. President, this unity of commercial regulation is, in my opinion, indispensable to the safety of the union of the states themselves. In peace it is its strongest tie. I care not, sir, on what side, or in which of its branches, it may be attacked. Every successful attack upon it, made anywhere, weakens the whole, and renders the next assault easier and more dangerous. Any denial of its just powers is an attack upon it. We attack it, most fiercely attack it, whenever we say we will not exercise the powers which it enjoins. If the court had yielded to the pretensions of respectable states upon the subject of steam navigation, and to the retaliatory proceedings of other states; if retreat and excuse, and disavowal of power had been prevailing sentiments then, in what condition, at this moment, let me ask, would the steam navigation of the country be found? To us, sir, to us, his countrymen, to us, who feel so much admiration for his genius, and so much gratitude for his services, Fulton would have lived almost in vain.

State grants and state exclusions would have covered over all our waters.

Sir, it is in the nature of such things, that the first violation, or the first departure from true principles, draws more important violations or departures after it; and the first surrender of just authority will be followed by others more to be deplored. If commerce be a unit, to break it in any one part, is to decree its ultimate dismemberment in all. If there be made a first chasm, though it be small, through that the whole wild ocean will pour in, and we may then throw up embankments in vain.

Sir, the spirit of union is particularly liable to temptation and seduction, in moments of peace and prosperity. In war, this spirit is strengthened by a sense of common danger, and by a thousand recollections of ancient efforts and ancient glory in a common cause. In the calms of a long peace, and the absence of all apparent causes of alarm, things near gain an ascendancy over things remote. Local interests and feelings overshadow national sentiments. Our attention, our regard, and our attachment, are every moment solicited to what touches us closest, and we feel less and less the attraction of a distant orb. Such tendencies, we are bound by true patriotism, and by our love of union, to resist. This is our duty; and the moment, in my judgment, has arrived when that duty is summoned to action. We hear, every day, sentiments and arguments, which would become a meeting of envoys, employed by separate governments, more than they become the common legislature of a united country. Constant appeals are made to local interests, to geographical distinctions, and to the policy and the pride of particular states. It would sometimes appear that it was, or as if it were, a settled purpose, to convince the people that our union is nothing but a jumble of different and discordant interests, which must, ere long, be all returned to their original state of separate existence; as if, therefore, it was of no great value while it should last, and it was not likely to last long. The process of disintegration begins, by urging the fact of different interests.

Sir, is not the end obvious, to which all this leads us? Who does not see that, if convictions of this kind take possession of the public mind, our union can hereafter be nothing, while it remains, but a connexion without harmony; a bond without affection; a theatre for the angry contests of local feelings, local objects, and local jealousies? Even while it continues to exist, in name, it may, by these means, become nothing but the mere form of a united government. My children, and the children of those who sit around me, may meet, perhaps, in this chamber, in the next generation; but if tendencies, now but too obvious, be not checked, they will meet as strangers and aliens. They will feel no sense of common interest or common country; they will cherish no common object of patriotic love. If the same Saxon language shall fall from their lips, it may be the chief proof that they belong to the same nation. Its vital principle exhausted and gone, its power of doing good terminated, now productive only of strife and contention, and no longer sustained by a sense of common interest, the union itself must ultimately fall, dishonored and unlamented.

The honorable member from Carolina himself, habitually indulges in charges of usurpation and oppression against the government of his country. He daily denounces its important measures, in the language in which our revolutionary fathers spoke of the oppressions of the mother country. Not merely against executive usurpation, either real or supposed, does he utter these sentiments, but against laws of congress, laws passed by large majorities, laws sanctioned, for a course of years, by the people. These laws he proclaims, every hour, to be but a series of acts of oppression. He speaks of them as if it were an admitted fact, that such is their true character. This is the language which he utters, these the sentiments he expresses, to the rising generation around him. Are they sentiments and language which are likely to inspire our children with the love of union, to enlarge their patriotism, or to teach them, and to make them feel, that their destiny has made them common citizens of one great and glorious republic? A principal object, in his late political movements, the gentleman himself tells us, was to *unite the entire south*; and against whom, or against what, does he wish to unite the entire south? Is not this the very essence of local feeling and local regard? Is it not the acknowledgment of a wish and object, to create political strength, by uniting political opinions geographically? While the gentleman thus wishes to unite the entire south, I pray to know, sir, if he expects me to turn toward the polar-star, and acting on the same principle, to utter a cry of rally! to the whole north? Heaven forbid! To the day of my death, neither he nor others shall hear such a cry from me.

Finally, the honorable member declares that he shall now march off, under the banner of state rights! March off from whom? March off from what? We have been contending for great principles. We have been struggling to maintain the liberty and to restore the prosperity of the country; we have made these struggles here, in the national councils, with the old flag, the true American flag, the eagle, and the stars and stripes, waving over the chamber in which we sit. He now tells us, however, that he marches off under the state-rights banner!

Let him go. I remain. I am, where I ever have been, and ever mean to be. Here, standing on the platform of the general constitution—a platform broad enough, and firm enough, to uphold every interest of

the whole country—I shall still be found. Intrusted with some part in the administration of that constitution, I intend to act in its spirit, and in the spirit of those who framed it. Yes, sir, I would act as if our fathers, who formed it for us, and who bequeathed it to us, were looking on us—as if I could see their venerable forms, bending down to behold us, from the abodes above. I would act, too, sir, as if that long line of posterity were also viewing us, whose eyes is hereafter to scrutinize our conduct.

Standing thus, as in the full gaze of our ancestors, and our posterity, having received this inheritance from the former, to be transmitted to the latter, and feeling, but if I am born for any good, in my day and generation, it is for the good of the whole country, no local feeling, no temporary impulse, shall induce me to yield my foothold on the constitution and the union. I move, under no banner, not known to the whole American people, and to their constitution and laws. No, sir, these walls, these columns

"fly

From their firm base as soon as I."

I came into public life, sir, in the service of the United States. On that broad altar, my earliest, and all my public vows, have been made. I propose to serve no other master. So far as depends on any agency of mine, they shall continue united states; united in interest and in affection; united in every thing in regard to which the constitution has decreed their union; united in war, for the common defence, the common renown, and the common glory; and united, compacted, knit firmly together in peace, for the common prosperity and happiness of ourselves and our children.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

April 6. The following, among other petitions, memorials, &c. were presented:

By Mr. Merrick: The preamble and resolutions of the legislature of Maryland, in favor of the United States contributing further aid to the construction of the Chesapeake and Ohio canal, or otherwise conveying the interest of the United States in that canal to the state of Maryland. Read, referred, and ordered to be printed.

By Mr. Sevier: From the legislature of Arkansas, on the subject of the public lands. Laid on the table, and ordered to be printed.

On motion of Mr. Wright, the committee of finance were discharged from the further consideration of a variety of memorials on subjects connected with revenue and the currency; and they were ordered to lie on the table.

The bill for the relief of the legal representatives of Henry Fisher was read a third time, and passed.

On motion of Mr. Linn, the committee on public lands were discharged from the further consideration of the petitions of Thomas Bailey and Nathaniel Hauser, the subjects of them having been embraced in general bills, passed or in progress.

On motion of Mr. Roane, the committee for the District of Columbia were discharged from the further consideration of a resolution adopted by citizens of Georgetown, (the object not heard.)

Mr. Young, on leave, introduced a bill granting a quantity of land to the Mississippi and Rock river canal company, to aid in constructing their canal. Read twice, and referred.

The bill requiring the clerks of the circuit court of the United States to keep a record of certain subjects, was considered, and ordered to be engrossed for a third reading.

Also, the bill for the relief of Joseph Lachine. The bill to extend the time for selling land granted to the Kentucky Asylum for the deaf and dumb, was read a third time and passed.

The senate resumed the consideration of the bill prohibiting the giving and accepting of challenges to duels in the district of Columbia.

Mr. Linn briefly urged, as reasons why the seconds in duels should not be subject to the same penalty as the principals, that it would prevent their appearance as witnesses, while it was a matter of extreme difficulty to get witnesses at all. They would find it also easy to evade the law, by a fictitious form in the challenge, such, for instance, as an invitation to tea. Mr. L. said he had consulted the senator from Delaware, who concurred with him in this view of the subject.

Mr. Clayton was understood to express his willingness to have the bill so modified.

The debate was continued by Messrs. Linn, Clayton, Prentiss, Hubbard, Smith, of Indiana, Niles, Grundy, and Sevier.

Mr. Sevier expressing his belief that no satisfactory law would be passed, moved to lay the whole subject on the table; which motion was negatived as follows:

YEAS—Messrs. Linn, Nicholas, Preston, Roane, Sevier—5.

NAYS—Messrs. Allen, Benton, Clayton, Davis, Fulton, Grundy, Hubbard, Lumpkin, McKean,

Merrick, Mouton, Niles, Norvell, Pierce, Prentiss, Robinson, Ruggles, Smith, of Connecticut, Smith, of Indiana, Strange, Swift, Tipton, Trotter, Walker, White, Williams, Wright—27.

Mr. Clayton's amendment, making the highest penalty for the offence, confinement in a common jail not more than two years, a fine not exceeding \$2,000, and disability to hold office under the United States, was lost as follows:

YEAS—Messrs. Clay, of Alabama, Clayton, Fulton, Grundy, Linn, Nicholas, Norvell, Robinson, Strange, Trotter, Walker, White—12.

NAYS—Messrs. Allen, Davis, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Preston, Roane, Ruggles, Sevier, Smith, of Connecticut, Smith, of Indiana, Swift, Tipton, Williams, Wright—20.

The amendment from the committee on the judiciary, making the highest penalty confinement in the penitentiary from ten to twenty years, was adopted.

On motion of Smith, of Indiana, the lower limit of the time in this amendment was made five years instead of ten.

Mr. Norvell moved to make the higher limit of this time ten years instead of twenty. This motion (the yeas and nays being ordered on the call of Mr. Prentiss) was carried in the affirmative, as follows:

YEAS—Messrs. Clay, of Alabama, Clayton, Fulton, Linn, Mouton, Nicholas, Niles, Norvell, Preston, Roane, Robinson, Ruggles, Strange, Tipton, Trotter, Walker, White—17.

NAYS—Messrs. Allen, Davis, Grundy, Hubbard, Lumpkin, Lyon, Merrick, Pierce, Prentiss, Sevier, Smith, of Conn., Smith, of Indiana, Swift, Williams, Wright—15.

Mr. Niles moved to amend the bill, by adding to the penalty a disability to hold any office of trust or profit under the United States Government.

After debate by Mr. Preston and Mr. Niles, this amendment was lost, as follows:

YEAS—Messrs. Allen, Davis, Grundy, Hubbard, Lumpkin, Niles, Pierce, Prentiss, Smith, of Connecticut, Swift, Trotter, Walker, Williams, Wright—14.

NAYS—Messrs. Clay, of Alabama, Clay, of Kentucky, Clayton, Fulton, Merrick, Mouton, Nicholas, Norvell, Preston, Roane, Robinson, Ruggles, Sevier, Smith, of Indiana, Strange, Tipton, White—17.

Mr. Smith, of Indiana, offered an amendment to the bill, requiring that, whenever there should be good cause to believe, in the opinion of a magistrate, that a duel was about to take place, the parties should be arrested, and bound for one year to keep the peace.

To this amendment Mr. Clayton objected as contrary to the constitution and the spirit of the common law.

Mr. Grundy also objected to making the bill too complicated, and hoped the amendment would be withdrawn.

Mr. Smith accordingly withdrew it.

Mr. Linn inquired whether the surgeons at a duel were to be punished by the bill. The reply was in the affirmative; all persons engaged in aiding or abetting were to be punished.

Mr. White, after a few remarks, which were understood to relate to the difficulty of carrying anti-duelling laws into effect, moved a substitute for the whole bill, requiring that every one about to take office under the United States should, so far as the constitution would allow, make oath that he had never been concerned in a duel, nor had given or accepted a challenge.

This amendment was lost as follows:

YEAS—Messrs. Benton, Clay, of Alabama, Fulton, Linn, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Strange, Walker, White—13.

NAYS—Messrs. Allen, Clayton, Davis, Grundy, Hubbard, Lumpkin, Lyon, Merrick, Mouton, Niles, Pierce, Prentiss, Smith, of Connecticut, Smith, of Indiana, Swift, Trotter, Williams, Wright, Young—19.

The question now recurred on the second amendment from the committee, providing that persons going out of the District, with a view to evade the provisions of this bill, should be punished in the same manner as if they had remained in the District. This amendment was lost as follows:

YEAS—Messrs. Davis, Grundy, Hubbard, Lumpkin, Merrick, Niles, Pierce, Prentiss, Smith, of Conn., Smith, of Ind., Strange, Swift, Williams, Wright, Young—15.

NAYS—Messrs. Allen, Benton, Clay, of Ala., Clayton, Fulton, Linn, Mouton, Nicholas, Norvell, Roane, Robinson, Ruggles, Sevier, Trotter, Walker, White—16.

The bill, as amended, was then ordered to be engrossed for a third reading.

The senate then adjourned till Monday.

The bill, as it passed the senate, is in the following words:

A bill to prohibit the giving or accepting, within the District of Columbia, of a challenge to fight a duel, and for the punishment thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That if any person shall, in the District of Columbia, challenge another to fight a duel, or shall send or deliver any written or verbal message, purporting or intended to be such challenge, or shall accept any such challenge or message, or shall knowingly, carry or deliver any such challenge or message, or shall, knowingly, carry or deliver an acceptance of such challenge or message to fight a duel in or out of the said District, and such duel shall be fought in or out of the said District, and either of the parties thereto shall be slain, or mortally wounded in such duel, the surviving party to such duel, and every person carrying or delivering such challenge or message, or acceptance of such challenge or message as aforesaid, and all others aiding or abetting therein, shall be deemed guilty of felony, and upon conviction thereof, in any court competent to the trial thereof in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, nor less than five years, in the discretion of the court.

Sec. 2. And be it further enacted, That if any person shall give or send, or cause to be given or sent, to any person in the District of Columbia, any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or if any person in said District shall accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall be the bearer of any such challenge, every person so giving or sending, or causing to be given or sent, or accepting such challenge, or being the bearer thereof, and every person aiding or abetting in the giving, sending, or accepting such challenge, shall be deemed guilty of a high crime and misdemeanor, and on conviction thereof, in any court competent to try the same in the said District, shall be punished by imprisonment and confinement to hard labor in the penitentiary, for a term not exceeding ten years, nor less than five years, in the discretion of the court.

Sec. 3. And be it further enacted, That if any person shall assault, strike, beat, or wound, or cause to be assaulted, stricken, beaten, or wounded, any person in the District of Columbia, for declining or refusing to accept any challenge to fight a duel, or to engage in single combat with any deadly or dangerous instrument or weapon whatever, or shall post or publish, or cause to be posted or published, any writing charging any such person, so declining or refusing to accept any such challenge, to be a coward, or using any other opprobrious or injurious language therein, tending to degrade and disgrace such person for so declining or refusing such challenge, every person so offending, on conviction thereof in any court competent to the trial thereof, in the said District, shall be punished by confinement to hard labor in the penitentiary, for a term not exceeding seven years, nor less than three years, in the discretion of the court.

Sec. 4. And be it further enacted, That in addition to the oath now prescribed by law to be administered to the grand jury in the District of Columbia, they shall be sworn faithfully and impartially to inquire into, and true presentment make of, all offences against this act.

April 9. After the presentation of petitions, chiefly from individuals, and the transaction of some minor business, the senate took up on its third reading, the bill to prohibit the giving and accepting of challenges to duels in the District of Columbia, and for the punishment thereof.

Mr. Clay, of Kentucky, said that he had taken no part heretofore in the debate to which this bill had given rise; but his silence did not proceed from any indifference which he felt to the laudible object which the senator from Vermont (Mr. Prentiss) proposed to accomplish by its introduction. No man would rejoice more sincerely than he should, in witnessing the absolute suppression, forever, of the unjustifiable practice which the bill denounces and seeks to discountenance. But he (Mr. C.) thought that the great object of legislation, on this subject, should be directed to the correction and purification of public opinion. In sections of the union, where the practice was not tolerated, it was public opinion that kept it down, by discouraging a resort to private combat to avenge or settle personal injuries. There it was no disgrace to decline such a combat. The man who should decline it was more, certainly not less, res-

pected than if he had engaged in it. But it was otherwise in those sections where the practice prevailed. In these, the man that fights a duel, acts under the constraint of public opinion, which brands him with cowardice and dishonor if he does not resent with spirit, a personal insult or wrong. There the alternative presented to a person of honor and of nice sensibility, is, whether he shall live, covered with disgrace, an object of reproach, scorn and contempt, or encounter the hazard of death, without dishonor. But few honorable and high-spirited men were resolute enough to avoid the contest. Public opinion, which exacts the sacrifice, is as censurable as those who fall victims or conform to its stern commands. It was when public opinion should be rectified in this respect, that we might expect to see the abandonment of a practice which was contrary to humanity, abhorrent to reason, and condemned by our religion. In the mean time, it is the duty of the legislator to exert all his authority to bring about this desirable state of things. And he (Mr. C.) should vote, with pleasure, for the passage of the bill before the senate, under the anxious hope that, being the deliberate expression of the judgment of congress, it may contribute to enlighten the public mind; and that, if it should not totally eradicate, it may tend materially to diminish, a practice which all ought to unite in completely destroying.

The bill was then passed by the following vote, and sent to the other house for concurrence:

YEAS—Messrs. Allen, Benton, Buchanan, Clay, of Ala., Clay, of Ken., Clayton, Davis, Fulton, Grundy, Hubbard, Lumpkin, Lyon, McKean, Merrick, Mouton, Niles, Norvell, Prentiss, Roane, Robinson, Ruggles, Smith, of Conn., Smith, of Ind., Strange, Swift, Tipton, Trotter, Walker, Wall, White, Williams, Wright, Young—34.

NAY—Mr. Sevier—1.

The senate resumed the consideration of the bill to reduce and graduate the price of the public (refuse) lands.

Mr. Grundy offered the substitute (before laid on the table by him) providing for the reduction of the price twenty-five cents for every five years during the time the land shall be in market, from December next, down to the minimum price of fifty cents, waiting in each case one year before the reduction should take effect.

Mr. Grundy advocated this substitute at some length, as preferable to the substitute from the committee, which proposed that the lands should be reduced to four different classes, according to their value, to be estimated by the surveyor general and other land officers, chiefly from the field books of surveyors, which Mr. G. described as extremely doubtful and deceptive as a test of value. He regarded the simple test of time as both better and more safe for the public interests.

Mr. Walker explained and vindicated the substitute from the committee, but expressed himself as rather indifferent which of the two should be adopted.

Mr. Grundy said he was not satisfied with this explanation, and went into some further details in support of his substitute.

Mr. Sevier advocated Mr. Grundy's substitute as both more simple and more certain and showed in what respects the surveyor's field books must be deceptive, especially as they usually described the quality of only the small portion of the land which lay on or very near the lines of the survey.

Mr. Clay, of Alabama, argued that the plan proposed by the committee would be the most sure, inasmuch as the officers who were to make the estimate would have not only the field books, but also the position of the land, as near to or distant from a town or river to aid them in making that estimate. They would also have the time itself during which the land should have been in market, to aid them, on which alone the substitute of Mr. Grundy depended. He was, however, willing to take either proposition.

Mr. Clay, of Kentucky, said he wished now merely to remark that he felt an utter reluctance to reduce the price of land as proposed by the bill, or in any form whatever; and he thought it could be shown that the reduction ought not to be made. He was indifferent as to which of the various projects before the senate should be adopted; they might adopt either, and he (Mr. C.) would then take some opportunity to express his sentiments at large against the whole scheme of distributing in any way the existing prices of the public lands.

Mr. Grundy was understood to express himself as not much in favor of any reduction; but he was willing to go for such a measure, if he could in the mean time secure the public interests.

The substitute of Mr. Grundy was adopted without a division.

Mr. Niles proposed to amend the bill, as now

modified, by making the minimum price 75 cents, to be obtained by a reduction of 25 cents successively at the end of seven and of twelve years. **Negatived:** Ayes 18, noes 19.

Mr. Niles then moved simply to make the minimum price 75 cents. **Negatived:** Ayes 18, noes 19.

Mr. Lyon offered an amendment as an addition to the bill granting to the states all the refuse lands within their respective boundaries, at blank price, after they should have been blank years in the market; but withdrew it after a brief conversation by Messrs. Lyon, Clay, of Alabama, Linn, and Clay, of Kentucky.

At the desire of Mr. Clay, of Kentucky, who said the measure was a very important one, involving an amount of hundreds of millions, as he would endeavor to prove when the senate should be more full, the proceedings on the bill were, by consent, suspended till Wednesday next, and the bill was ordered to be printed as amended.

The senate proceeded to consider the bill supplementary to the acts establishing the northern boundary of Ohio, involving certain large appropriations to the state of Michigan.

The subject of this bill was discussed by Messrs. Norvell, Crittenden, Lyon, Clay, of Ky., Sevier, Walker, Davis, Buchanan, Calhoun, and Tipton. The two main objections to the bill were the present embarrassed state of the treasury, and the undue partiality shown by this and other measures as to the new states.

On motion of Mr. Buchanan, made only on the former ground, and seconded exclusively on the same ground by Mr. Calhoun, the bill was postponed to the next session of congress by the following vote:

YEAS—Messrs. Allen, Buchanan, Calhoun, Clay, of Ala., Clayton, Crittenden, Davis, Hubbard, Lumpkin, Merrick, Mouton, Nicholas, Niles, Prentiss, Rives, Roane, Strange, Swift, Trotter, Walker, White, Williams, Wright—23.

NAYS—Messrs. Fulton, Grundy, Lyon, Norvell, Robinson, Ruggles, Sevier, Smith, of Indiana, Tipton, Wall, Young—11.

The Chair presented a communication from the treasury department, in answer to a senate resolution of February 22d, with copies of the replies of the late deposite banks alluded to in that resolution.

The senate adjourned, after an executive session.

April 10. The Vice President presented a communication from the war department, in pursuance of a senate resolution of the 5th ult. offered by Mr. Davis, with reports from the third auditor and commissioner of pensions. Laid on the table, and ordered to be printed.

After the presentation of petitions, &c. the senate took up the resolutions offered some time since by Mr. Davis, calling on the department for information to enable the senate to determine what fortifications might be diminished or dispensed with, and whether a system of defence, by the aid of steam batteries, would not be more economical and efficient than the present system. After Mr. Davis addressed the senate at some length in explanation of the subject, [his remarks shall have a place in our next.]

Mr. Benton insisted that all the information asked for was already before the senate, and he argued, at considerable length, and with much earnestness, that when the treasury was full, gentlemen of the opposition had resisted appropriations for the defences of the country, that they might save the money to debauch the people by the state deposits; and now, when the treasury was empty, they were bringing forward their own projects for expenditures on these defences.

Mr. Davis said, if the gentleman had listened more attentively, he could not have fallen into so a great mistake. Mr. D. had not proposed at all to increase the burden on the treasury; on the contrary, he had reform and retrenchment directly in view, in connexion with a system which he supposed might be more efficient as well as more economical. Mr. D. also went into some further particulars to show the advantages that might arise from the use of the steam batteries as auxiliaries to the existing system of defence.

The resolution was agreed to.

The senate took up the bill for the relief of Bolitha Laws, involving a question of interest, which was debated at much length by Messrs. Hubbard, Roane, Tipton, Wright, Rives, White, and Prentiss, and indefinitely postponed: **Yeas 32, nays 5.**

The bill for the relief of the heirs of Francis Remard was read a third time, and passed.

Mr. Roane presented a memorial from Georgetown, praying that it might be receded to the state of Maryland. Referred to a select committee of five.

The senate adjourned, after an executive session.

April 11. After the presentation of petitions, on motion of Mr. Walker, a call was made on the

secretary of the treasury for statements showing what portion of the public lands in the several districts of the United States have been subject to sale at private entry at — cents and upwards.

The following bills were considered, and ordered to a third reading:

The bill supplementary to the act to provide for the settlement of titles to land in the town of Detroit, Michigan; for the relief of Jabez L. and Asa White; and of James Felton.

The bill for the relief of James McMaher, to remunerate him for expenses incurred by his having, at the instance of the post office department, pursued and prosecuted a mail depredator, was debated at much length, and ultimately passed over informally.

Mr. Walker rose, and called the attention of the senate to our relations with Mexico, and to the resolution on that subject adopted by the senate at the session of 1836-7, and proceeded to make some remarks, which brought on an irregular discussion, (to be given hereafter,) embracing, among other topics, a recent alleged attack on an American steamboat by some Mexican cruisers, in which Messrs. Walker, Buchanan, Clay, of Kentucky, Preston, Benton, and King, participated. The subject was dropped without action, as it was begun without motion; the impression appearing general that action on the subject ought now to originate in the other house.

Mr. Grundy gave notice that he should, on Monday next, move to take up the bill to prohibit the issuing and circulating of notes of the late Bank of the United States.

The senate resumed the consideration of the bill to reduce and graduate the price of the public lands.

Mr. Clay, of Kentucky, spoke at considerable length in opposition to the bill, and to all changes in the land system so long and so successfully in operation.

Mr. Grundy replied in favor of the bill, and offered an amendment providing that it should take effect only on lands already in the market.

This amendment was adopted without a division, although

Mr. Clay remarked that it would be nugatory, because the bill itself would establish a principle that would be used in future legislation on the subject.

After a few remarks from Mr. Hubbard, the bill being still up,

The senate adjourned, after a short executive session.

HOUSE OF REPRESENTATIVES.

Friday, April 6. Memorials on the subject of the late duel were presented by Mr. Fairfield, of Maine, and referred.

Leave to present similar memorials being asked by Mr. Grant, of New York, the house refused to suspend the rules for the purpose.

A resolution, offered by Mr. Hall, of Vermont, instructing the select committee on this subject to report by bill certain restrictions upon the practice of duelling among members of congress, &c., was objected to, and, as it could not be received without suspending the rules, was not pressed.

[The following is a copy of the resolution.]

Resolved, That the select committee appointed on the 27th of February last (in addition to any legislative measures they may think proper to recommend for the suppression of duelling) be instructed to inquire into the expediency of providing, by a rule of the house, for the expulsion of any member who, during the term for which he is elected, shall be concerned in a duel, either as principal accessory, or who shall send, bear, or accept a challenge; and further to inquire into the expediency of providing by another rule of the house for the appointment, at the commencement of each session, of a standing committee, whose duty it shall be, without special direction from the house, to examine summarily into any personal controversy arising between members, or in which a member is a party; and, if necessary to the adjustment thereof, to report to the house what order, in their opinion, ought to be taken on the same, providing in such rule for the expulsion or other punishment of any member who shall neglect or refuse to comply with such order as the house may make in the premises.]

Reports of committees were next presented in order, among them were the following:

Other memorials upon this and other topics being offered,

Mr. Whittlesy rose and said that, inasmuch as the chair had decided the morning hour to commence at the moment when the call for reports commenced, he should object to the presentation of all petitions at this time, in order that the house may come, as speedily as possible, to the [private] orders of the day.

By Mr. Smith, from the committee on commerce, bill making appropriation for building light-houses, light-boats, beacon-lights, buoys, and making surveys for the year 1838.

Also, a bill to test the practicability of establishing a system of electro-magnetic telegraphs for the United States.

Mr. Cushman, from the same committee, made a report against the memorial of the city council of Boston for measures to prevent the introduction of foreign paupers, and in favor of senate bill authorizing the sale of certain real estate at Bath, in the state of Maine, belonging to the United States, and the appropriation of the proceeds for a custom-house at that place.

Mr. Casey, from the committee on public lands, reported a bill granting a bounty in land to the organized militia men, mounted militia men, volunteers, and rangers, who defended the country during the late war with Great Britain.

Mr. Bronson, from the committee on territories, made a report against the memorial of the legislature of the state of Missouri, asking a cession of that tract of land between the Missouri and Des Moines rivers.

Mr. McKay laid before the house "a plan for the defence of the western frontier, furnished by major general Gaines."

Mr. S. W. Morris, from the committee of accounts, reported against the resolution of the house of the 5th instant, inquiring as to the expediency of allowing a fixed sum of money to each member at each session, of congress, in view of the *ad libitum* supply of stationery now allowed.

On motion of Mr. Phillips,

Resolved, That the chart accompanying the report of the survey of the harbor of Lynn, in Massachusetts, communicated to the house with the report of the secretary of war on the improvement of said harbor, be lithographed and published with said report.

On motion of Mr. Cambreleng, the speaker was authorized to appoint a member of the committee of ways and means, *vice* Mr. McKim, deceased.

Mr. Wise rose to make an inquiry of the chairman of the committee for the District of Columbia, if it be intended to make any report on the subject of the retrocession of the District to the states of Maryland and Virginia?

Noreply at first was given. The chairman of the committee was not, at the time, in his seat. But soon after he (Mr. Bouldin) came in, and the question being repeated, that gentleman replied, that that was a subject upon which the committee had not yet deliberated. When they had done so he would be quite happy to give his colleague (Mr. Wise) any information in his power on the subject.

On motion of Mr. Whittlesey, the house resolved itself into committee of the whole, (Mr. Corwin in the chair,) and took up the bill "to establish a board of commissioners to examine and decide certain claims against the United States," reported on the 23th ult. by Mr. Whittlesey, from the committee of claims.

Several amendments were proposed, and a discussion (which we will give hereafter) ensued upon them, and upon the general merits of the bill, in which Messrs. Adams, Whittlesey, of Ohio, Sergeant, C. Morris, of Pennsylvania, Craig, Underwood, and Legare, took part.

On motion of Mr. Bell, the committee rose, asked, and had leave to sit again.

On motion of Mr. Whittlesey, of Ohio, this bill was made the special order for to-morrow.

On motion of Mr. Mitchell, the house then (at 4 o'clock) adjourned.

Saturday, April 7. Mr. Henry, of Pennsylvania, asking leave to present and to have referred memorials upon the subject of the recent duel,

Mr. Whittlesey said that he must object, as he had notified the house yesterday he should do, in order that the private orders may be proceeded with without delay.

The motion by Mr. Pratt yesterday, that 1,000 copies (extra) of the report on the public buildings and grounds be printed, was first in order,

Mr. Sibley moved to amend by striking out 1,000 and inserting 3,000. Lost. Mr. Everett moved to add the letter of Mr. Mills, the architect, laid before the house on a former day. Lost. The house rejected the motion of Mr. Pratt, 66 to 61.

Mr. Hamer rose and stated that he had a resolution which he did not wish to offer at that time, but to ask the consent of the house to have it printed, and gave notice that, on Monday next, he should call it up and move its adoption.

"Considering that the business, commerce, circulation, and exchanges of the country are in a deranged and embarrassed condition: and

"Considering, also, that a part of the banks of the United States have expressed a desire to resume specie payments at an early period:

"*Resolved by the senate and house of representatives of the United States of America in congress assembled*, That if the banks, or a portion of them, do thus resume, it will be the duty of the general government, within the limits of its constitutional authority, to aid such banks, as the present administration designs to do, in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations, to relieve the wants of the community, and to restore to the public a sound circulating medium."

Mr. Taylor, from the committee on invalid pensions, reported, without amendment, senate bill entitled "An act to revive and continue in force an act entitled 'An act to provide for persons who were disabled by known wounds received in the revolutionary war.'"

Also, a bill granting a pension to Harvey Reynolds.

Mr. Sibley, from the committee on revolutionary pensions, reported a bill granting a pension to Susanah Hoogland, and against the petition of Sherman Patterson.

Mr. Garland, of Louisiana, said he deemed the resolution offered by him yesterday so important, that he must again ask for its consideration. The resolution was as follows:

Resolved, That the secretary of the treasury be directed to inform this house, as soon as practicable, whether, in the present financial condition of the country and of the treasury, it will not be most judicious and proper to make such appropriations as will preserve the public works from injury and dilapidation alone: and if such a course will not be judicious and proper, he then inform the house whether some or all the estimates for the service of the year 1833 already submitted, for fortifications, the improvement of harbors and rivers, the establishment of light-houses, beacons, and buoys, the construction of roads, the service of the Indian department, and for all other purposes, cannot be reduced without injury to the public service; and if such reduction can be made, that he designate what proposed appropriations may properly be reduced, and how much; and further, that he inform the house whether some of the appropriations already made may not, without material injury to the country, be suspended for the present; if so, to designate them; also, that he inform this house whether, if all the appropriations made are expended, and those proposed are made, the amount now in the treasury, or estimated to come into it during the present year, will be sufficient to meet them; and, if not, what will be the deficit, and in what manner it is proposed to be met.

Objection being made, Mr. Garland moved that the rules of the house be suspended to enable him to offer it: and on this he asked for the yeas and nays, which were ordered: and the vote on the motion to suspend was, yeas 76, nays 60. So the house refused to suspend the rules for this purpose.

The resolution of Mr. Hopkins upon the subject of the public printing was the unfinished business of the morning hour.

Mr. Bond, of Ohio, addressed the house (in reply to the remarks of Mr. Cushman) in support of the resolution, until the expiration of the morning hour.

Board of claims.

The bill upon this subject was resumed in committee of the whole, and several members addressed the committee upon it.

After which, on motion of Mr. Graham, of North Carolina, the committee rose, and had leave to sit again.

The Speaker laid before the house a letter from the acting secretary of war, transmitting a report of the colonel of ordnance, in compliance with the resolution of the house of the 21st ult. requiring information on the subject of the sale of the United States lead mines.

Also, the following letter from Mr. Patton:

WASHINGTON, April 7, 1838.

SIR: I have determined to accept an appointment which has been conferred on me by the general assembly of the commonwealth of Virginia. It seems to be desired by the legislature, that I should, with as little delay as possible, enter upon the duties of that appointment, and consequently vacate my seat in the house of representatives. In cheerful compliance with their wishes, I do hereby resign the same.

I have the honor to be, &c.

JOHN M. PATTON.

To hon. J. K. POLK,

Speaker of house of representatives.

The Speaker was, on motion, directed to acquaint the governor of Virginia that a vacancy existed in the delegation of that state.

The house then adjourned until Monday, at 11 o'clock A. M.

Monday, April 9. The journal being read, Mr. Hamer rose, and made some explanations with regard to the following resolution, which was ordered to be printed, on his motion, on Saturday.

"Considering that the business, commerce, circulation, and exchanges of the country are in a deranged and embarrassed condition: and

"Considering, also, that a part of the banks of the United States have expressed a desire to resume specie payments at an early period:

"*Resolved by the senate and house of representatives of the United States of America in congress assembled*, That if the banks, or a portion of them, do thus resume, it will be the duty of the general government, within the limits of its constitutional authority, to aid such banks, as the present administration designs to do, in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations, to relieve the wants of the community, and to restore to the public a sound circulating medium."

Mr. Hamer remarked that, since the resolution was ordered to be printed, he had added thereto the following words, which now make part of it: "as this administration designs to do." Its presentation had seemed to excite some interest and inquiry in the house, as to its true construction. It had been intimated to him that, were the resolution to be printed without explanation, it might be inferred that the administration really entertained hostility to the banks which were about to resume specie payments; and that it was designed to induce them to alter their course in this respect. He had replied to these suggestions, that he would make such explanations, when the resolution came up; as would tend to avert such a misconception; and, considering the resolution as his own, and not yet in the possession of the house, he had thought he had a right to modify it; and had done so by inserting the words "as the present administration designs to do." If he had mistaken his right to do this, he was sorry, and asked the pardon of the house for doing so. He had merely intended to shield the administration from any distrust that might be occasioned by any act of his.

Mr. H. then modified his resolution by striking out the words above quoted; and asked leave to offer it in that shape.

Objections being made, Mr. H. moved to suspend the rules, and Mr. Sherrod Williams demanded the yeas and nays; which were ordered.

Mr. McKennan demanded a call of the house, which was ordered; and 153 members were found to be present; and then the call was, on motion, suspended.

Mr. Parker, of New York, hoped the subject would be postponed until Wednesday.

Mr. Hamer wished as speedily an action upon it as possible.

The question on suspension was decided in the negative by the following vote: yeas 110, nays 61, as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, Bell, Bidale, Bond, Boon, Bouldin, Briggs, Bronson, W. B. Calhoun, J. Calhoun, W. B. Carter, Casey, Cheatham, Childs, Clark, Clowney, Corwin, Cranston, Crockett, Darlington, Dawson, Deberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, Foster, R. Garland, Goode, J. Graham, Wm. Graham, Grandand, Gray, Griffin, Haley, Hall, Hammond, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Ingham, J. Jackson, J. Johnson, Kilgore, Legare, Leadbetter, Lyon, Marvin, S. Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Peck, Phelps, Pope, Pratt, Prenuss, Rariden, Reed, Rencher, Rhet, Ridgway, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Shepler, Sibley, Smith, Snyder, Southgate, Stanly, Stuart, Stratton, Taliaferro, Tillinghast, Toland, Toucey, Underwood, A. S. White, J. White, E. Whittlesey, I. Williams, Sherrod Williams, C. H. Williams, Wise—110.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Bicknell, Brodhead, Cambreleng, Chapman, Coles, Connor, Craig, Crary, Cushman, DeGraft, Dromgoole, Farrington, Fairfield, Fletcher, Fry, Grant, Harrison, Haynes, Holt, Howard, W. H. Hunter, R. M. T. Hunter, T. B. Jackson, N. Jones, J. W. Jones, Keim, Klingensmith, Mallory, Martin, McKay, McClellan, McClure, Miller, Moore, Morgan, S. W. Morris, Murray, Palmer, Parker, Pennybacker, Peckin, Pickens, Plumer, Potter, Reily, Rives, Robertson, Sheffer, Taylor, Turney, Vail, Webster, J. W. Williams, Worthington, Yell—61.

So (there not being two-thirds in favor) the rules were not suspended to allow Mr. Hamer's motion being received at this time.

Petitions were presented by Messrs. Evans, Fairfield, and Anderson, of Maine; Atherton, Cushman, and Williams, of New Hampshire; Calhoun, Reed, Fletcher, (for Mr. Phillips,) Hastings, and Adams, of Massachusetts; Cranston, of Rhode Island; Haley, and Holt, of Connecticut; Fletcher, Allen, and Everett, of Vermont; Peck, Russell, Grant, Patterson, Marvin, Pratt, Andrews, Moore, Jackson, Mitchell, Sibley, Hoffman, and Childs, of New York; Ayer, and Stratton, of New Jersey; Henry, Reily, Potter, Sergeant, Darlington, Plumer, Klingensmith, McClure, Naylor, and Toland, of Pennsylvania; Milligan, of Delaware; Howard, of Maryland; Morgan, Taliaferro, Beirne, Johnson, Rives, and Pennybacker, of Virginia; Elmore, of

South Carolina; Connor, Shepperd, and Shepard, of North Carolina; Grantland, of Georgia; Hawes, and Underwood, of Kentucky; Carter, Turney, and Polk, of Tennessee; Morris, Kilgore, Leadbetter, Harper, Coffin, Goode, Whittlesey, and Allen, of Ohio; Johnson, of Louisiana; Boon, Dunn, White, Ewing, Herod, Rariden, and Graham, of Indiana; Casey, of Illinois; Miller, and Harrison, of Missouri; Yell, of Arkansas; Crary, of Michigan; Downing, of Florida; and Jones, of Wisconsin.

Among these petitions, a great number were upon the following subjects: The recent duel; the sub-treasury scheme; a national bank; the abolition of slavery in the District of Columbia; the prevention of trade in slave property in the States; the annexation of Texas to the United States; the resolution of the 21st of December last; the Cherokee treaty, &c. which were appropriately disposed of.

Mr. Adams, presenting memorials against the sub-treasury scheme, and in favor of a national bank, remarked that he hardly knew what to do with these memorials. The sub-treasury scheme was sleeping, and, as he hoped, the sleep of death. He presumed that there was not now much necessity of petitioning congress against that. But he would move to refer the memorials to the committee of the whole on the state of the union, which had under its consideration the project of a new treasury. Ordered accordingly.

Mr. Everett, of Vermont, ordered another protest of the Cherokee nation against the New Echota treaty; which he moved to have printed.

On presenting this memorial and protest, Mr. Everett said he wished to say to the house and to the memorialists, that he considered the previous action of the house as final for this session, and that he should make no other motion than that the memorial and protest be printed; which was ordered.

On motion of Mr. Martin, it was laid on the table. The committees were called, in order, for reports, and the following were presented:

Mr. Whittlesey, of Ohio, from the committee of claims, reported against the petition of John L. Bogardus.

Mr. Taylor, from the committee on invalid pensions, reported a bill granting a pension to John H. Lincoln.

Mr. Sawyer, from the committee on expenditures for the public buildings, made a report, exhibiting a statement of the balance due on the account of the commissioner of public buildings, rendered for 1837, and the money appropriated and expended by act of July 4, 1836, of which the following is an abstract:

Balance due on account of 1836	\$16,005 30
Amount drawn by warrants issued by the secretary of the treasury for 1837	89,749 75
Total	105,755 05
Amount expended	94,093 62
Leaving an unexpended balance of	11,661 43
Add for old copper sold	386 62
Leaving to the credit of the United States	\$12,048 05

On account of the treasury building.

Amount drawn by warrants issued by the secretary of the treasury	\$180,000 00
Amount expended	176,958 54
Leaving a balance in favor of the United States	\$3,046 46

On account of the patent office.

Balance due the United States for 1836	\$9,017 29
Amount of warrants issued by the secretary of the treasury for 1837	86,692 56
	\$95,709 85
Expended	84,136 07
	\$11,573 78

On motion of Mr. McKay.

The house proceeded to the consideration of the resolution of Mr. Thompson, presented on the 19th of March last, directing the secretary of the treasury to furnish the house with a statement of the amount of revenue received in each state or territory during the year 1836, &c. and the same was read, and agreed to.

On motion of Mr. Ewing.

Resolved, That the secretary of the treasury be directed to inform this house what claims confirmed by the commissioners for examining claims to land in the district of Vincennes, under the act of congress approved March 26, 1804, entitled "An act making pro-

vision for the disposal of the public lands in the Indian territory, and for other purposes," have been located and patented, and by and to whom the location was made and the patent obtained; what confirmed claims have been located and not yet patented; and what confirmed claims have not been located or patented, if, according to the construction given to the law by the department, the title of the United States is absolutely and completely vested in the claimants after the location, and before possession is acquired and a patent issued, or, if some title does not remain in the United States, until possession or patent be obtained by the proper claimant; if a territorial act imposing a land tax could by tax sale vest title to confirmed tracts not patented; and if justice and expediency do not urge a quantity of land be set apart equal to satisfy confirmed claims not yet surveyed, located, or patented, with the appointment of commissioners authorized to receive testimony in relation to claims neglected for want of proof, or suspended for want of due attention on the part of the claimant, as set forth in the published report of the former board appointed to receive and decide upon said claims; and, also, that he furnish this house with copies of any opinions of the attorney general of the United States, and all instructions of his department touching or relating to any of the points herein contained.

Mr. Cavalry Morris submitted the following preamble and resolution, which were agreed to:

Whereas, the statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment for the year 1837, submitted to the house by W. B. Lewis, second auditor in the treasury department, contains an item of \$800 allowed to Samuel Lewis, by the secretary of war, for the services of his son, Edward, (a minor) as a clerk in the pension bureau, war department, from July, 1818, to July, 1819, which said services were rendered more than nineteen years since:

And, whereas, the said Samuel Lewis has repeatedly presented said claim to both houses of congress, and it has been rejected; therefore,

Resolved, That the committee on the expenditures of the department of war be instructed to inquire into and report to this house the facts connected with the case, and why said claim was paid after having been repeatedly rejected by both houses of congress.

On motion of Mr. Taylor.

Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of making provision for giving to Richard Lawrence, confined in the jail of this city as a lunatic, and others similarly situated, the benefits of some suitable lunatic asylum.

Mr. Bond resumed his remarks upon the resolution under consideration during the morning hour, and spoke thereon until the expiration of the hour.

Several bills from the senate received their first and second reading, and were appropriately referred.

The senate anti-duelling bill.

This bill came from the senate, and received its first and second reading. Mr. Fairfield moved that it be referred to the select committee on the subject, now in session. Mr. Dringooole moved its reference to the committee on the judiciary; which motion having precedence, was put first, and prevailed.

A debate arose on the motion of Mr. Montgomery to recommit the bill to the committee of ways and means, for the purpose of obtaining a statement of the precise sum to be expended upon the exploring expedition.

Without taking the question, the house (at half past four o'clock) adjourned.

Tuesday, April 10. Mr. Hunter, of Ohio, and Mr. Lincoln, of Massachusetts, who have both been confined to their rooms for some days by indisposition, have sufficiently recovered to be able to attend the house to-day.

A number of reports were received, among them the following:

Mr. Bouldin, from the committee for the District of Columbia, moved to be discharged from the consideration of the resolution relative to a retrocession of the District of Columbia; which motion was postponed until to-morrow.

Mr. Hemus Allen, from the committee on invalid pensions, reported against the resolution of the 5th of March last, for extending the provisions of the act of 3d March, 1837, so as to embrace all persons who have been or may hereafter be wounded in the service of the United States; also, against the petition of Archibald Brockwell, and moved to be discharged from the petition of John W. Cox, and that it be committed to the committee of the whole house; likewise, against petitions of Maria Everett and Mary Glanville.

On motion of Mr. Briggs.

Resolved, That the chart of the country across the isthmus of Panama, accompanying the president's message on the subject of a canal or water communication between the Atlantic and Pacific oceans, be lithographed and published with said message.

Mr. Dawson, from the committee for the District of Columbia, reported a bill from the senate direct-

ing the mode of recording deeds within the District, with amendments, which were agreed to, and the bill as amended was read a third time and passed.

Mr. Thomas, from the committee on the judiciary, moved that that committee be discharged from the consideration of the senate's bill to punish duelling, and that it be referred to the select committee on the late duel, and the means of preventing future duels; which was agreed to.

Mr. Bond occupied the residue of the morning hour in discussing the resolution of Mr. Hopkins, to divorce congress from the newspaper press.

The house then resumed the consideration of the navy appropriation bill.

And the question being on the motion of Mr. Montgomery of North Carolina, to recommit the bill, with instructions, to designate the special amount to be appropriated for the exploring expedition,

Mr. Bronson, of New York, addressed the house at length in support of the motion to recommit.

When, at the request of Mr. Cambreleng,

Mr. Montgomery modified his motion to recommit, and accepted the following proposed by Mr. Cambreleng, viz. to amend the bill by so reducing the several items of appropriation as in effect to cut off the expedition by refusing the means of carrying it on, viz. to strike out \$1,312,000 for the pay of officers and seamen, and insert \$1,172,100; to strike out \$600,000 for provisions, and insert \$361,000; to strike out \$75,000 for medicines, surgical instruments, hospital stores, and other expenses on account of the sick, and to insert \$72,300; and to strike out for miscellaneous expenditures \$450,000, and insert \$439,300.

The debate, the report of which will be given hereafter, was further continued by Mr. Bronson, Mr. Mercer, and Mr. Crary; all of whom opposed the amendments.

Mr. Cambreleng himself said he should vote against it: he had only suggested it as a substitute of the motion of Mr. Montgomery, to avoid a recommitment of the bill.

Mr. Mallory now moved further to amend the bill by adding as a proviso that no part of the money appropriated by this bill should be applied after the 1st of May next to the south-sea exploring expedition, without the further action of congress.

Mr. Montgomery accepted this as a further modification of his motion.

Mr. Wise then took the floor, and went into an extended speech in opposition to the expedition, and in favor of converting it into a coast squadron.

He was followed by Mr. Reed, who advocated the expedition as a measure of the greatest practical utility, as perfectly practicable, and as now required by the honor of the nation.

Mr. Cushman now moved the previous question: but the house refused to sustain the call, only 36 rising in its favor.

Mr. Sergeant made an earnest appeal against the abandonment of the enterprise.

After a brief explanation by Mr. Wise, the question was put on Mr. Montgomery's motion as modified by the acceptance of the two amendments of Mr. Cambreleng and Mr. Mallory, viz. to reduce the appropriations, and to confine their application to the expedition to the 1st of May next—and decided by yeas and nays in the negative: yeas 57, nays 91.

Mr. Cambreleng offered one or two verbal amendments to the bill, not connected with the exploring expedition, which were agreed to.

Mr. Mallory moved to add a proviso, that in officer the expedition, the law of February, 1799, (which forbids vessels of a certain size to be commanded by officers under the rank of a captain) should not be violated.

This amendment was promptly negatived; and the bill was then ordered to be engrossed and read a third time to-morrow.

The house then adjourned.

Wednesday, April 11. The first business before the house, being a report of the committee for the District of Columbia, in opposition to a memorial praying for a retrocession of the District to the states of Virginia and Maryland—

Mr. Bouldin, chairman of the committee who had made the report, moved that the committee be discharged from the further consideration of the subject, and that the report be laid upon the table.

Mr. Adams hoped the subject would be disposed of in some other manner than that proposed by the gentleman from Virginia. It included very many important considerations, one of which was the continuance of the seat of government in this place. He did not desire a discussion, but hoped to get a direct vote upon the subject.

The question being taken, the committee were discharged, and the report, as moved by Mr. Bouldin, laid on the table.

The following, among other reports, were received from standing committees:

Mr. McKay, from the committee on military affairs, reported a bill concerning the western frontier, and against the resolution of the house of the 19th March last, relative to amending the act of 19th May, 1836, "to provide for the payment of volunteers and militia corps in the service of the United States," by adopting the following section: "That so much of the second section of the act above named as relates to the allowance of ———— a day to the officers of mounted companies, or the use and risk of each horse, shall be considered as extending to all staff officers of said volunteers or militia corps above the grade of captain."

Mr. Harlan, from the committee on private land claims, reported against senate bill No. 17, to provide for issuing patents for certain lands at Green Bay, Wisconsin territory.

Mr. Jones, of New York, reported a bill making an appropriation for the compilation of the laws of Florida.

Mr. Wise, (who had just entered the house,) expressed a desire that some gentleman who had voted to lay the report of the committee for the District of Columbia on the table, would move a reconsideration of the vote, to give an opportunity for him to move that the report be referred to a committee of the whole house on the state of the Union. He believed that the committee had taken a mistaken view of the subject, and that a majority of the house would be found to be in favor of reconsideration.

Mr. Bouldin said he had moved to lay the report on the table only because he believed that a discussion of it would inevitably involve the discussion of a subject which the house had determined should not be agitated in this house. For himself, his own personal opinion was, most decidedly, that it would be far better that all restrictions should be taken off, and that the people should know exactly and fully all that was going on; but in deference to the decision of the house, and also to the wishes of his own constituents, he had made the motion to lay on the table.

Mr. Wise renewed his appeal to the southern gentlemen. The discussion of the report would not involve the subject of abolition in the remotest degree. He wished to avoid that subject, and it was precisely to avoid it that he wanted this report referred to a committee of the whole. He wanted to have the subject put at rest forever. A favorable opportunity was now presented to effect this, and, if it were suffered to pass by, they might never have another.

Mr. Harlan now moved a reconsideration of the decision to lay the report of the committee upon the table. Mr. Wise gave a notice that, if a motion to reconsider should prevail, he would immediately move to refer the report to a committee of the whole on the state of the union. Mr. Mason, of Ohio, moved to lay Mr. Harlan's motion for reconsideration on the table. Mr. Wise demanded on this motion the yeas and nays. Mr. Adams gave notice to the gentleman from Virginia that, if he supposed the subject of abolition would not be involved in the discussion of this report, he was widely mistaken. It would involve that subject most deeply and thoroughly: as well as the question of the continuance of the seat of government within the District of Columbia.

Mr. Wise said all the abolitionists were opposed to reconsideration, because this District was their chosen field of operations; every southern man ought to vote for reconsideration, expressly with a view to take this field out of their hands.

The yeas and nays were taken upon the motion of Mr. Mason, and it was decided in the affirmative—Yeas 82, nays 63.

So Mr. Harlan's motion to reconsider was laid on the table.

The House then passed to the unfinished business of the morning hour, which was the consideration of Mr. Hopkins' resolutions on divorcing the government from the newspaper press.

Mr. Bond resumed and continued his speech in support of the motion; until he was again cut short by the expiration of the morning hour.

Mr. Cambreleng moved that the house proceed to the orders of the day.

Mr. Wise, by consent, put to Mr. Hamer the inquiry when the house might expect his promised resolution on the subject of the resumption of specie payment by the banks.

Mr. Hamer rose, and was about to reply, when Mr. Petrikin objected. [A laugh.]

Mr. Wise, moved to suspend the rules to allow

of the reply being given; but the house refused to suspend—Yeas 86, nays 64: not two-thirds.

The navy appropriation bill was then read a third time, and put on its passage, when

Mr. Mallory, of Virginia, after a few prefatory remarks, read a letter from com. Jones, addressed to himself, and vindicatory of his character as connected with the exploring expedition: and said that, at a proper time, he should move its reference to a committee of the house with a view to a regular investigation of the whole subject. Mr. M. then went into a series of remarks explanatory of the course of the commodore.

Mr. Hoffman explained on the subject of the appointment of lieutenant Wilkes, which he insisted was not an infringement of the rights of senior officers, inasmuch as this was a special service, to which the ordinary rules of seniority did not apply, as was manifest in the British practice in the case of Cook, Ross, and Parry, who were all inferior officers when appointed on similar expeditions.

The discussion of this point was continued between Messrs. Hoffman and Wise, in several rejoinders.

Mr. Ingham then made some statements in relation to the alleged expenditures on the expedition, insisting that after the due deductions had been made for the vessels and material still on hand, the loss which had occurred would not amount to \$100,000.

Mr. Wise controverted this, and insisted that the loss would be little short of a quarter of a million. He then gave some advice to the friends of the administration on the subject of economy.

Mr. Boon moved the previous question, and, after two counts, the motion was sustained: Yeas 63, nays 64.

The previous question was then put and carried, and the bill was passed.

A bill from the senate for completing the removal of the raft in Red river, was read a third time, and passed.

The bill for continuing the Cumberland road through Indiana and Illinois, with amendments from the committee of the whole on the state of the union, coming up next in order, was debated throughout the residue of the sitting.

Mr. Underwood moved to recommit the bill to the committee of the whole, with instructions to report a bill ceding the whole of the road, in its present state, to the states through which it runs.

The motion was supported by Mr. Campbell, of South Carolina, warmly opposed by Messrs. Ewing and Boon, of Indiana, and explained and defended by the mover, when Mr. Pope, of Kentucky, having obtained the floor, gave way for a motion to adjourn; and the house thereupon adjourned.

THURSDAY'S PROCEEDINGS.

Senate, April 12. Mr. Buchanan presented the proceedings of a meeting in Washington county, Pennsylvania, on the subject of the late duel, and recommending to congress to pass a law prohibiting any one concerned in a duel from holding any office under the government. Laid on the table, and ordered to be printed.

Mr. Norvell offered a resolution, which lies over one day, that senators, if absent, must be absent on leave, or be necessarily detained by sickness, under the penalty of not receiving their pay during such absence.

Mr. Grundy, from the select committee on the case of Mr. Ruggles, accused of corrupt practices, made a report, accompanied with documents, to which was appended the following resolution, unanimously approved by the committee, and which lies on the table for consideration:

Resolved, That there is no sufficient evidence to establish the charges of corruption made against the hon. John Ruggles.

On motion of Mr. Grundy, (the report having been read,) 500 extra copies of the report and documents were ordered to be printed.

On motion of Mr. Wall, the report of captain Carney and others, on certain coast surveys, was referred, and ordered to be printed.

The bills supplementary to the act for the adjustment of titles to land in Detroit, Michigan, and for other purposes; for the relief of Jabez L. and Asa White; and for the relief of James Dutton, were severally read a third time, and passed.

The bills for the relief of Elias Johns, of Christopher Clark, of Thomas Cooper, and of Philip Marshall, and others, were severally considered, and ordered to a third reading.

The bill to authorize the importation, duty free, of one of Napier's improved printing presses, was recommitted to the committee on finance.

The senate resumed the consideration of the bill to reduce and graduate the price of the public lands.

On motion of Mr. Hubbard, the bill was modified so as to make the minimum price seventy-five cents, and the longest time for any particular process of reduction ten years.

Mr. Walker entered into a general argument, chiefly statistical, in favor of the bill. Mr. Benton spoke also in favor of the bill. Mr. Crittenden spoke briefly in opposition to the bill. Mr. Tipton moved to amend the bill by limiting each purchaser under it to a quarter section. Mr. Walker moved to amend this amendment by fixing the limit to one section instead of a quarter.

These amendments were discussed by Messrs. Tipton, Clay, of Alabama, Walker, Sevier, Robinson, King, and Benton.

Mr. Walker's amendment, fixing the limit on one section for each purchaser, was agreed to: Yeas 18, nays 14.

Mr. Tipton, on the suggestion of Mr. Walker, amended his amendment as now modified, by providing that no purchaser under this bill should be prohibited from buying any quantity of land at \$1 25 per acre.

The amendment, thus amended, was adopted by the following vote:

YEAS—Messrs. Allen, Buchanan, Clay, of Ky. Clayton, Crittenden, Davis, Hubbard, McKean, Merrick, Nicholas, Niles, Prentiss, Preston, Rives, Roane, Robbins, Smith, of Connecticut, Smith, of Indiana, Swift, Tipton, Walker, Wall, Williams—23.

NAYS—Messrs. Benton, Clay, of Alabama, Fulton, Grundy, King, Linn, Lumpkin, Lyon, Norvell, Robinson, Sevier, Trotter, White, Young—14.

The bill was ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Benton, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Nicholas, Niles, Norvell, Robinson, Sevier, Smith, of Indiana, Tipton, Trotter, Walker, White, Young—21.

NAYS—Messrs. Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Preston, Rives, Roane, Robbins, Smith, of Connecticut, Swift, Wall, Williams—16.

The senate then adjourned.

House of Representatives, Thursday April 12. Mr. Fairfield and Mr. McKennan, on leave, presented sundry memorials on the subject of the late duel.

Mr. Naylor asked leave to offer two resolutions of inquiry in the following terms:

Whereas a resolution was passed this house on the seventh of December last, requesting the president of the United States "to furnish to this house (among other things,) copies of all letters, documents, and communications which have passed between the secretary of the navy, the commissioners of the navy board, and the officers or persons relative to all matters connected with the preparation, outfit, and sailing of the exploring expedition;" and whereas this house has not yet been furnished with the documents, letters, and communications called for, although upwards of four months have elapsed since the passage of the resolution, and the session is now drawing towards a close:

Therefore, resolved, That the president of the United States be requested to inform this house whether or not he intends to comply with the request of this resolution, by transmitting the copies of the documents, letters, and papers called for, and why they have not long since been furnished.

Resolved, That the president of the United States be requested to communicate as early a time as practicable whether the number of the scientific corps appointed to the exploring expedition has been, or is to be, reduced; and if so, to communicate the names of those who are to be dismissed, copies of their appointments, and the causes of the reduction; as also copies of all letters and correspondence which have passed between them, or either of them, and the secretary of the navy, secretary of war, commissioners of the navy board, or any other agent or officer of the United States relative to the matters connected with the objects, preparation, outfit, and sailing of the expedition.

The house refused leave to Mr. Naylor to offer these resolutions at this time. The vote on this request disclosing the fact that no quorum was present—

Mr. Haynes moved a call of the house.

On this motion, Mr. Petrikin demanded the yeas and nays; which, being taken, resulted as follows—Yeas 58, nays 63. So the call was refused.

The following reports were received:

Mr. Underwood, from the select committee appointed on the 25th December last, reported a joint resolution, requiring the secretary of war to deliver to Frederick Hancock and George W. Woodward the flag carried by the enemy in the battle and massacre of Wyoming in July, 1778, to be deposited

In such place as the people of Wyoming Valley may designate, until the president of the United States may think proper to reclaim it.

Mr. U. briefly explained the grounds of the report, and observed that, since the application for this flag had been made, it had been discovered that it was not the flag borne by the American forces, but by their enemies and cruel destroyers. He also said he had consulted the account of the massacre, as given by Potter in his history of the United States, but on referring to gentlemen from the spot, he had been assured that the representations of that historian were extremely inaccurate, and not at all to be relied upon. He quoted, particularly, Potter's description of the massacre, and said he had been informed that nearly the whole was without foundation. As to the resolution itself, he presumed there could be no objection to it. It merely gave a permission which, under the circumstances, would probably never be acted upon.

Mr. Petrikia, the representative from Wyoming, observed that but one person had been here examining the flag in the first instance; since then, others had seen it, and ascertained that it was the flag of the British party who had been engaged in the massacre, and there was now no desire at Wyoming to possess or to look at it. He hoped the resolution would not pass; and he moved to lay it on the table. He withdrew the motion, however, at the request of

Mr. Potter, of Pennsylvania, who addressed the house in remarks of some length, of which a report shall appear in our next.

Mr. Petrikia now renewed his motion to lay the resolution on the table; which was agreed to. So the resolution was laid on the table.

The house now passed to the orders of the day, and resumed the consideration of the bill to extend the Cumberland road through Ohio, Indiana, and Illinois; and the question being upon the motion of Mr. Underwood, proposing a re-commitment of the bill, with instructions to cede the road to the states through which it passes; together with an amendment thereto moved by Mr. Ewing, as follows:

Provided, however, That the same sum per mile be, and is hereby appropriated to finish and complete the work yet unfinished, to Jefferson city, in the state of Missouri, as has been expended per mile on the portion of said road already transferred and ceded to the states through which it passes; and said average sum per mile shall be paid to the states immediately interested, in three annual instalments, the first to be payable on the passage and approval of this act.

Mr. Pope, who had the floor from yesterday, went into a general discussion of the origin, progress, constitutionality, and expediency of continuing and completing the road. He examined the doctrine of contract as applied to this work, insisting that the government was bound to complete it, and dwelt upon the injustice and the national disgrace of now abandoning the work.

Mr. Halsey, of Georgia, next took the floor, in decided opposition to the bill generally; insisting that the appropriations for this road went to create a national debt, and to advance consolidation. He argued the constitutional question, insisting that the whole system of internal improvements by the general government was unconstitutional, and that the continuance of this road was bad policy in every view. He utterly scouted the doctrine of contract as binding the general government to its construction.

Mr. Robertson expressed much gratification at the presentation of Mr. Underwood's amendment, in which he thought he saw the dawn of better times—when the system of internal improvements by the general government should be totally abandoned, or at least placed upon a footing of more equal justice. He denied the obligation of any contracts in relation to this road between the states and the general government, since the states had received far over the amount of their 2 per cent. fund.

Mr. Underwood supplied him with a statement going to show that more than seven millions had been expended upon this road by the United States.

Mr. Robertson then went into a constitutional argument against the system of internal improvements as a whole. If the system operated unequally, it ought to be abolished as unjust; if it operated equally, it ought to be abolished as useless. He adverted to the exhausted state of the treasury, and appealed to the friends of the administration as having the power to arrest this system; for which there could not be a better opportunity than the present.

Mr. Raviden traced back the history of the road from its commencement; adverted to the continued favor shown it by the government; the sanc-

tion of its constitutionality by Jefferson, Madison, and Gallatin, Monroe, Adams, and Jackson; and deprecated the injury which must result from withholding the appropriation now proposed in the bill. He regretted the unexpected quarter from which the opposition to it now proceeded.

Mr. Atherton expressed his concurrence in the views taken by Messrs. Campbell, Underwood, and Robertson, against the bill; denied the obligation of any contract in the matter; quoted a speech of Mr. Clay's in the senate, in 1835, and another of Mr. P. Barbour's in the house, of an earlier date; argued generally against the system, and concluded by sending to be read at the clerk's table certain resolutions adopted by the legislature of New Hampshire.

Mr. Good briefly expressed his regret at the position of Mr. Underwood to the bill.

Mr. Mercer then went into an extended vindication of the bill, and of the system of internal improvements generally; he went into the question of its constitutionality, and referred to Messrs. Giles and Randolph, of Virginia, as having both reported in favor of the system, of which those two decided advocates of state-rights were virtually the fathers. He argued the right to make this and other roads in the new lands, on the ground of proprietorship in the United States, and insisted strongly on their utility and indispensable importance in time of war; an event he dreaded as likely soon to take place on our western frontier. In conclusion, he replied to the speech of Mr. Robertson, whose charges against the manner in which the system had been conducted he considered as very unfair.

Mr. Haynes having obtained the floor, moved an adjournment; which motion prevailing.

The house adjourned.

CHRONICLE.

Texas. The assembly of New York by a vote of 80 to 13, have adopted the following resolution—

Resolved, (if the senate concur,) That the admission of the republic of Texas into this union would be entirely repugnant to the will of the people of this state, and would endanger the union of these United States."

The Boston Post says that the president and cashier of the Commercial bank of that city have been returned by the grand jury as guilty of wilful perjury, and warrants have been issued against them. They have both absconded.

Department of State, Washington April 2, 1838. Information has been received at this department from the consul of the United States at Kingston, Jamaica, in a letter dated on the 19th ultimo, that a duty of six dollars and fifty cents per thousand is now charged at that port on flooring boards that are tongued, grooved and planed, being one dollar sixty-two and a half cents more than when in a rough state.

Gen. Wm. H. Marriott, of the city of Baltimore, was on the 12th inst. unanimously nominated by the convention of the friends of the national administration, as a candidate for congress to supply the vacancy occasioned by the death of Mr. McKim.

Blasphemy. The supreme court of Massachusetts has denied to Abner Kneeland the right of appeal to the supreme court of the United States, against the verdict of a jury, pronouncing him guilty of blasphemy. When Mr. Kneeland had read his reasons for an appeal, the Boston Post says, "That chief justice Shaw replied that an appeal would not lie because the case did not come within any law of the United States. Neither did the state law under which he was convicted, conflict with any provision of the constitution of the United States. That constitution only prohibited congress from passing laws respecting religion; and therefore left it to the state to legislate upon that great subject. His honor added, that if he knew of any way in which Mr. K.'s case could be carried up to the United States supreme court, he certainly would inform him of the best course to pursue to effect that purpose. If the case were appealable, a writ of error was the only method known to the law, by which it could be done."

The Pittsburg Manufacturer of Saturday says: The rivers are falling fast; at present there is but six feet water in the channel. Steamboats are still departing and arriving briskly, freight rather scarce, but passengers numerous.

Business on the canal is not large, but will probably increase gradually through the season.

The Yarmouth Register says that captain Isaiah Baker has 8 sons at sea.

Dreadful casualty. The Nashua (N. H.) Gazette of Friday states that the following dreadful casualty

occurred in the town of Nelson on the previous Saturday. Henry Melville, esq., president of the Manufacturers' Bank at New Ipswich, was engaged in blasting rocks, and was stooping down to communicate fire to the train, when a coal was blown by the wind directly upon the powder, and the whole charge exploded. Mr. Melville was shockingly mangled; his arm and shoulder were broken, his head bruised, and both his eyes put out. In this state he lingered till Tuesday night last, when he expired. He was about fifty years of age, and was extensively known and respected.

Dahlias. It is little more than twenty years since the first dahlia was introduced into Europe, and already it has become the universal favorite of the florists. It is a native of the marshes of Peru; and was called after Dahl, the famous Swedish botanist. The number of known varieties is nearly five hundred.

Mortality of Washington city. According to the report of Dr. Lindale, president of the board of health, thirty-two deaths have been reported to the board for the month ending the 31st of March. Of these, there were of the age of two years and under, eleven; between two and ten, one; between ten and thirty, five; between thirty and forty, six; between fifty and eighty, seven; upwards of eighty, two.

Diseases. Pleuresy, six; consumption, six; measles, one; convulsions, three; childbed, two; still-born, one; decline, three; dysentery, one; intemperance, one; not reported, three; croup, two; worms, two; small-pox, one.

Upper Canada.—Sutherland was found guilty on the 3d, and was sentenced to be executed.

The reformers addressed the new governor, Sir G. Arthur, on the subject of extending the royal clemency to Sutherland, and two others, Lount and Mathews, who are found guilty with him, and to the other prisoners; but his excellency's answer left no ground for hope. Lount and Matthews were ordered to be executed on the 12th.

We learn that governor Marcy has received a very friendly letter from Sir G. Arthur, the new governor, expressing a desire that all the amicable relations that hitherto subsisted between that province and the United States may be immediately re-established.—[N. Y. Star.]

Lord Gosford, late governor general of the Canadas, has sailed for London in the ship Toronto.

It was stated at the anniversary of the Mississippi colonization society, held at Natchez on the 14th of March, that captain Isaac Ross of that state had bequeathed to the American colonization society his entire estate estimated at 400,000 dollars. His will emancipates all his slaves, amounting to 170, and provides for their removal and settlement in the society's colony.

The net profit derived by the East India Company from the opium sold at Calcutta in the year 1836-7, is estimated at nine and a quarter millions of Spanish dollars. The amount sold in that period was 16,916 chests. It is usually calculated that the cost of the company is 250 rupees per chest, but in the above estimate, the cost is put at 30. The total amount received from the four sales in 1836-7 was 25,395,300 rupees. The value of the sicca rupee is about 46 cents. The amount sold last year is more than double the sale of 1831-2. The greater part of this opium goes to China.

[Philad. Nat. Gaz.]

New Orleans and Texas. The intercourse between New Orleans and Texas is becoming daily more frequent, and calls are already made in the New Orleans papers, for increased facilities of conveyance. The steam packet Columbia, the only one in the trade, has been doing a highly profitable business, having conveyed about seven hundred passengers, within the last two months, besides freight sufficient to pay for fuel and other charges. The Bulletin urges that the steam packet Cuba be put into the trade.

Great fire at Natchitoches. A fire occurred at Natchitoches, Lou. on the 17th of March which laid a fair portion of the town in ruins. It broke out in the building owned by Mr. Crossman, and before the citizens could check its progress, it had laid desolate half the square upon which the Episcopal church stood. The residence of Mrs. Harrison, Dr. Hord, Mr. Crossman, Mr. Martin, together with all the out houses from the church (including that building) on church street, to the old Exchange bank on St. Dennis street; from thence the whole width of the square to second street. The loss is estimated at \$90,000. It originated through the negligence of a servant in the kitchen.

William C. Lane, whig, has been elected mayor of St. Louis, by a majority of two hundred and three votes over C. Collins, V. B.

NILES' NATIONAL REGISTER.

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WASHINGTON CITY, APRIL 21, 1838.

[VOL. LIV.—WHOLE No. 1,386.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

In the senate yesterday, the bill to prevent the issuing and circulation of the notes of the late Bank of the United States was ordered to be engrossed for a third reading: Ayes 27, nays 14.

BANKS, CURRENCY, &c. It will be seen from our notice of the proceedings of the late bank convention, inserted in a subsequent page, that that body adjourned, *sine die*, on Monday last, after recommending to all the banks of the several states to resume specie payments on the first Monday of January next, without precluding an earlier resumption on the part of such banks as may find it necessary, or deem it proper. The recommendation was adopted by the following vote:

Yeas.	Nays.	Absent.
Maine,	New York,	New Hampshire,
Vermont,	Mississippi,	Pennsylvania,
Massachusetts,		Maryland,
Rhode Island,		South Carolina,
Connecticut,		Georgia,
New Jersey,		Ohio,
Delaware,		Kentucky,
District of Columbia,		Tennessee,
Virginia,		Alabama,
North Carolina,		Michigan.
Indiana,		
Illinois,		
Missouri.		

The committee was composed of one hundred and forty-three delegates, from eighteen different states, viz:

Maine,	1	Pennsylvania,	2
Vermont,	6	Maryland,	6
N. Hampshire,	1	Dis. of Columbia,	2
Massachusetts,	21	Virginia,	4
Rhode Island,	9	North Carolina,	1
Connecticut,	21	Indiana,	1
New York,	40	Mississippi,	2
New Jersey,	14	Illinois,	2
Delaware,	3	Missouri,	1

We have before us a number of comments upon the proceedings. The Philadelphia U. S. Gazette, in alluding to the negative votes given by New York and Mississippi, says—

The banks of the former are compelled, by legislative enactment, to resume in May. The latter, Mississippi, was most anxious to have the resumption deferred to July, 1839, when the proceeds of another crop would be realized.

"Considering the peculiar outcry recently made in Virginia, undoubtedly many will be surprised to perceive that the banks of that state went for the most distant date of resumption, viz. January; and the Boston banks, carrying with them the votes of Massachusetts, Maine, and Connecticut, were on the same side, notwithstanding the comforting conclusions to which the New Yorkers had come relative to their eastern brethren.

"The banks of New York, it will be perceived, were the only ones that desired the early resumption, and they desire it because, by the laws of that state, they were compelled to resume in May. The bank convention, then, has sustained Mr. Biddle's letter, and thus averted from itself the ridicule which would have followed its adoption of the N. York plan."

The New York Commercial says—"It is understood that the New England delegations avowed themselves ready to resume with New York, provided they could be satisfied that it was best to do so, irrespective of the situation of the banks of the south and west. But of this fact they were not satisfied—their opinion being that the business relations of the whole country ought first to be so far adjusted, as to enable the banks of the union to resume simultaneously. The Connecticut delegates from the first avowed their readiness to resume with New York, provided the banks of the latter would assure them that their depositors were to be paid in specie. The funds of the Connecticut banks being mostly in New York on deposit, they should of course look to the New York banks for the means of sustaining their own resumption."

"It is not to be denied, however, that the eastern delegates were disposed, rather to favor the views of the Philadelphia and Baltimore banks, than those of New York. In a free conversation with several of those delegates, they frankly avowed that their interests and sympathies were with Philadelphia and Baltimore, for the reason that while the course of the New York banks, during the year past, had

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in a measure closed New York against them as a market, the opposite policy of Philadelphia and Baltimore had opened those cities as markets for their manufactures."

On Thursday, the 12th instant, governor Marcy transmitted a special message to both houses of the legislature, recommending that the commissioners of the canal fund be authorized to issue the state stock, required for the completion of the public works, and loan it to the banks, if the emergency shall arise demanding its use, in aid of a resumption of specie payments.

In the senate, the message was referred to the committee on banks, (Messrs. Powers, Wager, and Moseley,) and in the house, to a committee of one from each senate district, consisting of Messrs. Birdseye, Ruggles, Floyd, J. Miller, Mann, Wardwell, G. W. Patterson, and Hurd. On Tuesday last the committee of the house made a report adverse to the recommendation of the governor, and concluding with the following joint resolutions:

1st. That the senators and representatives of the state of New York in congress, be requested to exert every effort to procure the passage of a law or resolution, directing the officers of the general government to receive the bills of specie-paying banks.

2d. That the governor convene the legislature at any time on or before the 16th of May next, whenever he shall have occasion to believe the banks will be obstructed or embarrassed in the resumption or maintenance of specie payments, whether by the united action of the general government, or that of the Bank of the United States, or any other cause.

3d. That the legislature have entire confidence in the ability of the banks to continue the resumption.

4th. But if it shall be found otherwise, pledges the legislature to come to the rescue of the banks of this state, with the most ample measures and means to the full extent of the resources and credit of the state.

The message shall have a place in the next "REGISTER."

A slip from the Nashville Whig under date of 6th instant, states that the Planters' Bank of Tennessee had refused to receive Alabama bank paper except in payment of debts due it, and it is inferred that the Union bank would adopt the same course.

The same slip says—

The brokers are buying eastern funds to-day—such as U. S. Bank notes, floating bank checks, &c. at 16 a 18 per cent. pre.; Virginia money 14a16 do.; N. & S. Carolina and Georgia 6 to 8 do.; Ky. 14a 15 do.; specie 17a18 do.; gold 18a19 do.; N. O. funds 10a12 do.

The rates of Mississippi money have not varied since last report—river banks 12 1-2 to 15 dis., interior to 20 do.

We again caution our country friends against the notes of the Brandon Bank. A letter from N. O. dated on Sunday says, they are selling there at 30 per cent. disc., and the situation of the bank is believed to be critical.

FROM FLORIDA. The account of the capture of the Indians encamped near fort Jupiter is confirmed. A letter from that post, dated the 23d ult. which we find in a St. Augustine paper of the 7th instant, contains the following notice of that event:

"The grab game has been played. On the morning of the 21st, about two o'clock, we moved, part crossing the creek, the balance heading it. Having formed ourselves according to previous arrangements, we waited the approach of day, and then the signal was given to advance, when the whole force moved up simultaneously, and, before they had time to look around, the Indians were completely surrounded. The whole number, men, women, and children, is 512; 146 rifles, 149 warriors. No news about future movements—many conjectures."

St. Augustine, April 7. Three hundred of the captured Indians have been shipped to Key Biscayne, and the remainder have gone over land to Tampa. More recent arrivals inform us that col. Bankhead had come up with Sam Jones, about 45 miles southwest of fort Jupiter, whom he attacked in front and endeavored to surround; but, after a skirmish of a few minutes, the Indians fled. They are now on an island in the Okee-chobe, from which it is said they cannot escape. Previous to the attack, it is stated a flag of truce was sent to them, but the Indians fired upon it.

The following is an extract of an order issued by general Jesup, in reference to this capture:

ORDERS NO. 77.

Head quarters, army of the south,
Fort Jupiter, Florida, March 23, 1838.

Par. 1. The major-general commanding returns his thanks to colonel Twigg and the officers and soldiers of his command, for the admirable manner in which they performed the duty assigned to them this morning. Colonel Twigg's plan for surrounding and securing the Seminoles was most judicious, and such was the prudence and judgment with which it was executed, that more than five hundred Indians, and among them about a hundred and fifty warriors, were taken and brought into camp, without the loss of a single drop of blood on either side.

By order of major-general Jesup:

J. A. CHAMBERS,
A. D. C. and A. A. Gen.

NEW YORK. The following official returns of the late election for mayor, &c. in New York are from the "Courier and Enquirer:"

Wards.	Clark.	Varian.	Riker.	Scat'g.	Whole No. polled
1	1189	448	21	2	1660
2	882	324	19	2	1227
3	1176	561	37		1774
4	1185	1052	17	2	2256
5	1399	1143	42		2534
6	912	1078	32		2022
7	1773	1784	28		3555
8	2037	1937	61	3	4090
9	1452	1839	25	3	3319
10	1292	1682	15	3	2992
11	621	1346	1	2	1970
12	301	563	9		873
13	1103	1347	8	6	2469
14	1212	1253	16	2	2433
15	1206	610	30	3	1849
16	848	956	14	1	1819
17	1130	1227	18		2375
					19,723 19,200 395 29 33,347

Clark's majority over Varian, 523
Do do over all, 99

The members elect of the common council are as follows:

Wards.	Aldermen.	Assistants.
1st,	J. P. Phenix,*	Calvin Baylis.*
2d,	Edward Taylor,*	Caleb S. Woodhull,*
3d,	Egbert Benson,*	Ellis Potter,*
4th,	William Hall,*	Samuel Sparks,*
5th,	Robert Smith,*	Abel T. Anderson,*
6th,	James Lynch,*	C. Crolius, jr.*
7th,	Samuel J. Wills,	Thos Connor.
8th,	Charles De Forrest,*	Joseph N. Barnes,*
9th,	Thos. G. Tallmadge,	Freeman Campbell,
10th,	Elijah F. Purdy,	Thomas D. Howe,
11th,	Nehem Waterbury,	Monmouth B. Hart,
12th,	Abm. V. Williams,	Nath. Jarvis, jr.,
13th,	James B. Cook,	Cornas. B. Timpson,
14th,	Jos. R. Taylor,*	Jacob B. Bunting,*
15th,	Thomas Lawrence,*	David Graham, jr.,
16th,	Wm. W. Holley,	Daniel F. Tiernan,
17th,	Thos. Jeremiah,	Orville J. Nash.

Those marked (*) are whigs

CONNECTICUT. The whig candidate for governor was elected by a majority of five thousand six hundred and eighty-seven votes. The following comparative statement of the votes for governor in 1837 and 1838, will be useful for reference:

1837.		1838.	
Counties.	Adm. Whig.	W. Ellsworth.	V. B. Con. Phelps.
Hartford,	4396 4395	5215	3591 699
New Haven,	4040 3625	4499	3578 120
Fairfield,	3619 3249	4184	3263 97
Litchfield,	3513 3410	3975	3899 73
Middlesex,	3158 1410	1973	2014 28
Tolland,	1561 1378	1560	1384 175
Windham,	1972 1836	2402	1755 80
New London,	2572 2256	5367	2407 195
		23,805 21,508	27,082 21,395 1,475
Total vote in 1837,		- - -	45,313
Total vote in 1838,		- - -	49,952
Administration majority in 1838,		- - -	2,297
Whig majority in 1838,		- - -	5,687
United Whig and Conservative majority,		- - -	7,162

THE CHEROKEES. It is said, that general Scott is to be despatched to the Cherokee country, and will repair there in a few days. To look down all opposition at once, and to prevent any repetition of such scenes as have occurred in Florida, it is also said that he will be authorized to call for a military force from Tennessee, Georgia, Alabama, and North Carolina. About seven regiments, besides regular troops, may be called into service—and in the long run, it will be the soundest economy.

[Richmond Enquirer, 7th inst.

PENSIONS, &c. The following circular to pension agents has been issued by the second comptroller, in conformity with the law of the 6th instant, therein referred to:

CIRCULAR.
Treasury department,

Second comptroller's office, April 12, 1838.

SIR: I herewith transmit, for your information and guidance, a copy of "An act directing the transfer of money remaining unclaimed by certain pensioners, and authorising the payment of the same at the treasury of the United States," passed the 6th instant.

Hereafter, you will make no payments where the pension claimed has remained due for the term of eight months after the same became payable. The law above mentioned being peremptory, no payments made in violation of it can be admitted to your credit.

In order that the accounting officers may be in possession of such evidence as will afford a check against double payments, you will, immediately on receipt of this circular, and hereafter immediately on the expiration of eight months subsequent to each semi-annual payment, certify to this office a correct list, containing the name, rank, rate of pension, and amount due, of all the pensioners remaining unpaid on the roll of your agency, whose pensions have been due and payable for the term of eight months prior to the date of such certificate.

I am, very respectfully, your obedient servant,
ALBION K. PARRIS,
Comptroller.

An act directing the transfer of money remaining unclaimed by certain pensioners, and authorising the payment of the same at the treasury of the United States.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That all money which has been, or may hereafter be, transmitted to the agents for paying pensions, which may have remained, or may hereafter remain, in the hands of said agents unclaimed by any pensioners for the term of eight months after the same may have or become due and payable, shall be transferred to the treasury of the United States; and that all pensions unclaimed as aforesaid, shall be thereafter payable only at the treasury of the United States, and out of any money not otherwise appropriated.

Sec. 2. And be it further enacted, That the transfer directed by the first section of this act shall be made by the draft of the commissioner of pensions upon the agents for paying pensions, and in favor of the treasurer of the United States; and that the form of said draft shall be prescribed by the secretary of war.

Mr. CHEVALIER, a gentleman appointed by the French government to examine into our system of internal improvements, has the following observations upon the currency in his excellent letters concerning this country. Coming from a source at once enlightened and disinterested, they merit consideration.

"Credit is the primary element of life in the United States; they live on it. Without credit, those populous towns which arise on all sides of it as if by enchantment; those rich states which fringe the margin of the Atlantic, which stretch to the west of the Alleghany, and extend along the coast of the Ohio and Mississippi, would have been still savage forests and bottomless morasses. New York alone possesses twenty banks: the mean of its annual discounts is £25,000,000; whereas, at Paris, the total discounts of the banks were, in 1831 £9,000,000; in 1832, only £6,000,000. At Philadelphia, in 1831, the discounts rose to £32,000,000.

A general shake to credit, even for the shortest time, is here more terrible than the most frightful earthquake. The banks have acted as a lever which has enabled the Americans to establish among themselves, to their own great profit, the agriculture and industry of Europe, and which has covered their own territory with cities, canals, rail roads, manufactories and fertile fields; in a word, every thing which constitutes civilization. Without banks, the cultivator would have been destitute of capital for his necessary advances: he would have had no instruments for clearing his farm; and if the system has led in many cases to absurd and gambling speculations, it is the same system which has enabled the farmer to purchase land for two dollars an acre, which he afterwards sold for ten or a hundred.

The mechanics who are now so loud in their condemnation of the banking system, forget that it is to it that they owe the industrious activity which has enabled them to earn from five to eight shillings a day wages. They forget that it is it which has furnished them with the means, of which so many have availed themselves, of rising to opulence and comfort; for, in America, every enterprising man who can

give the guaranty of a tolerable character is sure of obtaining credit and thus certainly accumulating a fortune."

TEXAS. The Albany Argus of the 9th inst. on noticing the discussion, in the assembly, of the resolution against the admission of Texas into the union said, whatever may be the opinions of the people of this state upon the abstract question, one thing is scarcely a matter of doubt, that a legislative expression upon the subject at this time is not required either by the people or by their representatives in congress; and that the effort to act upon it, at the heel of the session, and under a great pressure of the public business, can scarcely be viewed in any other light than a part of the game of abolition and sectional agitation by which the combined forces of the opposition hope to aid their party movements. Whether it is intended to stand in lieu of a direct abolition expression on the subject of slavery in the District of Columbia (to which it is said a majority of the 'whigs' of the present legislature are committed) we are not advised. The first resolution objecting to the admission of Texas as repugnant to the will of the people and hazardous to the union, was passed by the aid of the previous question—the second, however, protesting against such admission, lies over.

ANDREW JACKSON. The extraordinary career of this favorite of fortune, it is universally admitted has made a deep and abiding impression upon the government and people of the United States, but that the hand of nature had stamped his image in the solid and disemboveled rock of the land, is a circumstance not generally known. Nevertheless such is the fact. A recent discovery in geology has rendered his memory immortal, even if his extraordinary actions have failed to secure that boon for him, and wedded his corporeal proportions and facial lineaments to stone as effectually as could the chisel of Grenough, Powers, or Clevinger.

This is no joke, much as the relation may wear the outward garb and habit of one. In rounding and polishing one of the beautiful stone columns which ornament the front of the Franklin Bank of this city on High street, a very striking full length likeness of general Jackson was developed, composed of impressions made by the oxyde of iron, and plainly imprinted by the hand of nature on the third column north of the four front columns. It is not a mere fancied likeness to perceive which it is necessary to call up the imagination; but one remarkably striking and perfect, particularly in the general cast of the countenance, and the position of the hair, the latter so peculiar in the likeness of the general, and never mistaken.

This likeness can be recognised from any part of the opposite side of the street for the extent of a whole square—but it can be seen to the most advantage from the pavement of our friend Russell, almost immediately opposite the bank. The beautiful phenomenon was taken from the stone quarry at Waverly, on the Ohio canal, about sixty miles south of this city. [*Columbus (O.) Register.*]

MARYLAND BANK LAWS. The following law was passed at the recent session of the legislature of Maryland:

A bill, entitled an act for the better regulation of the banking institutions, in the state of Maryland.

Section 1. Be it enacted by the general assembly of Maryland, That from and after the passage of this act, it shall be the duty of the president and directors of the several banks and saving's institutions in this state, during their suspension of specie payments, to transmit a monthly statement under oath, of their condition to the treasurer of the western shore, to be by him laid before the governor of the state.

Sec. 2. And be it enacted, That it shall be the duty of the president and directors of the several banking institutions in this state, to transmit to each other, at least once in every month, a statement, under oath, containing a particular account of their responsibilities, and their available means to meet them.

Sec. 3. And be it enacted, That no bank in this state, during the suspension of specie payments, shall extend the circulation of its notes, to an amount exceeding three times the amount of gold and silver in its vaults, which may be the property of such institution, and after the resumption of specie payments, to an amount exceeding the capital of such bank actually paid in.

Sec. 4. And be it enacted, That the several banks and saving's institutions of this state, shall resume the payment of their issues in coin on the first day of January next, or within thirty days after such a course shall have been adopted by the banks of New York, Pennsylvania, and Virginia, should they resume specie payments previous to said day, and each and every bank and saving's institution complying with

these conditions, shall be and they are hereby released from all the penalties incurred by a suspension of specie payments, or the issues of bank notes or certificates of deposits, not authorised by the provisions of their respective charters.

Sec. 5. And be it enacted, That no bank in the state shall issue, after the first day of May next, any bank note, certificate of deposit, or any paper intended to be used as a circulating medium, of a less denomination than five dollars.

Sec. 6. And be it enacted, That the governor may direct the attorney general to cause a scire facias to be issued against any bank or saving's institution that may fail to comply with the provisions of this act, and in that case the same proceedings shall be had in all respects as are directed by the act of 1818, chap. 177, in regard to banks refusing to pay specie for their notes.

Sec. 7. And be it enacted, That any officer or officers who shall make a false or fraudulent report, required to be made by this act, shall be subject to all the pains and penalties of wilful and corrupt perjury.

THE BANK CONVENTION.

The convention adjourned *sine die* on Monday afternoon, having previously agreed upon the first Monday of January next as the period for the resumption of specie payments. The following account of its closing proceedings is from the New York Express:

The bank convention. The bank convention adjourned *sine die*, yesterday afternoon, after a long and wordy session. On Saturday the delegates from Maryland withdrew. The debate on the report fixing the 1st of October for the resumption was continued at great length. The object appeared to be to harmonise, and thus, by a spirit of compromise, to agree on some period when all should unite for that purpose. June, July, and other months were named, but there was not found a sufficient vote to settle on either of the months, when finally the first Monday in January was adopted, thirteen states voting for it, and two states, viz. New York and Mississippi, against it.

The two latter although voting in the negative—thus voting from reasons wholly unlike in feeling. New York wanted May, and Mississippi a year hence. Maryland was not represented in the vote, nor was Pennsylvania. New York was unyielding, and showed no spirit of compromise,—alleging the law of the states as a bar. All representations from other states were willing to yield. Mr. Gallatin urged with great earnestness an early day. Some of the gentlemen supposed that putting off the day would be a victory for Mr. Biddle, or the United States Bank, and all these considerations were disclaimed, yet if this is correct, New York is contending for immediate resumption, and the United States Bank for a more remote day, and the decision has been made in favor of Mr. Biddle. This position, however, is not one that any of the convention took.

The New England states, some of them at least, were ready to resume at a day's notice, but the question was not what would suit them best, but that would be most judicious and most beneficial to the south, as well as the east and west. The proposition which has been adopted will not interfere with the conduct of any bank, as any, all or none, are at liberty to resume at their pleasure, but it is incumbent on them to resume by the first Monday of January next.

The session is now closed, and although there was a good degree of harmony among the members, yet it was not to be supposed that all sections of the country were situated alike; New York, particularly, is in a position of great delicacy, and however much she may wish to prolong the day, she is under the absolute necessity of resuming in May, unless the legislature alter the law, of which there is no prospect at present.

It is hardly to be expected that other banks that are not bound down by their states, should voluntarily place themselves in a condition with New York. There is a preamble to the resolution expressing a hope that the government will co-operate in the plan agreeably to the private letters that had been received from the members of the administration.

The preamble and resolutions which were finally adopted are as follows:

"Whereas it is found necessary in order to simultaneous action by the banks in the resumption of specie payments so to proceed in designating a period for that purpose as to secure the nearest approach to unanimity—and whereas whilst in the judgment of the convention, the return to specie payments and preservation of the currency in a sound condition, will depend essentially on the course of the general government, yet this convention regards it as the duty of the banks to make the

effort in good faith, exclusive of any direct reference to the prospective measures of the government. At the same time the convention has been happy to observe in recent letters of the secretary of the treasury, specific assurances of an intention to sustain the banks so far as it may be done through the fiscal operations of that department of the government—

Resolved, That it be recommended to all banks of the several states to resume specie payments on first Monday of January next, without precluding an earlier resumption on the part of such banks as may find it necessary or deem it proper.

The following preamble and resolution will show the course which the New York banks will take on the subject:

NEW YORK, April 16th, 1838.

At a meeting of the delegates of the city and country banks of the state of New York, held in this city, this day, the following preamble, and resolution were unanimously adopted, and ordered to be published.

Whereas the law which legalized the suspension of specie payments will expire, by its own limitation on the 15th of May next, and whereas the effects of a resumption are considerations which more properly pertain to the legislature than to the banks; therefore, without attempting to foresee what the effects may be, but hoping they may not be injurious to the commerce and industry of the state, and with a determination to render to those interests all the assistance which shall be found compatible with a discharge of our legal obligations,

Resolved, That the banks of this state be recommended to resume specie payments on or before the 10th day of May next.

C. W. LAWRENCE, Chairman.

W. M. Vermyle, Secretary.

The following letter was addressed to the bank committee in New York, by the delegation of the Philadelphia banks, which attended the former convention:

PHILADELPHIA, January 31, 1838.

Cornelius Hoyer, John J. Palmer, and J. Boorman, *enquies*, New York.

GENTLEMEN: Your favor of the 26th instant, addressed to H. Nixon, esq., chairman of the committee appointed by the general delegation of the banks of Philadelphia, has been duly submitted to the delegation, together with a detailed exposition of the views expressed by you in your personal conference with the committee. Both have been considered with the respectful attention due the importance of the proposal, and to the high character of those from whom it comes; and I am instructed by the delegation to communicate to you the result of their deliberation.

The case presented to the delegation, is understood to be, in substance, this,—

That the New York banks being under a legal necessity of resuming specie payments early in May next, and not being able to calculate upon a further extension of the suspension laws of that state, are desirous of ascertaining whether the banks of Philadelphia will now agree to name, either that period, or a later period, for a simultaneous resumption by the banks of the two cities; or, if this be deemed inexpedient, whether they would enter into any agreement for the liquidation of balances on either side, on the principle of mutual forbearance in drawing specie, for a limited period after such resumption by either party.

The decision on this proposal, seems mainly to depend on the relation which the banks of Philadelphia now bear to the other banks of the United States.

The resumption of specie payments was justly regarded by the banks of New York, as a matter not local to any section of country, but of general interest to the whole union; and with this view, their circular, proposing a convention, was addressed to banks in all the states, and especially urged, "the importance of having every state represented;" accordingly, the convention consisted of delegates from nineteen states of the union, who, after full and frequent consultations on the state of the banks they represented, and the general prospects of the country, came to the following resolutions:

1st. That they would resume specie payments when it may be permanently practicable.

2nd. That it is not expedient or prudent now to fix a day for the resumption of specie payments.

3d. That they would adjourn to the second Wednesday of April next, for the purpose of then considering, and if practicable, determining, upon the day when specie payments may be resumed.

4th. That the convention strongly recommend to all the banks in the United States, to prepare them-

selves for a return to specie payments, within the shortest practical period after the next meeting of the convention; and

5th. That the banks in those states not now represented, be earnestly requested to send delegates to the adjourned meeting of this convention; and that the several delegates from all the states be desired to procure all such information in regard to the condition of the banks in their respective states as may be attainable.

The general scope of these proceedings obviously is, that the convention thought it inexpedient then to name a day for the resumption, but deem it more prudent to postpone their decision to a subsequent period, when the delegates then attending should return, with more precise information of the state of their banks, and other states would be represented; and in the interval all would be preparing for the resumption, when permanently practicable.—The convention then adjourned on the 2nd of December, to meet on the 2d Wednesday in April.

Of this interval, fifty-five days have elapsed at the date of your letter, and seventy-five still remained. It does not appear that any facts have since been disclosed, which were not known to the convention; nor has any circumstances occurred in the general condition of the country, which was not then anticipated. It is undoubtedly true, also, that any resumption, to be easy must be simultaneous, and to be effectual, must be general; nor is it less true that a partial resumption, by any party to the convention, must derange the relations of the whole to each other, and disturb the preparations which all are making to produce a uniform result at the period fixed by the convention. The banks of Philadelphia, therefore, consider it scarcely just or respectful to the banks of other states, whose co-operation was in the first instance invited, to take any steps in opposition to what was settled by the convention, with a full concert with the other members of that body, who separated under conviction that no action would take place, on a matter so important to their interests, until they were re-assembled.

To this opinion they the more readily incline, because, in the convention itself, a distinct proposition to appoint a committee of that body, with power to re-assemble the convention whenever they thought the condition of the country justified the measure, was declined; and a certain day for the adjourned meeting was fixed by the convention, so as to leave no discretionary authority whatever to make an earlier call.

On a careful consideration of all these circumstances, I am instructed to inform you that the banks of Philadelphia think it premature to name any day for the resumption of specie payments, until the adjourned meeting of the convention.

Nevertheless, if the banks of New York shall determine that their peculiar position constrains them to an earlier resumption than was contemplated by the convention, or than they would themselves adopt on general considerations, I am authorized to assure you that this difference of opinion abates nothing of the anxious desire of the Philadelphia banks to resume at the earliest period permanently practicable; and that while preparing for that event, they will abstain, as far as possible, from any measures which may interfere with the efforts of the banks of New York, and will cheerfully adopt any reciprocal agreement for the liquidation of balances on either side.

In the mean time,

I have the honor to be,

With great respect, yours.

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA,

In reply to Mr. Webster, on the sub-treasury bill. Delivered in the senate of the United States, March 22, 1838.

MR. PRESIDENT: After having addressed the senate twice, I would owe an apology, under ordinary circumstances, for again intruding myself on its patience. But, after what fell from the senator from Mass., nearest to me, (Mr. Webster,) the other day, the greater part of which was not only directed against my arguments, but at me personally, I feel that my silence, and not my notice of his remarks, would require an apology. And yet, notwithstanding I am thus constrained again to address the senate, I fear it will be impossible to avoid exciting some impatience, fatigued and exhausted as it must be, by so long a discussion; to prevent which, as far as practicable, I shall aim at as much brevity as possible, consistently with justice to myself and the side I support.

The senator's speech was long and multifarious, consisting of many parts, which have little or no connection with the question under consideration. For the sake of brevity and distinctness, I propose

to consider it under four heads. First, his preliminary discourse, which treated at large of credits and banks, with very little reference to the subject. Next, his arguments on the question at issue; and that to be followed by his reply to my arguments at this and the extra session; and, finally his conclusion, which was appropriated wholly to personal remarks, and a comparison between his and my public course, without having the slightest relation either to the subject or any thing I had said in the debate, but which the senator obviously considered as the most important portion of his speech. He devoted one day almost wholly to it, and delivered himself with an earnestness and vehemence which clearly manifested the importance which he had attached to it. I shall, as in duty bound, pay my respects first to that, which so manifestly occupied the highest place in his estimation, though standing at the bottom in the order of his remarks.

The senator opened this portion of his speech with much courtesy, accompanied by many remarks of respect and regard, which I understood to be an intimation that he desired the attack he was about to make to be attributed to be political, and not personal motives. I accept the intimation, and shall meet him in the sense he intended. Indeed, there never has been, between the senator and myself, the least personal difference, nor has a word having a personal bearing, ever passed between us in debate, prior to the present occasion, within my recollection, during the long period we have been in public life, except on the discussion of the force bill and proclamation, which, considering how often we have stood opposed on deep and exciting questions, may be regarded as not a little remarkable. But our political relations have not been on as good a footing as our personal. He seems to think that we had harmonized not badly till 1824, when, according to his version, I became too sectional for him to act any longer with me; but which I shall hereafter show originated in a very different cause. My impression, I must say, is different, very different, from that of the senator's. From the commencement of our public life to the present time, we have differed on almost all questions involving principles of government and its permanent policy, with the exception of a short interval, while I was in the war department, when the senator agreed with the south on the protective system and some other measures. I do not consider our casual concert, during the last few years of the late administration, when we were both opposed to the executive power, as constituting an exception. It was understood that we both adhered to our principles and views of policy without the least surrender, and our personal relations were formal and cold, during the whole period. In fact, we moved in entirely different spheres. We differed in relation to the origin and character of the government, the principles on which it rested, and the policy it ought to pursue; and I could not at all sympathize with the grave and deep tone with which the senator pronounced our final separation, as he was pleased to call it, and which, in my opinion, would have been much more appropriate to the separation of those who had been long and intimately united in the support of the same principles and policy, than to the slight and casual relations, personal and political, which had existed between us.

Setting, then, aside all personal motives, I may well ask, what political grief, what keen disappointment is it, which at this time could induce him to make the attack he has on me, and, I might add, in the manner in which he made it? The senator himself shall answer the question. He has unfolded the cause of his grief, and pointed to the source of his disappointment. He told us that "victory was power." These few words are a volume. They disclose all. Yes, victory was within reach; the arm outstretched, the hand expanded to seize it, and I would not co-operate. Hence the grief, hence the keen disappointment, and hence the waters of bitterness that have rolled their billows against me. And what a victory! Not simply the going out of one party and the coming in of another; not merely the expulsion of the administration, and the induction of the opposition, but a great political revolution, carrying with it the great fundamental principles of the government and a permanent change of policy. It would have brought in, not only the senator and his party, but their political creed, as announced by him in the discussion on the proclamation and force bill, with which he now taunts those in power—a fact to be noted and remembered. He, the champion of those measures, against whom I contended foot to foot for one entire session, now casts up to me, that in refusing to co-operate with him, I protect the party in power, not a small portion of whom, I have good reason to believe, were drawn by the adverse current of the times reluctantly from their own principles to the

support of those measures, and with it the senator and his principles. Yes, I repeat, it would have brought in the senator and his consolidation doctrines, which regard this government as one great national republic, with the right to construe finally and conclusively the extent of its own powers, and to enforce its construction at the point of the bayonet; doctrines which, at a blow, sweep away every vestige of state-rights, and reduces the states to mere petty and dependent corporations. It would have also brought in his policy, bank, tariff, and all. Even now, when victory is still uncertain, the senator announces the approach of the period when he shall move the renewal of the protective system; a precious confession, that dropped out in the heat of discussion.

[Mr. Webster. No, I spoke deliberately.]

So much, then, the worse. That justifies all I have said and done; that proves my foresight and firmness, and will open the eyes of thousands, especially in the south, who have heretofore doubted the correctness of my course on this question.

The victory would not only have been complete had I co-operated, but it would also have been permanent. The portion of the state-rights party, with which I acted, would have been absorbed—yes absorbed; it is the proper word, and I use it in spite of the sarcasm of the senator. The other would have been scattered and destroyed, and the senator and his party, and their principles and policy, would have been left undisputed masters of the field, unresisted and unresistible. The first fruits of the victory would have been the re-union of the political and money power—a wedded union never more to be dissolved. The tariff would have been renewed. I may now speak positively, after the declaration of the senator, to be again followed by an overflowing revenue, profuse and corrupt expenditures, heavy surplus, and overwhelming patronage, which would have closed the door to wealth and distinction to all who refused to bend the knee at the shrine of the combined powers. All this was seen and fully comprehended by the senator; and hence again, I repeat, his deep grief, his keen disappointment, and his attacks on me, for refusing to co-operate.

The senator must have known that, in refusing, I acted on principles and opinions long entertained and fully declared years ago. In my reply to his associate in this joint war on me, in which I am attacked at once in front and rear, I demonstrated, to the satisfaction of the senate, the truth of what I assert so completely, that the senator's associate did not even attempt a denial. And yet, such is the depth of the senator's grief and disappointment, that it hurried him to a repetition of exploded charges which, in his cooler moments, he must know to be unfounded. He repeated the stale and refuted charge of a summer set, of going over, and of being struck with a sudden thought; and summoned up all his powers of irony and declamation, of which he proved himself to be a great master on this occasion, to make my Edgefield letter, in which, I assigned my reason for refusing to co-operate, ridiculous. I see in all this but the disappointed hopes of one who had fixed his gaze intensely on power that had eluded his grasp, and who sought to wreak his resentment on him who had refused to put the splendid prize in his hands. He resorted to ridicule, because it was the only weapon that truth and justice left him. He well knows how much deeper are the wounds that they inflict than the slight punctures that the pointed, but feeble, shafts of ridicule leave behind; and he used the more harmless weapon only because he could not command the more deadly. That is in my hand. I brandish it in his eyes. It is the only one I need, and I intend to use it freely on this occasion.

After pouring out his wailing in such doleful tones, because I would not co-operate in placing him and his party in power, and prostrating my own, the senator next attacks me because I stated in my Edgefield letter, as I understood him, that I rallied on gen. Jackson with the view of putting down the tariff by executive influence. I have looked over that letter with care, and can find no such expression. [Mr. Webster. It was used at the extra session.] I was about to add that I had often used it, and cannot but feel surprised that the senator should postpone the notice of it till this late period, if he thought it deserving reply. Why did he not reply to it years ago, when I first used it in debate? But the senator asked what I meant by executive influence. Did I mean his veto? He must have asked the question thoughtlessly. He must know that the veto can only apply to bills on their passage, and could not possibly be used in case of existing laws, such as the tariff acts. He also asks if there was concert in putting down the tariff between myself and the present chief magistrate? I reply asking him a question, to which, as a New Eng-

land man, he cannot object. He has avowed his determination, in a certain contingency, which he thinks is near, that he will move the renewal of the tariff. I ask, is there concert on that point, between him and his associate, in this attack? And finally, he asks if I disclosed my motives then? Yes; I am not in the habit of disguising them. I openly and constantly avowed that it was one of my leading reasons in supporting gen. Jackson, because I expected he would use his influence to effect a gradual, but thorough, reduction of the tariff that would reduce the system to the revenue point; and when I saw reason to doubt whether he would accomplish what I deemed so important, I did not wait the event of his election, but moved openly and boldly in favor of state interposition, as a certain remedy which would not fail to effect the reduction, in the event he should disappoint me.

The senator, after despatching my letter, concluded his speech by volunteering a comparison between his and my public character, not very flattering to me, but highly complimentary to himself. He represented me as sectional; in the habit of speaking constantly of the unconstitutional and oppressive operations of the tariff; which he thought very unpatriotic; of having certain sinister objects in view in calling on the south to unite, and of marching off under the state-rights banner, while he paints himself in the most glowing and opposite colors. There is, Mr. President, no disputing about taste; such are the effects of a difference of organization and education, that what is offensive to one is often agreeable to another. According to my conception, nothing can be more painful than to pronounce our own praise, particularly in contrast with another, even when forced to do so in self-defence; but how one can rise in his place, when neither his motive nor conduct is impeached, and when there is nothing in the question, or previous discussion, that would possibly justify it, and pronounce an eulogy on himself, which a modest man would blush to pronounce on a Washington or a Franklin to his face, is to me utterly incomprehensible. But, if the senator, in pronouncing his gorgeous piece of autobiography, had contented himself in simply proclaiming, in his deep tone, to the senate and the assembled multitude of spectators, that he came into congress as the representative of the American people; that, if he was born for any good, it was for the good of the whole people, and the defence of the constitution; that he habitually acted as if acting in the eyes of the framers of the constitution; that it would be easier to drive these pillars from their bases, than to drive or seduce him from his lofty purpose; that he would do nothing to weaken the brotherly love between these states, and do every thing that they should remain united, beneficially and thoroughly, I would have gazed in silent wonder, without uttering a word at the extraordinary spectacle, and the happy self-delusion in which he seems to exist. But when he undertook not only to erect an image to himself, as an object of self-adoration, but to place alongside of it a carved figure of myself, with distorted limbs and features, to heighten and render more divine his own image, he invited, he challenged, nay, he compelled me to inquire into the high qualities which he arrogates to himself, and the truth of the comparison which he has drawn between us. If the inquiry should excite some reminiscences not very agreeable to the senator, or disturb the happy self-delusion, in which he reposes, he must blame not me, but his own self-sufficiency and boasting at my expense.

Know yourself, is an ancient maxim, the wisdom of which I never before so fully realized. How imperfectly even the talented and intelligent know themselves! Our understanding, like our eyes, seems to be given not to see our features, but those of others. How diffident we ought to be of any favorable opinion that we may have formed of ourselves! That one of the distinguished abilities of the senator, and his mature age, should form so erroneous an opinion of his real character, is indeed truly astonishing. I do not deny that he possesses many excellent qualities. My object is truth, and I intend neither to exaggerate nor detract. But I must say, that the character which he attributes to himself is wholly dissimilar from what really belongs to him. So far from that universal and ardent patriotism which knows neither place nor person, that he ascribes to himself, he is, above all the distinguished public men with whom I am acquainted, remarkable for a devoted attachment to the interest, the institutions, and the place where Providence has cast his lot. I do not censure him for his local feelings. The author of our being never intended that creatures of our limited faculties should embrace with equal intensity of affection the remote and the near. Such an organization would lead us constantly to intermeddle with what we would but imperfectly understand, and often to

do mischief, where we intended good. But the senator is far from being liable to such a charge. His affections, instead of being too wide and boundless, are too concentrated. As local as his attachment is, it does not embrace all within its limited scope. It takes in but a class even there—powerful, influential, and intelligent, but still a class which influences and controls all his actions, and so absorbs his affections as to make him overlook large portions of the union, of which I propose to give one or two striking illustrations.

I must then remind the senator that there is a vast extent of wide-spread union, which lies south of Mason and Dickson's line, distinguished by its peculiar soil, climate, situation, institutions, and productions, which he has never encircled within the warm embraces of his universal patriotism. As long as he has been in public life, he has not, to the best of my knowledge, given a single vote to promote its interest, or done an act to defend its rights. I wish not to do him injustice. If I could remember a single instance I would cite it; but I cannot, in casting my eyes over his whole course, call to mind one. As boundless and ardent, then, as is his patriotism, according to his own account, it turns out that it is limited by metes and bounds, that exclude nearly one-half of the whole union!

But it may be said that this total absence of all manifestation of attachment to an entire section of the union is not to be attributed to the want of an ardent desire to promote its interest and security, but of occasion to exhibit it. Unfortunately for the senator, such an excuse is without foundation. Opportunities are daily and hourly offering. The section is the weakest of the two, and its peculiar interest and institutions expose it constantly to injustice and oppression, which afford many and fine opportunities to display that generous and noble patriotism which the senator attributes to himself, and which delights in taking the side of the assailed against the assailant. Even now, at this moment, there is an opportunity which one professing such ardent and universal attachment to the whole country as the senator professes, would greedily embrace. A war is now, and has been systematically and fiercely carried on in violation of the constitution, against a long-standing, and widely-extended institution of that section, that is indispensable, not only to its prosperity, but to its safety and existence, and which calls loudly on every patriot to raise his voice and arm in its defence. How has the senator acted? Has he raised his mighty arm in the defence of the assailed, or thundered forth his denunciation against the assailants? These are searching questions. They test the truth of his universal and boasted attachment to the whole country; and in order that the senate may compare his acts with his professions, I propose to present more fully the facts of the case and his course.

It is well known, then, that the section to which I refer, is inhabited by two races, from different continents, and descended from different stocks; and that they have existed together under the present relation from the first settlement of the country. It is also well known that the ancestors of the senator's constituents (I include the section,) brought no small portion of the ancestors of the African, or inferior race, from their native home across the ocean, and sold them as slaves to the ancestors of our constituents, and pocketed the price, and profited greatly by the traffic. It is also known, that when the constitution was formed, our section felt much jealousy lest the powers which it conferred should be used to interfere with the relations existing between the two races; to ally which, and induce our ancestors to enter the union, guards, that were deemed effectual against the supposed danger, were inserted in the instrument. It is also known that the product of the labor of the inferior race has furnished the basis of our widely extended commerce and ample revenue, which has supported the government and diffused wealth and prosperity through the other section. This is one side of the picture. Let us now turn and look at the other.

How has the other section acted? I include not all, nor a majority. We have had recent proof, during the discussion of the resolutions I offered at the commencement of the session, to what great extent just and patriotic feelings exist in that quarter, in reference to the subject under consideration. I then narrow the question, and ask, how has the majority of the senator's constituents acted, and especially a large portion of his political supporters and admirers? Have they respected the title to our property, which we trace back to their ancestors, and which, in good faith and equity, carries with it an implied warranty, that binds them to defend and protect our rights to the property sold us? Have they regarded their faith plighted to us on entering into the constitutional compact which formed the

union, to abstain from interfering with our property, and to defend and protect us in its quiet enjoyment? Have they acted as those ought who have participated so largely in the profits derived from our labor? No; they are striving, night and day, in violation of justice, plighted faith, and the constitution, to divest us of our property—to reduce us to the level of those whom they sold to us as slaves, and to overthrow an institution on which our safety depends.

Come nearer home. How has the senator himself acted? He who has such influence and weight with his constituents, and who boasts of his universal patriotism and brotherly love and affection for the whole union? Has he raised his voice to denounce this crying injustice, or his arm to arrest the blow of the assailants, which threatens to dis sever the union, and forever alienate one-half of the community from the other? Has he uttered a word in condemnation of violated faith, or honor trampled in the dust? No; he has sat quietly in his place, without moving a finger or raising his voice. Without raising his voice, did I say? I mistake. His voice has been raised, not for us, but for our assailants. His arm has been raised, not to arrest the aggressor, but to open the doors of this chamber, in order to give our assailants an entrance here, where they may aim the most deadly blow against the safety of the union, and our tranquillity and security. He has thrown the mantle, not of protection over the constitution, but over the motive and character of those whose daily avocation is to destroy every vestige of brotherly love between these states, and to convert the union into a curse, instead of a blessing. He has done more. The whole senate has seen him retire from his seat, to avoid a vote on one of the resolutions that I moved, with a view to rally the patriotic of every portion of the community against this fell spirit, which threatens to dissolve the union, and turn the brotherly love and affection in which it originated into deadly hate, which was so obviously true he could not vote against, but which he dodged, rather than throw his weight on our side, and against our assailants. And yet, while these things are fresh in our recollection, notorious, and known to all, the senator rises in his place, and proclaims aloud that he comes in as the representative of the United States; that, if he was born for any good, it was for the good of the whole people, and defence of the constitution; that he always acts as if under the eyes of the framers of the constitution; that it would be easier to drive these pillars from their bases, than him from his lofty purpose; that he will do nothing to destroy the brotherly love between these states, and every thing, that the union may exist forever, beneficially and thoroughly for all! What a contrast between profession and performance! What strange and extraordinary self-delusion.

But this is not the only instance. There is another in which the contrast between the course of the senator and his lofty pretension of unbounded and ardent patriotism is not less astonishing. I refer to the protective tariff, and his memorable and inconsistent course in relation to it.

His history may be told in a few words. It rose subsequent to the late war with Great Britain. The senator's associate in this attack was its leading supporter and author. Its theory rested on the principle, that all articles which could be made in our country should be protected, and it was an axiom of the system that its perfection consisted in prohibiting the introduction of all such articles from abroad. To give the restrictions on commerce necessary to effect its object a plausible appearance, they were said to be for the protection of home industry, and the system itself received the imposing name of the American system. Its effects were desolating in the staple states. The heavy duties imposed on their foreign exchanges left scarcely enough to the planter to feed and clothe his slaves, and educate his children, while wealth and prosperity bloomed around the favored portion of the union.

The senator was at first opposed to the system. As far back as the autumn of 1820, he delivered a speech to the citizens of Boston, in Faneuil hall, in opposition to it, in which he questioned its constitutionality, and denounced its inequality and oppression.

His speech was followed by a series of resolutions embodying the substance of what he had said, and which received the sanction of himself and constituents, who, at that time, were less interested in manufactures than in commerce and navigation, which suffered in common with the great staple interests of the south. I ask the secretary to read the resolutions:

"Resolved, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue, necessary for

the support of government; but that taxes imposed on the people for the sole benefit of any class of men, are equally inconsistent with the principles of our constitution, and with sound judgment.

"Resolved, That the supposition that until the supposed tariff, or some similar measure, be adopted, we are and shall be dependent on foreigners for the means of subsistence and defence, is in our opinion, altogether fallacious and fanciful, and derogatory to the character of the nation.

"Resolved, That high bounties on such domestic manufactures as are principally benefited by that tariff, favor great capitalists rather than personal industry, or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

"Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequence of its adoption would be, that the farmer must give more than he now does for all he buys, and receive less for all he sells.

"Resolved, That in our opinion, the proposed tariff and the principles on which it is avowedly formed would, if adopted, have a tendency, however different may be the motives of those who recommend them, to diminish the industry, impede the prosperity, and corrupt the morals of the people.

What can be more explicit or decided? They hold the very sentiments and language which I have so often held on this floor. That very system was then pronounced to be unconstitutional, unequal, oppressive, and corrupting in its effects, by the senator and his constituents, for pronouncing which now he accuses me as being sectional, and holding language having a mischievous effect on the rising generation.

Four years after this, in April, 1824, the senator delivered another speech against the system, in reply to the then speaker, and now his associate on this occasion, in which he again denounced the inequality and oppression of the system with equal force in one of the ablest arguments ever delivered on the subject, and in which he completely demolished the reasons of his then opponent. But an event was then fast approaching which was destined to work a mighty and sudden revolution in his views and feelings. A few months after, the presidential election took place; Mr. Adams was elected by the co-operation of the author of the American system, and the now associate of the senator. Those who had been enemies came together. New political combinations were formed, and the result was a close alliance between the east and the west, of which that system formed the basis. A new light burst in on the senator. A sudden thought struck him; but not quite as disinterested as that of the German sentimentalist. He made a complete sunset, heels over head; went clear over; deserted the free trade side in a twinkling; and joined the restrictive policy, and then cried out that he could no longer act with me, whom he had left standing where he had just stood, because I was too sectional! At once every thing the senator had ever said or done was forgotten; entirely expunged from the tablets of his memory. His whole nature was changed in an instant, and thereafter no measure of protection was too strong for his palate. With a few contortions and slight choking, he even gulped down, a few years after, the bill of abomination—the tariff of '28; a measure which raised the duties so high as to pass one-half of the aggregate amount in value of the whole imports into the public treasury. I desire it to be noted and remembered that, out of an importation of sixty-four millions of dollars, including every description of imports, the free and dutied articles, the government took for its share thirty-two millions under the tariff of 1828, and that the senator, yes, he, the defender of the constitution and equal protector of every section and interest, voted for that measure, notwithstanding his recent denunciation of the system as unconstitutional, unequal, and oppressive? But he did more, and things still more surprising, as the sequel will show.

The protective tariff did not change the character of its operation with the change of the senator. Its oppressive and corrupting effects grew with its growth, till the burden became intolerable under the tariff of '28. Desolation spread itself over the entire staple region. Their commercial cities were deserted. Charleston parted with its last ship, and grass grew in her once busy streets. The political condition of the country presented a prospect not less dreary. A deep and growing conflict between the two great sections agitated the whole country, and a vast revenue, beyond its most extravagant wants gave the government, especially the executive branch, boundless patronage and power, which were rapidly changing the character of the government, and spreading corruption far and wide through every condition of society. Something must be done and that promptly. Every hope of reformation, or change through this government had vanished. The absorbing force of the system had

drawn into its support a fixed majority in the community, which controlled irresistibly every department of the government. But one hope was left short of revolution, and that was in the states themselves, in their sovereign capacity as parties to the constitutional compact. Fortunately for the country and our institutions, one of the members of the union was found bold enough to interpose her sovereign authority, and declare the protective tariff that had caused all this mischief, and threatened so much more, to be unconstitutional, and therefore, null and void, and of no effect within her limits; and thus an issue was formed which brought events to a crisis.

We all remember what followed. The government prepared to assert by force its usurped powers. The proclamation was issued, and the war message and force bill followed, and the state armed to maintain her constitutional rights. How, now, I ask, did the senator act in this fearful crisis; he who had, but a short time before, pronounced the system to be unconstitutional, unequal, unjust, and oppressive? Did he feel any sympathy for those who felt and thought as he did but a brief period before? Did he make any allowance for their falling into the same errors (if such he then considered them) into which he himself had fallen? Did he show that ardent devotion to preserve the brotherly love between the members of the union he now so boastfully professes? Did he, who calls himself the defender of the constitution, feel any compunction in resorting to force, to execute laws which he had pronounced to be in violation of the constitution? Did he, who manifested such deep distrust of those in power, who had been foremost in proclaiming their own usurpations, and calling on the patriotic of all parties to oppose them, show any dread in consigning to them unlimited power to crush one of the members of the union, and which, after accomplishing that, might be so readily turned to crush the liberty of all? Quite the reverse. A sudden thought again struck him. He again, in a twinkling, forgot the past, and rushed over into the arms of power; and took his position in the front rank, as the champion of the most violent measures to enforce laws at the point of the bayonet, which he had pronounced unconstitutional, unjust, and oppressive? And this too at the hazard of civil war, and the manifest danger of subverting the constitution and the liberties of the country; refusing all terms of adjustment, and resisting to the last with violence the bill which compromised and settled the conflict! And yet, with all this fresh in the recollection of himself and all present, he can rise in his place and proclaim himself the universal patriot; the defender of the constitution, and benefactor of every portion of the union; the man who has done every thing to preserve brotherly love between its members, and who is ready to make every sacrifice to make it beneficial to all the parties!

But what is more extraordinary, what is truly wonderful and astonishing, is, while these words were on his tongue, he, in the same breath, with a full knowledge of all the disastrous consequences which have and must necessarily follow the renewal of the protective system, should declare that he anticipates the speedy arrival of the time when he will again undertake to revive the system! More cannot be added. The contrast between the senator's course and the character which he ascribes to himself cannot be rendered more striking. I shall not add another instance, as many of them as are at my command. A volume could not more conclusively prove how unfounded are his pretensions to that lofty, universal, and ardent patriotism which he claims for himself, and how strong the delusion under which he is in regard to his true character.

Let us now turn and inquire what has been my course; I whom he represents as sectional, whose course he pronounces to be unfriendly to the union, because I now call the protective system unconstitutional and oppressive; who, he intimates, desires to unite the south for no patriotic purpose, and represents as going off under the state rights banner. And here, Mr. President, let me say, I put in no claim to the lofty destiny to which the senator says he was born. Instead of coming here, like the senator, as the representatives of the whole people, I appear in the more humble character of the representative of one of the states of this union, sent here to watch over her particular interests and to promote the general interest of all, as far as the constitution has conferred power upon us, and as it can be done without oppression to the parts. These are my conceptions of my representative character, with the trust confided to me, and the duties attached to it, which I endeavor to discharge with industry, fidelity, and all the abilities which it has pleased my Creator to confer on me. Instead of falling short of what I profess, I trust my public life, if examined with candor, will show that I have

ever so interpreted my duty to my state as to permit it in no instance to interfere with the just claims of the union. It is my good fortune to represent a state which holds her character far above her interest, and which claims the first place, when a sacrifice is to be made for the safety and happiness of all, and would hold me to a strict account if, in representing her interest, I should forget what is due to her honor among her confederates. All her acts prove that she is as liberal in making concessions, when demanded by the common good, as she is prompt and resolute to resist aggression to promote the interest of others at her expense. Acting in the same spirit, as whilst her representative, I have never failed to meet and repel aggressions, while I trust, I have on no occasion been unmindful of her honor and the general interests of the whole union. Having made these remarks, I shall now proceed to show that, as humble as my pretensions are, and as sectional and unpatriotic as he has thought proper to represent me, my course for liberality and a just regard to the interest of every portion of the union will not suffer in comparison with his, as lofty as are his pretensions.

In making the inquiry I have into the course of the senator in relation to the section to which I belong, I called on him to point out a single instance, with all his boasted patriotism, in which he has given a vote to promote its interests, or done an act to defend its rights; but now, when the inquiry is into my course in relation to his section, I propose to reverse the question, and to apply to myself a much more severe test than I did to him. I ask, then, from what measure, calculated to promote the interests of his section, have I ever withheld my support, except, indeed, the protective tariff, and certain appropriations, which, according to my mode of construing the constitution, I regard as unconstitutional, and would of course be bound to oppose, wherever the benefit should fall? I call on the senator to point out a single instance; and, if he desires it, I will yield him the floor in order to give him an opportunity to do so. Will the senator call, on his part, for instances in which I have supported the interest of his section? I can point to numerous; to my early and constant support of the navy; to my resistance to system of embargoes, non-importation and non-intercourse acts; to my generous course in support of manufactures that sprung up during the war, in which my friends think I went too far; to the liberal terms on which the tariff controversy was settled, and the fidelity with which I have adhered to it; and the system of fortifications for the defence of our harbors, which I projected and commenced, and which is so important to the two great interests of commerce and navigation, in which his section has so deep a stake. To which I might add many more; but these are sufficient for one, represented as so sectional, against the blank list of the senator in relation to my section, with all his claim to ardent and universal patriotism. If we turn to the west, my course will at least bear comparison with his for liberality towards that great and growing section of our country. To pass over other instances, I ask him what measure of his can be compared with the cession I have proposed of the public lands to the new states on the liberal conditions proposed? It is a measure, above all other, calculated to promote their interest, to elevate their character, to terminate their political dependence, and to raise them to a complete equality with the old states for the mutual benefit of us and them, but which, sectional, as I am represented to be, proved too liberal for the senator, with all his wide-extended and ardent attachment to the whole union.

But it seems that I mean something very sinister in my call on the south to unite, and the senator very significantly asks me what is meant. I have nothing to disguise, and will readily answer. If he would look at home, and open his eyes to the systematic and incessant attacks made on our peace and quiet by his constituents; if he would reflect on his threat to renew the system of oppression from which we have freed ourselves with such difficulty and danger, and bear in mind that we are the weaker section, and, without union among ourselves, we cannot resist danger that surrounds us, he will see that there is neither mystery nor danger in the call. I go farther. Our union is not only necessary to our safety and protection, but is also to the successful operation of our system. We constitute the check to its over-action; and, as experience proves, the only power through which, when disordered, reformation can be peacefully effected. Our union is dangerous to none, and salutary to all. The machine never works well when the south is divided, nor badly when it is united.

The senator next tells us that I declared I would march off under the state rights banner, which he seized on to impugn my patriotism and to boast of his own. It is an easy task, by misstating or garb-

ling, to distort the most elevated or correct sentiment. In this case the senator, by selecting a single member of the sentence, and throwing a strong emphasis on "off," gave a meaning directly the opposite of representing me as abandoning the cause of the constitution and country, and himself as being their champion, which it seems was sufficient for his purpose. The declaration is taken from my opening speech at the extra session; and that the senate may judge for itself, I shall give the entire passage:

"We are about to take a fresh start. I move off under the state rights banner, and go in the direction in which I have been so long moving. I seize the opportunity thoroughly to reform the government; to bring it back to its original principles; to retrench, economize, and rigidly to enforce accountability. I shall oppose strenuously all attempts to originate a new debt, to create a national bank, to reunite the political and money power, (more dangerous than church and state,) in any form or shape."

That is what I did declare, and which the senator represents as deserting the constitution and country; and this is the way I am usually answered. I know not whether I have greater cause to complain or rejoice at the fact that there is scarcely an argument or sentiment of mine, which is attempted to be met, that is not garbled, or misstated. If I have reason to complain of the injustice, I have at the same time the pleasure to reflect that it is a high implied compliment to the truth and correctness of what I say.

There still remains an important chapter to complete the comparison between the public character of the senator and myself; I mean the part which we took in the late war between Great Britain and this country. I intended at one time to enter on it, and to trace the rise and progress of the war, with its various vicissitudes of disasters and victories, and the part which the senator and his political associates acted at that important period; but those are by-gone events, belonging to the historian, in whose hands I am content to leave them, and shall not recur to them, unless the senator hereafter shall provoke me by a renewal of his attack.

Having now dispatched the personalities of the senator, I turn next to his argument, which, as I have stated, consists of three parts; the preliminary discourse on credit and banks; the discussion of the question at issue; and the reply to my remarks at this and the extra session. I shall consider each, as I have begun, in the reverse order. The argument of the senator is indeed so miscellaneous and loosely connected, that it is a matter of but little importance in what order it is considered.

When he announced his intention to reply to my remarks, both at this and the extra session, I anticipated that they would be met fully, if not satisfactorily, point by point. Guess, then, my surprise, on finding him pass by, without even attempting an answer to the numerous objections which I made to the union of the political and money power, as affecting the morals, the politics, the currency, the industry, and prosperity of the country, which, if the fourth part be true, is decisive of the question, and noticing but two out of the long list, in his reply. If we may judge of the strength of those which he has passed over by his own inconclusive answer (as I shall presently show) to the two which he selected, my argument may be pronounced to be impregnable. I shall begin with his reply to my remarks at the present session.

It will be remembered, among other objections against the connexion with the banks, I urged that the government had no right to make a general deposit in bank, or receive the notes of banks in the public dues. I placed the first on the ground, that when public money was placed in deposits in banks, and passed to the credit of the government, it was, if ever, in the treasury; and that it could not be drawn out and used for any purpose, unless under an appropriation made by law, without violating an express provision of the constitution, which provides that no money should be drawn out of the treasury, but in consequence of appropriation by law. I then urged, that to place money in general deposit in banks, with the implied understanding always attached to such transactions, that they would have the right to draw it out and use it as they please, till called for by the government, was a manifest violation of this provision of the constitution.

In support of the other objection against receiving of bank notes in the public dues, I laid down the known and fundamental rule of construction on all questions touching the powers of this government, that it had no right to exercise any but such as are expressly given by the constitution, or that may be necessary to carry into effect the granted powers. I then insisted that no such power was granted, nor was its exercise necessary to carry any granted power into effect, and concluded, that the power

could not be exercised unless comprehended under one or the other head. To which I added the further objection, that if we had the right to receive the notes of state banks in our dues as cash, it would necessarily involve the right of taking them under our control and regulation, which would bring this government necessarily into conflict with the reserved rights of the states; and to this I added, that the receipt of the bank notes by the government tended to expel gold and silver from circulation, and depreciate and render their value more fluctuating, and, of course, could not be reconciled with the object of the express power given to congress to coin money, and regulate the value thereof, to which it is as repugnant in its effects, as the debasing or the clipping the current coin would be. I, at the same time, conceded that the practice of the government had been the opposite from its commencement. Such are my reasons, and how have they been met?

The senator commenced by stating, that he would consider the two objections together, as they were connected; but, instead of that, he never uttered another word in relation to the right of making a general deposit. That was surrendered without an attempt to meet my objections, which at least proved his discretion. He next undertook to show that precedents were in favor of receiving bank notes, which I had conceded, and no one disputed. Among other things, he stated, I was the first to authorize the receiving of bank notes by law, and, in proof, referred to my amendment to the joint resolution of 1816, which authorizes the receipt of the notes of specie paying banks in the dues of the government. He stated, that the resolution, as proposed by himself, provided that nothing but gold and silver and the notes of the United States Bank should be received, and that my amendment extended it to the notes of state banks. This is all true, but is not the whole truth. He forgot to inform the senate that, at the time, the notes of non-specie paying banks, as well as specie-paying, were received in the dues of the government, and that my amendment limited, instead of enlarging, the existing practice. He also forgot to state that, without my amendment, the notes of the United States Bank would have been exclusively received in the public dues, and that I was unwilling to bestow a monopoly of such immense value on that institution, which would have been worth ten times the amount of the bonus it gave for its charter.

After bestowing much time to establish what none denied, the senator at length came to the argument; and what do you suppose were the convincing reasons he urged against my positions? Why, simply, that he had no time to reply to them! with which, and the erroneous assertion that I had denied that the government could exercise any incidental power, he passed over all the weighty objections I had urged against the constitutionality of receiving and treating bank notes as cash in the public dues. It was thus he met the only argument he attempted to answer of the many and strong ones which I have urged in support of my opinion on this important question, and to which he proposed to make a formal reply.

I shall next notice the reply he attempted to my remarks at the late session. And here, again, he selected a single argument, and to which his answer was not less inconclusive and unsatisfactory than to that which I have just considered. Among other objections to the union of the government with the banks, I stated that it would tend to centralize the circulation and exchanges of the country; to sustain which, I showed that no small portion of the credit and circulation of the banks depended on the public deposits, and the fact that the government received and treated their notes as cash in its dues. I then showed that it was that portion which pre-eminently gave a control over the circulation and exchanges of the country. In illustration, I asked if the government, when it first went into operation, had selected a merchant of New York, and entered into a contract with him that he should have the free use of the public revenue from the time it was collected till it was disbursed, and that nothing but his promissory notes, except gold and silver, should be received in the public dues, whether it would not give him a great and decided control over the circulation and exchanges of the country, accompanied with advantages to the port where he resided over all others? I next asked, whether the location of a bank of the United States at the same place, with the same privileges, would not give equal control and advantages? Nay, much greater, as, in addition, it would concentrate at the same place an immense amount of capital collected from every portion of the country.

Such was my argument, which the senator, months after it was delivered, undertakes to con-

tovert; but, I must say, for my life, I could not understand his reasons. He lost his usual clearness, and became vague and obscure, as any one must who attempts to refute what is so perfectly evident. To escape from this difficulty, he, with his usual address, confounded what I had said on another subject, with another point, which he thought more easily answered, and against which he directed his attack. He stated that I proposed a government paper; and then insisted that it would be the union of the political and money power, and would do more to centralize the currency and exchanges than the connection of the government with the banks.

Now, unfortunately for the senator, I proposed no such thing, and expressed no notion of the kind, nor any thing like it. He may search every speech I have delivered at this and the extra session, and he can find nothing to justify his assertion. To put this beyond all dispute, I will quote what I did say, and the only thing that I ever did that could afford him even a pretext for his assertions. The extracts are taken from my remarks at the extra session.

"I intend to propose nothing. It would be impossible, with so great a weight of opposition to pass any measure without the entire support of the administration; and, if it were, it ought not to be attempted when so much must depend on the mode of execution. The best measure that could be devised might fail, and impose a heavy responsibility on its author, unless it met with the hearty approbation of those who are to execute it. I then intend merely to throw out suggestions, in order to excite the reflections of others," &c.

"Believing that there might be a sound and safe paper currency founded on the credit of the government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity of the temporary deficit in the treasury, and the postponement of the fourth instalment intended to be deposited with the states, to use them as the means of affording a circulation for the present relief of the country and the banks, during the process of separating them from the government," &c.

Here is not a word about proposing; on the contrary, I expressly stated, I propose nothing; that I but threw out suggestions for reflection. Instead of excluding all paper from circulation, I suggested the use (not of treasury notes, as he stated, or any other paper containing a promise to pay money) but simply one which should contain a promise to be received in the dues of the government; and that, too, only to the extent necessary to meet the temporary deficit of the treasury, and to alleviate the process of separating from the banks; and this he has arbitrarily construed and perverted to suit his purpose in the manner I have shown!

It is a great misfortune that there should be brought into this chamber the habits contracted at the bar, where advocates contend for victory, without being scrupulous about the means; while here the only object ought to be truth and the good of the country. All other considerations ought to be forgotten within these walls, and the only struggle ought to be to ascertain what is true and calculated to promote the honor and happiness of the community. Great individual injustice is done by such misstatements of arguments. The senator's speech will be published and circulated in quarters where my correction of his statements will never reach; and thousands will attribute opinions to me that I never uttered nor entertained.

The suggestions which he has so perverted have been a favorite topic of attack on the part of the senator, but he has never yet stated nor met what I really said truly and fairly; and, after his many and unsuccessful attempts to show what I suggested to be erroneous, I now undertake to affirm positively, and without the least fear, that I can be answered, what heretofore I have but suggested; that a paper issued by government, with the simple promise to receive it in all its dues, leaving its creditors to take it, or gold and silver, at their option, would, to the extent that it would circulate, form a perfect paper circulation, which could not be abused by the government, and would be as steady and uniform in value as the metals themselves, and that, if, by possibility, it should depreciate, the loss would fall, not on the people, but on the government itself; for the only effect of depreciation would be virtually to reduce the taxes, to prevent which the interest of the government would be a sufficient guaranty. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I would be able to do more, to prove that it is within the constitutional power of congress to use such a paper, in the management of its finances, according to the most rigid rule of construing the constitution; and that those, at least, who think that congress can authorize the notes of private state corporations to be received in the public dues, are estopped from denying its right to receive its own paper. If it can virtually endorse by law, on the notes of

specie-paying banks, "receivable in payment of the public dues," it surely can order the same words to be written on a blank piece of paper.

Such is the character of the paper I suggested, and which the senator says would do more to centralize the circulation and exchanges than the union of the government and the banks, which, however, he signally failed to prove. That it would have a greater tendency than the exclusive receipt in its dues of gold and silver, I readily acknowledge, and to that extent I think it objectionable; for I do not agree with the senator that there should be some one great emporium, which should have control of the commerce, currency, and exchanges of the union. I hold it desirable in neither a political nor commercial point of view, and to be contrary to the genius of our institutions and the spirit of the constitution, which expressly provides, among other things, that no preference should be given to the ports of one state over another. But that a receivable paper, such as I suggested, would have a greater, or as great tendency to centralize the commerce and currency of the country as the union with the banks, I utterly deny; and if I had no other reason, the vehement opposition of the senator, who approves of such tendency, would be conclusive; but there are others that are decisive.

The centralizing tendency of such a paper would result exclusively from the facility it would afford to remittance from distant portions of the union, in which respect it would stand just on a par with bank notes when received in the dues of the public; while the latter would, in addition, give to the favored port where the mother bank might be located, (or the head of the league of state banks), the immense profits from the use of the public deposits, and the still greater from having their notes received in government dues. The two united would afford unbounded facilities in the payment of custom-house bonds, and give millions of profit annually, derived exclusively from the use of government credit. This great facility and vast increase of profit would give a great and decided advantage to the commerce of the section where the head of the system might be located, and which, in a great measure, accounts for the decay of the commerce of the south, where there were no banks, when this government was established, and which, of course, gave to the other section exclusively all the benefit derived from the connection. If specie had from the first been exclusively received in the public dues, the present commercial inequality would never have existed; and I may add, it never will cease till we return to the constitutional currency. What the senator has said as to the union of the political and money powers, and the tendency to extravagance from the use of treasury notes and their depreciation, is so clearly inapplicable to the description of paper I suggested, that I do not deem it necessary to waste words in reply to it.

Having now repelled his reply to my remarks at this and the extra session, I shall next proceed to notice his argument on the question under discussion, which, extraordinary as it may seem, constitutes by far the most meagre and inconsiderable portion of his speech. The structure he reared with so much labor, is composed of a little centre building, of some twenty or thirty feet square, with an extended wing on each side, and a huge portico in front. I have, I trust, effectually demolished the wings, and propose next to go through the same process with the centre building.

As long as was the speech, it contained but three, or, at the utmost, four arguments, directly applicable to the question under discussion; of which two have again and again been repeated by him every time he has addressed the senate; another was drawn from an argument of mine in favor of the bill, which the senator has misstated, and pressed into his service against it, and the other is neither altogether new, nor very well founded, or, from its character, of much force. I shall begin with it.

The senator objected to the collection of the public dues in gold and silver, because, as he conceives, it would be exceedingly inconvenient; in proof of which, and in order to present as strong a picture as possible, he went into minute calculations and details. He first supposed that the average peace revenue would be equal to thirty millions annually, and the average deposits to twenty-one. He then estimated that this vast sum would have to be counted at least five times in the year, and then estimated that it would require eight hundred thousand dollars to be counted daily, which would require a host of officers, in his opinion, to perform the task. The answer to all this is easy. In the first place, the senator has over-estimated the average receipts by at least one hundred per cent. Fifteen millions ought to be much nearer the truth than thirty. Even that I regarded as exceeding what the expenditure ought to be; and I venture to

assert, that no administration which expends more on an average for the next few years can maintain itself, unless there should be some unexpected demand on the treasury. In the next place, twenty-one millions is at least five times too large for the average deposits. Should this bill pass, three millions would be much nearer the truth. We shall hear no more of surplusses, when the revenue is collected in gold and silver. This would make a great deduction in his estimate of the trouble and labor in counting. But I give the senator his own estimate, and ask him if he never heard of other and shorter modes than counting, of ascertaining the amount in coins? Does he not know that it can be ascertained with as much certainty and exactness by weight as by counting, and with more despatch, when the amount is large, in coins than in his favorite bank notes? If I am not misinformed, it is the mode adopted at the English exchequer, and that it is done with the greatest possible promptitude by experienced individuals; so that his formidable objection vanishes.

But the senator next tells us, that I stated, in my remarks, that the bill, should it pass, would place the banks and the government in antagonist relation to each other, which he considers as a very weighty objection to it. I again must correct his statement. I made no such remark. I indeed said, when the banks were connected with the government, they had a direct interest in increasing its fiscal action. The greater the revenue and expenditures, and the larger the surplus, the greater would be their profit, but, when they were separated, the reverse would take place. That the greater amount of gold and silver collected and withdrawn from circulation, the less would be left for banking operations, and, of course, the less their profit; and that in one case they would be the allies, and, in the other, the opponents of the government, as far as its fiscal action was concerned; or, to express it more concisely, when united with the government, they would be on the side of the tax-consumers, and when separated, on that of the tax-payers. Such were my remarks; and now I ask, is it not true? Can any one deny it? Or admitting its truth, can its importance be disputed? Were there no other reasons in favor of the bill, I would consider this of itself decisive. It would be almost impossible to preserve our free institutions, with the weight of the entire banking system thrown on the side of high taxes and extravagant disbursements, or to destroy it if thrown into the opposite scale.

But the senator regards the expression of tax-consumers and tax-payers as mere catch-words, of dangerous import, and tending to divide society into the hostile parties of rich and poor. I take a very different view. I hold that the fiscal action of the government must necessarily divide the community into the two great classes of tax-payers and tax-consumers. Taking taxation and disbursements together, and it is unavoidable that one portion of the community must pay into the treasury, in the shape of taxes, more than they receive back in disbursements, and another must receive more than they pay. This is the great disturbing principle in all governments, especially those that are free, around which all other causes of political divisions and distractions finally rally. Were it otherwise, if the interest of every portion and class of the community was the same in reference to taxation and disbursements, nothing would be more easy than to establish and preserve free institutions; but as it is, it is the most difficult of all tasks, as history and experience prove. This principle of disorder lies deep in the nature of men and society; and extends equally to private associations as to political communities. There will necessarily spring up in both a stockholding and direction interest; the latter of which, without wise provisions and incessant vigilance, will absorb the former, of which the winding up of many a bank will prove.

The two remaining arguments of the senator have been often asserted and as often refuted; and I shall deparch them with a few words. He tells us, as he has often done, that we are bound to regulate the currency; and that the constitution has given to congress the express power to regulate it; with many other expressions of similar import. It is manifest, that the whole argument turns on the ambiguity of the word currency. If, by it, is meant the current coin of the United States, no one can doubt that congress has the right to regulate it. The power is expressly given by the constitution, which says, in so many words, that it shall have power to coin money and regulate the value thereof; but if it is intended to include bank notes, as must be the intention of the senator, there is no such express power given in the constitution. It is a point to be proved and not assumed, and every attempt of the senator to prove it has ended in signal failure. He has not, and cannot, meet the an-

answer which he received from the senator from Pennsylvania at the extra session, and his repetition of the assertion, after so decisive an answer, serves but to prove how much more easy it often is to refute an argument than to silence him who advanced it. But I do not despair even of silencing the senator. There is one whose authority on this point I am sure he must respect: I mean himself. When the bill granting a charter to the late United States Bank was under discussion in the other house, in 1816, he then took the opposite side, and argued with great force, against the very right for which he now so obstinately contends. He then maintained that the framers of the constitution were hard money men; that currency meant the current coin of the United States; and that congress has no right to make any other. But the senator shall speak for himself; and that he may be heard in his own words, I shall read an extract from his speech delivered at the time:

"Mr. Webster first addressed the house. He regretted the manner in which this debate had been commenced, on a detached feature of the bill, and not on a question affecting the principle; and expressed his fears that a week or two would be lost in the discussion of this question, to no purpose, inasmuch as it might ultimately end in the rejection of the bill. He proceeded to reply to the arguments of the advocates of the bill. It was a mistaken idea, he said, which he had heard uttered on this subject, that we were about to reform the national currency. No nation had a better currency, he said, than the United States; there was no nation which had guarded its currency with more care; for the framers of the constitution, and those who enacted the early statutes on this subject, were hard money men; they had felt, and therefore duly appreciated the evils of a paper medium; they, therefore, sedulously guarded the currency of the United States from debasement. The legal currency of the United States was gold and silver coin; this was a subject in regard to which congress had run into no folly.

"What then, he asked, was the present evil? Having a perfectly sound national currency, and the government having no power in fact to make any thing else current but gold and silver, there had grown up in different states a currency of paper, issued by banks, setting out with the promise to pay gold and silver, which they had been wholly unable to redeem: the consequence was, that there was a mass of paper afloat, of perhaps fifty millions, which sustained no immediate relation to the legal currency of the country—a paper which will not enable any man to pay money he owes to his neighbor, or his debts to the government. The banks had issued more money than they could redeem, and the evil was severely felt, &c. Mr. W. declined occupying the time of the house to prove that there was a depreciation of the paper in circulation: the legal standard of value was gold and silver; the relation of paper to it proved its state, and the rate of its depreciation. Gold and silver currency, he said, was the law of the land at home, and the law of the world abroad; there could, in the present state of the world, be no other currency. In consequence of the immense paper issues having banished specie from circulation, the government had been obliged, in direct violation of existing statutes, to receive the amount of their taxes in something which was not recognized by law as the money of the country, and which was, in fact, greatly depreciated, &c. This was the evil."

What can be more decisive? What more pointed? They are the very doctrines which he is in the daily habit of denouncing under the name of loco-foco. The senator may hereafter be regarded as the father of the party; and I deem it not a little unnatural that he should be so harsh and cruel to his offspring.

But it may be said that I then advocated the opposite side. Be it so, and it follows that his authority and mine stand as opposing qualities on the opposite side of an equation; and I feel confident that the senator will really admit that his will at least be sufficient to destroy mine.

I really acknowledge that my opinion, after the lapse of upwards of twenty years, with the light which experience in this long period has shed on the banking system, has undergone considerable changes. It would be strange if it had not. I see more clearly now, than I did, the true character of the system and its dangerous tendency; but I owe it to myself and the truth of the cause, to say I was, even at that early period, far from being its advocate, and would then have been opposed to the system had it been a new question. But I then regarded the connection between the government and the banks indissoluble, and acquiesced in a state of things that I could not control, and which I considered as established. The government was then receiving the notes of non-specie-paying banks in its dues, to its own discredit and heavy loss to its creditors. The only practical alternative was at that period between a league of state banks and a bank of the United States, as a fiscal agent of the government. I preferred then, as I now do, the latter to the former, as more efficient, and not a whit more unconstitutional; and, if I now were again

placed in the same state of things that I then was, with all my present feelings and views, I could hardly have acted differently from what I then did.

The senator greatly mistakes, in supposing that I feel any disposition to repudiate or retract what I then said. So far from it, I have, just cause to be proud of the remarks I made on the occasion. It put the question for the bank, for the first time, on its true basis, as far as this government is concerned, and the one on which it has ever since stood; which is no small compliment to one then so inexperienced as myself. All I insist on is, that the report contains but a very hasty sketch—a mere outline, as the reporter himself says—of my remarks, in which four-fifths is omitted, and that it would be doing me great injustice to regard it as containing a full exposition of my views. But, as brief as it is, what is reported cannot be read, in a spirit of fairness, without seeing that I regarded the question at the time as a mere practical one, to be decided under all the circumstances of the case, without involving the higher questions which now, that the connection between the government and the banks is broken, come rightfully into discussion. At that time the only question, as I expressly stated, was, not whether we should be connected with the bank, for that was existing in full force, but whether it was most advisable, admitting the existence of the connection, that the United States, as well as the separate states, should exercise the power of banking. I have made these remarks, not that I regard the question of consistency, after so great a change of circumstances, of much importance, but because I desire to stand where truth and justice place me on this great question.

The last argument of the senator on the question at issue was drawn from the provision of the constitution which gives to congress the right to regulate commerce, and which he says involves the right and obligation to furnish a sound circulating medium. The train of his reasoning, as far as I could comprehend it, was, that, without a currency, commerce could not exist, at least to any considerable extent, and, of course, there would be nothing to regulate; and, therefore, unless congress furnished a currency, its power of regulating commerce would become a mere nullity; and from which he inferred the right and obligation to furnish, not only a currency, but a bank currency! Whatever may be said of the soundness of the reasoning, all must admit that his mode of construing the constitution is very bold and novel. To what would it lead? The same clause, in that instrument, which gives congress the right to coin money and regulate the value thereof, gives it also the kindred right to fix the standard of weights and measures. They are just as essential to the existence of congress as the currency itself. The yard and the bushel are not less important in the exchange of commodities, than the dollar and the eagle; and the very train of reasoning which would make it the right and duty of the government to furnish the one, would make it equally so, to furnish the other. Again: commerce cannot exist without ships and other means of transportation. Is the government also bound to furnish them? Nor without articles, or commodities, to be exchanged, cotton, rice, tobacco, and the various products of agriculture and manufactures. Is it also bound to furnish them? Nor these in turn, without labor; and must that, too, be furnished? If not, I ask the senator to make the distinction. Where will he draw the line, and on what principles? Does he not see that, according to this mode of construction, the higher powers granted in the constitution would carry all the inferior, and that this would become a government of unlimited powers?—Take, for instance, the war power, and apply the same mode of construction to it, and what power would there be that congress could not exercise—nay, be bound to exercise? Intelligence, morals, wealth, numbers, currency, all are important elements of power, and may become so to the defence of the union and safety of the country; and, according to the senator's reasoning, the government would have the right, and would be in duty bound to take charge of the schools, the pulpits, the industry, the population, as well as the currency of the country; and these would, comprehend the entire circle of legislation, and leave the state governments as useless appendages of the system.

Having now, I trust, taken down to the ground the little centre building, with its four apartments, nothing remains of the entire structure but the huge portico in front, and on which I shall next commence the work of demolition. The senator opened his discourse on credits and banks, by asserting that bank credit was, in truth and reality, so much capital actually added to the community. I waive the objection, that neither credit, nor the banking system, is involved in the question; and

that those who are opposed to the union of the political and money power oppose that union with other reasons, on the ground that it is unfavorable to a full development of the credit system, and dangerous to the banks themselves, which they believe can only be saved from entire destruction by the separation; and it follows, of course, all that he said in relation to them is either a begging of the question, or irrelevant. But, assuming what he said to be applicable, I shall show that it is either unfounded in fact, or erroneous in conclusion.

So far from agreeing with the senator, that what he calls bank credit is so much real capital added to the country, I hold the opposite—that banks do not add a cent of capital, or credit. Regarded strictly, the credit of banks is limited to the capital actually paid in. This usually is the only sum for which the stockholders are liable; and, without what is called banking privileges, they would not have a cent of credit beyond that amount. But the capital subscribed and paid is not created by the banks. It is drawn out of the general fund of the country. Now, I ask, what constitutes its credit beyond its capital? In the first place, and mainly, it is derived from the fact that both general and state governments receive and treat bank notes as cash, and thereby, to the extent of their fiscal action, virtually give them the use of their credit. It is an existing credit, belonging to them exclusively, and is neither created, nor increased, by permitting the banks to use it. In the next place, the deposits with the banks, both public and private, add a large amount to their credit; but this again is either the property or credit of the government and individuals, which they are permitted to use, and which they neither create nor increase. Finally, notes and bonds, or other credits discounted by the banks, make up their credit, which are neither more nor less than the credit of the drawers and endorsers, on which the banks do business. They take in the paper or credit of others, payable at a given day, deduct the interest in advance, and give out their own credit or notes, payable on demand, without interest; that is, the credit of their own paper rests on the credit of the paper discounted, or taken in exchange, which credit they neither create nor increase. In a word, all their credit beyond the capital actually paid in, is but the credit of the public, or individuals, on which, by what is called banking privileges, they are permitted to do business and make profit; and so far from creating credit or capital, they in fact add not a cent of capital or credit to that which previously existed.

But the senator next tells us that there is three hundred millions of banking capital in the union, and that it is real bona fide solid capital, as much so as the plantations of the south. This is certainly news to me. I had supposed that this vast amount was little more than a fictitious mass of credit piled on credit, in the erection of which, but little specie or real capital was used; and that, when a new bank was created, the wheelbarrow was put in motion to roll the specie from the old to the new institution, till it got fully under way, when it was rolled back again. But it seems that all this is a mistake; that the whole capital is actually paid in cash, and is as solid as terra firma itself. This certainly is a bold assertion, in the face of facts daily occurring. There have been, if I mistake not, four or five recent bank explosions in the senator's own town, in which the whole vanished into thin air, leaving nothing behind but ruin and desolation. What has become of that portion of his solid capital? Did the senator ever hear of a plantation thus exploding and vanishing? And I would be glad to know how large a portion of his three hundred millions of solid capital will finally escape in the same way? A few years may enable us to answer this question.

The senator next, by way of illustration, undertook to draw a distinction between bank credit and government credit, or public stocks, in which he was not very successful. It would be no difficult task to prove that they both rest substantially on debt, and that the government stock may be, and is to a great extent, actually applied in the same mode, as bank credit in the use of exchanges and business. It in fact constitutes, to a great extent, the very basis of banking operation; but, after having occupied the senate so long, it would be unreasonable to consume their time on what was introduced as a mere illustration.

The senator next undertook to prove the immense advantage of banking institutions. He asked what would be done with the surplus capital of the country, if it could not be invested in bank stocks? In this new and growing country, with millions on millions of lands, of the best quality, still lying unimproved; with vast schemes of improvements, constantly requiring capital; with the immense demand for labor for every branch of busi-

ness, the last question I ever expected to hear asked is that propounded by the senator. I had supposed the great difficulty was to find capital, and not how to dispose of it; and that this difficulty had been one of the main reasons assigned in favor of the banking system.

The next benefit he attributes to the system was the vast amount of lands, which had passed out of the hands of the public into that of individuals of late, which he estimated, during the last three years, at thirty-six millions of acres, forming a surface equal in extent to England, and which he stated would rise in value greatly, in consequence of their passing into private hands. That this immense transfer has been effected by the banks, I admit; but that it is to be considered an advantage to the country, I certainly never expected to hear uttered any where, especially on this floor, and by one so intelligent as the senator. I had supposed it was infinitely better for the community at large, and particularly for those not in affluent circumstances, that the lands should remain in possession of the government than of speculators, till wanted for settlement; and that one of the most decided objections to our banking system is, that it becomes the instrument of making such immense transfers, whenever the currency becomes excessive. This is a point not without interest, and I must ask the senate to bear with me, while I pause for a few moments to explain it.

The effect of an expanding currency is to raise prices, and to put speculation in motion. He who buys, in a short time seems to realize a fortune, and every one is on the look-out to make successful investments, and thus prices receive a constant upward impulse, with the exception of the public lands, the price of which is fixed at \$1 25, excepting such as are sold at public auction. The rise of other landed property soon creates a new demand for the public lands; and speculation commences its giant operations in that quarter. Vast purchases are made, and the revenue of the government increases in proportion to the increased sales. The payment is made in bank notes, and these pass from the land offices to the deposit banks, and constitute a large surplus for new banking facilities and accommodations. Applicants from all quarters press in to partake of the rich harvest, and the notes re-pass into the hands of speculators to be re-invested in the purchase of public lands. They again pass through the hands of receivers, and thence to the banks, and again to the speculators, and every revolution of the wheel increases the swelling tide, which sweeps away millions of the choicest acres from the government to the monopolizers for bank notes, which in the end prove as worthless as the paper on which they are written. Had this process not been arrested, by the deposit act of 1836, and had the banks avoided an explosion, in a short time the whole of the public domain, the precious inheritance of the people of this union and their descendants, would have passed through the same process with the thirty-six millions of acres which the senator so highly commends. What took place then will again take place, at the very next swell of the paper tide, unless, indeed, this bill should become a law, which would prove an effectual check against its recurrence.

The senator next attributes our extraordinary advance in improvement and prosperity to the banking system. He puts down as nothing our free institutions; the security in which the people enjoy their rights, the vast extent of our country; and the fertility of its soil, and the energy, industry, and enterprise of the stock from which we are descended. All these, it seems, are as dust. The banks are every thing, and without them we would have been little advanced in improvement or prosperity. It is much more easy to assign our prosperity to the banking system than to prove it. That in its early stages it contributed to give an impulse to industry and improvement I do not deny; but that, in its present excess, it impedes rather than promotes either, I hold to be certain. That we are not indebted to it for our extraordinary advance and improvements, wholly or mainly, there is an argument, which I regard as decisive. Before the revolution, we had no banks, and yet our improvement and prosperity, all things considered, were as great anterior to it, as since, whether we regard the increase of population or wealth. At that time not a bank note was to be seen, and the whole circulation consisted either of gold and silver, or the colonial paper money, which all now, and especially the senator, considers so worthless. Had the senator lived during that period, he might with equal plausibility, have attributed all the improvement and prosperity of the country to the old colonial paper money, as he now does to the banks; and have denounced any attempt to change or improve it, as an overthrow of the credit system, as

warmly as he now does the separation of the government from the banks. I tell the senator that the time is coming, when his present defence of the banking system, as it is now organized, will be considered as extraordinary as we now would regard a defence of the old and exploded system of colonial paper money. He seems not to see that the system has reached a point, where great changes are unavoidable; and without which, the whole will explode. The state of its manhood and vigor has passed, and it is now far advanced in that of decrepitude. The whole system must be reformed, or it must perish in the natural course of events.—The first step toward its renovation is the measure he denounces in such unmeasured terms—the separation from the government; and the next a separation between discount and circulation. The two are incompatible; and so long as they are united, those frequent vicissitudes of contractions and expansions, to which bank circulation is so subject, and which is rapidly bringing it into discredit, must continue to increase in frequency and intensity, till it shall become as completely discredited as continental money.

The senator seems not to be entirely unaware of the danger to which the system is exposed from its frequent vibrations and catastrophes. He tells us, by way of apology, that had it not been for the specie circular the present catastrophe would not have occurred. That it hastened it, I do not in the least doubt; but that we should have escaped without it, I wholly deny. The causes of the explosion lay deep—far beneath the circular, and nothing but the most efficient measures, during the session immediately after the removal of the deposits, could have prevented it. That was the crisis, which having passed without doing any thing, what has since followed was inevitable. But admitting what he says to be true, what a picture of the system does it exhibit? How frail, how unstable must it be, when a single act of the executive could bring it to the ground, and spread ruin over the country? And shall we again renew our connexion with such a system, so liable from the slightest cause to such disasters? Does it not conclusively show that there is some deep and inherent defect in its very constitution, which renders it too unsafe to confide in without some radical and thorough reform?

The senator himself seems conscious of this. He entered into the question of its expansions and contractions, and suggested several remedies to correct an evil, which none can deny, and which all must see, if not corrected, must end in the final overthrow of the system. He told us that the remedy was to be found in the proportion between bullion and circulation, and that the proper rule to enforce the due proportion between the two, was, when exchange was against us, for the banks to curtail. I admit that the disease originates in the undue proportion, not between bullion and circulation, but between it and the liabilities of the banks, including deposits as well as circulation, (the former is even more important than the latter,) and that the remedy must consist in enforcing that proportion. But two questions here present themselves: what is that due proportion? and how is it, under our system of banking to be enforced? There is one proportion which we know to be safe, and that is, when for every dollar of liability there is one dollar in bullion or specie; but this would bring us back again to the old, honest, and substantial bank of Amsterdam, so much abused by all the advocates of banks of discount. If that proportion be transcended—if we admit two, or three, to one, to be the due proportion, or any other that would make banking more profitable and eligible than the mere loaning of money or other pursuits of society, the evil under which we now suffer would continue. Too much capital would continue to flow into banking, to be again followed by the excess of the system, with all its train of disasters. But admit that such would not be the fact, how are we to compel the twenty-six states of this union to enforce the due proportion, all of which exercise the right of establishing banks at pleasure, and on such principles as they may choose to adopt? It can only be done by an amendment of the constitution; and is there any one so wild and visionary as to believe that there is the least prospect of such an amendment? Let gentlemen, who acknowledge the defect, before they insist on a re-union with a system acknowledged to be exposed, as it now stands, to such frequent and dangerous vicissitudes, first apply a remedy and remove the defect, and then ask for our cooperation.

But the senator tells us that the means of enforcing the due proportion is to be found in the regulation of the exchanges, and for this purpose the only rule necessary to be observed is to curtail when exchanges are against us, and, as a counterpart, I suppose, to enlarge when in our favor. How much

dependence is to be put on this rule, we have a strong illustration in the late catastrophe, under which the country is now suffering. The exchanges remained in our favor till the very last; and before the rule, on which the senator so confidently relies, could be applied, the shock was felt and the banks engulfed; and this will ever be the case, when preceded by a general expansion in the commercial world, such as preceded the late.

The cause of that commenced on the other side of the Atlantic, and originated mainly in the provisions on which the recharter of the Bank of England was renewed; which greatly favored extension of banking operations in a country which may be considered as the centre of the commercial system of the world. The effect of these provisions was a depreciation of the value of gold and silver there, and their consequent expulsion to other countries, and especially to ours, which turned the exchange with England in our favor; and which, in combination with other causes, the removal of the deposits and the expiration of the charter of the late Bank of the United States, was followed by a great corresponding expansion of our banking system. The result of this state of things was, a great increase of the liabilities of the banks, compared with their specie in both countries, which laid the train for the explosion. The Bank of England first took the alarm, and began to prepare to meet the threatened calamity. It was unavoidable, and the only question was, where it should fall. The weakness of our system, and the comparative strength of theirs, turned the shock on ours, but of the approach of which, the exchanges gave, as I have stated, no indications almost to the last moment. And even then, so artificial are exchanges, and so liable to be influenced by other causes, besides the excess of currency on one side, and the deficit on the other, after it began to show unfavorable indications, we all remember that a single individual, at the head of a state institution, I mean Mr. Biddle, by appearing in New York, and bringing into market bonds on England, drawn on time, turned the current and restored the exchange. All this conclusively proves, that when there is a general expansion, (the most dangerous of all,) exchanges give no indication of the approach of danger, and, of course, their regulation, on which the senator relies, affords no protection against it.

I might go further, and show that at no time is it to be relied on as the index of the relative expansion or contraction in different countries, and that it is liable to be influenced by many circumstances besides those to which I have alluded, some of which are fleeting, and others more permanent. It presupposes the perfect fluidity of currency, and that it is not liable to be obstructed or impeded by natural or artificial causes in its ebbs and flows, which is far from being true, as I have already shown in the instance of Mr. Biddle's operation preceding the late shock. In fact, it may be laid down as a rule, that where the currency consists of convertible paper, resting on a gold and silver basis, the small portion of specie which may be required to uphold the whole has its fluidity obstructed by so many and such powerful causes, as to afford no certain criterion of the relative expansion of the currency between it and other countries, and, of course, afford no certain rule of regulating banking operations. The subject is one that would require more time to discuss than I can bestow on the present occasion; but of its truth we have a strong illustration in the state of things preceding the late shock, when, as I have stated, the exchanges remained favorable to the banks, while the vast amount of our imports, and the unusual character of many of the articles imported, clearly indicated that our currency was relatively greatly expanded, compared with those countries with which we have commercial relations.

To correct the defects of the system, the senator must go much deeper. The evil lies in its strong tendency to increase; and that again, in the extraordinary and vast advantages which are conferred on it, beyond all other pursuits of the community, which, if not diminished, must terminate in its utter destruction, or an entire revolution in our social and political system. It is not possible that the great body of the community will patiently bear that the currency, which ought to be the most stable of all things, should be the most fluctuating and uncertain; and that, too, in defiance of positive provisions in the constitution, which all acknowledge were intended to give it the greatest possible stability.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

[The report in the case of Mr. Ruggles was made by Mr. White, and not by Mr. Grundy, as stated in the last "REGISTER."]

April 13. The Vice President presented a communication from the post office department, on the subject of contracts, and allowances made to contractors. Laid on the table, and ordered to be printed.

Petitions, &c. were presented by the following gentlemen:

By Mr. McKean: Eight memorials signed by 867 citizens of Pennsylvania, praying that the alleged treaty of New Echota, made with the Cherokee nation of Indians, may not be enforced contrary to the consent of that tribe. Laid on the table, and ordered to be printed. By Mr. Buchanan: Memorials of the same import, from 1,100 or 1,200 citizens of Pennsylvania. Laid on the table. Also, from citizens of Lancaster county, against duelling. Laid on the table. By Mr. Moulton and Mr. Rouse: From individuals. Referred. By Mr. Crittenden: From the heirs of Richard K. Meade. Referred. The senate took up the resolution offered yesterday by Mr. Norvell, in relation to the absence of senators.

The resolution was modified by Mr. Norvell so as to make sickness the only valid excuse for absence.

Mr. King objected to the resolution, that the existing law rendered it nugatory. Mr. White objected to it, that by implication it took it for granted that a senator might at any time be absent if he chose, during that time, to surrender his pay; an implication which Mr. W. thought should by no means be admitted. There were duties resting upon them which were paramount to all considerations of compensation.

Mr. Clay, of Kentucky, objected to it, that it also took it for granted that all the duties of the senators for the public interest were to be performed in the senate chamber, while Mr. C. for one, performed much the greater part of his labor for the public interests in his own room, where he was in the practice of laboring day and night on public subjects; and he was unwilling, therefore, to give any cause for the impression that all the public business of senators was done, or to be done, in the senate chamber.

The resolution was withdrawn, Mr. Norvell remarking that his whole object was to secure a quorum of the senate during the hours of their sitting.

On motion of Mr. Niles, the committee on the judiciary were instructed to inquire into the expediency of defining and limiting the term of all the bureau officers connected with the departments, and of all appointments made by the heads of departments.

On motion of Mr. Ruggles, the committee on commerce were instructed to inquire into the expediency of establishing a system of telegraphs for the United States, and report thereon.

The bills for the relief of Thos. Cooper, of Philip Marshall, and others, of Christopher Clark, and of Elias Johns, were severally read a third time, and passed.

The senate took up the bill, on its third reading, to reduce and graduate the price of the public lands.

Mr. Calhoun said, that as the bill was now on its passage, he was desirous of stating in a few words the reasons which had governed him.

The bill was certainly liable to but little objection as to the details; but he could not give it his support. He felt satisfied that we had arrived at that period when one of two courses of policy ought to be pursued in relation to the public lands: either to adhere rigidly to the laws, as they now stand, without making any material change, or to make a cession of them to the new states within whose limits they are respectively situated, on terms mutually satisfactory. It cannot be disguised that the extent of interest involved in the public domain is too great, and the parties interested too powerful and influential, to permit the laws which regulate and dispose of the public lands to be the subject of frequent changes. Numerous and popular as these states have now become, (at which he rejoiced,) it was impossible to prevent this mighty question from being thrown into the party struggles of the day, and from having a most pernicious effect on our politics, so long as they are under our control, unless we should abstain altogether from touching them, which he feared was impossible.

It was well known that under this impression he was in favor of ceding them to the states, as the only practicable remedy against the evil he apprehended, and that under it he had introduced a bill to cede them. He hoped that the committee on the public lands would call up the bill at an early day. He was prepared to give it his best aid, and he did hope it would receive the sanction of the senate. In the mean time, he should feel it to be his duty to vote against all measures which provided for any material change in the land laws as they now stood.

Mr. Buchanan also, at considerable length, assigned the reasons why he felt constrained to vote against the bill.

The bill was passed by the following vote:

YEAS—Messrs. Allen, Benton, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King,

Linn, Lumpkin, Lyon, Monton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith, of Conn. Smith, of Indiana, Strange, Tipton, Trotter, Walker, White, Wright, Young—27.

NAYS—Messrs. Buchanan, Calhoun, Clay, of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Rives, Roane, Robbins, Ruggles, Swift, Wall, Williams—16.

The bills for the relief of Windsor Sears, and others, of Thomas Sumpter, of James Campbell, of Ann W. Johnson, of James McMaher, of Pierre Bernard, and others, of Patrick McGibbony, of Charles M. Keller, and — Stone, of Moses Merrill, to refund to the Georgia railroad and banking company certain duties paid on railroad iron, to refund such duties paid by the Harlem railroad company; to establish a pension agency at Montpelier, Vermont; for the relief of Thomas Tyner, and others; of the heirs of Francis L. B. Goodwin, of Michael Ambriester, of the heirs of William Coggeswell, of Freeman Brady, of Captain John Talford, of Hugh McDonald, and of D. W. Healey, were severally considered, and ordered to a third reading.

After an executive session, the senate adjourned till Monday.

April 16. The Vice President presented, from the treasury department, in pursuance of a senate resolution, offered by Mr. Walker, a report of the commissioner of the general land office, with statements, showing what portion of the public lands in the several land districts of the United States have been subject to sale at private entry for twenty-five years and upwards. Laid on the table, and ordered to be printed.

The following petitions, &c. were presented:

By Mr. McKean: From citizens of Pennsylvania, against the enforcement of the late alleged treaty with the Cherokees contrary to their wishes. Laid on the table, and ordered to be printed.

By Mr. Norvell: Resolutions relating to certain harbors and light-houses. Referred.

By Mr. Swift: The petition of 182 women of New Britain, Connecticut, remonstrating against the annexation of Texas to the United States. Laid on the table.

Also, the petition of the same persons, praying congress to abolish slavery in the District of Columbia. Motion to receive laid on the table.

By Mr. Baya d: From 439 citizens of New Castle county, Delaware, and from 168 vessel owners and captains, against the division of Delaware into two collection districts. Ordered to be printed, and laid on the table to await the action on the bill on that subject now in progress.

By Mr. Fulton: A resolution of instructions from the legislature of Arkansas, in favor of the passage of a law authorizing a certain township in Arkansas to sell the 16th section of land for the use of schools. Referred.

Several other petitions were presented, and resolutions offered, after which

Mr. King offered a joint resolution, which lies on the table for consideration, that congress adjourn on the first Monday in June.

A message was received from the president of the United States, through Mr. A. Van Buren, his private secretary.

The bills for the relief of James McMaher, of Curtis Grubb, of Alexander C. Morgan, of Jonathan Elliott, of John Wilson, of Thomas Tyner and others, of James L. Kenner, of H. W. Russell, of Freeman Brady, of James Callan, of Hugh McDonald, of D. W. Healey, of Ann W. Johnson, of Winthrop Sears, of Thomas Sumpter, of the legal representatives of Patrick McGibbony, of Charles M. Keller and Henry Stone, to refund certain duties on railroad iron to the Georgia railroad and banking company, to refund certain duties on railroad iron to the New York and Harlem railroad company, for the relief of the legal representatives of capt. Robert White, of the heirs of Francis L. B. Goodwin, of Michael Ambriester, of the heirs of William Coggeswell, and of the heirs of captain John Talford, were severally read a third time, and passed.

The bill for the relief of E. W. and H. Smith was considered, and ordered to be engrossed for a third reading.

The senate concurred in the amendment of the house to the senate bill for quieting claims, &c. in the District of Columbia.

The senate proceeded to consider the bill to prevent the issuing and circulation of the notes of the late United States Bank.

Mr. Grundy argued at much length, that the late letter of Mr. Biddle contained a virtual declaration of war against the administration, [in the part relating to getting "behind cotton bales," &c.] and that the measure proposed by the bill was constitutional, just, and expedient. He replied also particularly to the various portions of Mr. Biddle's letter, which he

characterized as one of the most extraordinary productions of the time. When he had concluded,

On motion of Mr. Hubbard, the senate held an executive session, and then adjourned.

April 17. Among the petitions, &c. presented, were the following:

By Mr. White: Resolutions of the legislature of Tennessee, in favor of annexing Texas to the Union. Read, laid on the table, and ordered to be printed.

Also, in favor of paying the troops in Tennessee, who were organized but not received into the service of United States. Read, referred, and ordered to be printed.

Mr. Fulton, from the joint committee on the public buildings, made a report, identical with the report made in the other house, on the subject of the new treasury building and the building for the general post office, accompanied by a bill providing for the removal of the walls of the new treasury building and for the erection of a fire-proof building for the post office department. Read, and ordered to a second reading.

The claims of David Allen, John Laub, and several others, (unheard,) were rejected.

The bill to extend the charter of the Union Bank of Georgetown, was read twice, and referred.

The bill for the relief of E. W. and H. Smith, was read a third time, and passed.

The bill for the relief Samuel Gibson, providing for indemnity for property destroyed by Indian depredations, was debated at considerable length by Messrs. White, Young, Linn, King, and Davis, chiefly on the objection that the government was not in the practice of making indemnity for robbery or piracy; and on the ground in favor of the bill, that government had not taken the proper measures to punish and prevent such depredations. In the end, the bill was indefinitely postponed.

The bill for the relief of Charles Bemis was also indefinitely postponed.

The senate resumed the consideration of the bill to prohibit the issuing and circulation of the notes of the late bank of the United States, under a penalty of not more than ten years' confinement to hard labor, and a fine not exceeding \$10,000, one or both, at the discretion of the court, and giving the United States courts jurisdiction to issue injunctions.

Mr. Grundy said as no one appeared prepared to speak on the subject, it might be well to delay the action on the bill for a day or two.

Mr. Clay of Kentucky, said it was quite possible that no one was desirous to speak, but they might, notwithstanding, be ready to vote upon it.

Mr. King, said the bill was one of much importance, and he therefore thought it had better be over till to-morrow.

Mr. Clay said, certainly, if the friends of the bill desired it; but Mr. C. was very desirous to have the vote taken, to see if a majority of the senate were ready to assert the power claimed by the bill.

Mr. Linn said if the gentleman from Alabama desired to speak on the subject, he would be very glad to hear him; otherwise he thought it as well to take the vote at once.

Mr. King had now no intention of speaking, and if the senate thought best to take the vote now, he must vote against the bill.

Mr. Strange said he agreed with the chairman of the committee on the judiciary (Mr. Grundy) that the conduct complained of was a very great abuse; and he doubted the power of congress to pass the bill, and he should therefore vote against it.

Mr. Smith, of Connecticut, said he had not examined the bill so as to be ready to vote upon it, and as gentlemen in whom he had confidence expressed a doubt respecting it, he wished it postponed until to-morrow.

Mr. Wall said the bill had been on the table more than a month; but if any gentleman had not examined it, he had no objection to postpone it a day, though in saying this he did not mean to intimate the least doubt of the constitutional objections, he would like to hear them expressed.

Mr. Niles was also in favor of delay; and The bill was accordingly postponed till to-morrow.

The following bills were severally considered, and severally ordered to a third reading, viz:

The bill to authorize the appointment of four additional clerks in the office of commissioner on Indian affairs; for the benefit of the levy court of Calvert county, Maryland, for the relief of the heirs of John Campbell; for the relief of Thomas Cushing; for the relief of Thomas L. Winthrop and others, of the Mississippi land company, [advocated by Mr. Davis, and Mr. Buchanan, opposed by Mr. Benton, amended on motion of Mr. Davis, so as to render sufficient any proof satisfactory to the department that certain certificates were lost, and to require said company to secure the United States against loss by

ad certificates, and carried by yeas [23, nays 14;] for the relief of David Gilmore: to authorize payment to the Missouri volunteers for horses lost in the voyage to Tampa Bay; and the bill granting patents to A. M. Perkins and J. H. Kyan.

Various bills from the house were severally read twice and referred.

The bill fixing the salaries of several district judges of the United States was discussed at length by Messrs. Smith of Indiana, Swift, White, Wall, Prentiss, Roane, and Rives.

It was amended on motion of Mr. Smith, by raising the salary of the judge in Indiana from \$1,000 to \$1,500; and pending a motion of Mr. Swift to make the same increase in the salary of the judge in Vermont.

The senate went into executive session, and then, on motion of Mr. Norvell, adjourned.

April 18. After the presentation of petitions, the senate took up the resolution offered by Mr. King, for closing the present session of congress on the first Monday in June.

Mr. King expressed the hope that the resolution would be adopted by the senate and go to the other house, who might fix on another day, if they thought the one in the resolution too early. He thought the agitation of the question would of itself have a favorable effect on the progress of business in congress.

Mr. Grundy wished the resolution might lie on the table a day or two, that the senate might be better able to estimate the amount of business before them.

Mr. Calhoun hoped the resolution would now be adopted. He thought the time sufficient for the senate to get through their business.

Mr. Preston also spoke in favor of its adoption, and argued that the extra session had diminished the amount of business that must otherwise have been done at this session.

Mr. Norvell hoped the resolution would not pass. Congress had neither determined on the great financial and pecuniary question which had been under discussion, nor had they provided the ways and means for the service of the country; and if this resolution should be sent as it was to the other house, and they should adopt it, these great questions would probably not be decided.

Mr. King said he should not press the resolution, but, as it was, it would still leave seven weeks of the session yet to come. At the short sessions, little was usually done till after Christmas, leaving only nine weeks for active business, and yet experience showed that business was about as much and as well done as in the long sessions; and it seemed, therefore, as if seven weeks, which was nearly as much as was employed at the short sessions, would now be time ample enough. If congress should not act at all on this subject, he feared much time would be consumed in idle debate.

Mr. Norvell moved to lay the resolution on the table; which motion was negatived by yeas and nays, ordered on the call of Mr. Davis, as follows:

YEAS—Messrs. Allen, Beiton, Grundy, Norvell, Pierce, Roane, Robinson, Ruggles, Strange, Wall, White, Wright—12.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Kentucky, Clayton, Davis, Fulton, Hubbard, King, Linn, Lumpkin, McKean, Merrick, Monton, Nicholas, Prentiss, Preston, Robbins, Smith, of Connecticut, Smith, of Indiana, Southard, Swift, Tipton, Trotter, Williams, Young—26.

The resolution was then ordered to a third reading.

The bills published in the report of yesterday as ordered to a third reading, were to-day read a third time and passed.

The senate took up the bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas.

Mr. Tipton explained, and advocated the bill at length, entering especially into historical and statistical facts relating to the subject. He concluded by moving that the bill be postponed to Tuesday next.

Mr. White, in behalf of the committee, invited the special attention of all the senators to this subject. They were desirous of obtaining every assistance to render the bill as perfect as possible.

Mr. Lumpkin expressed his entire concurrence in what the two gentlemen from the committee had said on this subject. He concurred also in the wish that gentlemen of the senate would turn their attention, one and all, to the subject. It was one of great importance, and Mr. L. believed the outlines of this bill would meet the views of every considerable gentleman in this part of the country; and Mr. L. entertained the hope that if every gentleman would turn his attention to this subject, and if the proper measures could be adopted, these Indians might not only be saved from ruin, but Mr. L.

looked for the day when they would become a part and portion of our happy union.

The bill was then postponed, and made the special order for Tuesday next.

Mr. Clay, of Kentucky, rose, and said that a bill which might be called the penitentiary bill had been made the order for to-day, with the understanding that it would now be considered. Mr. C. had no wish to press its consideration, if the friends of the bill were not ready to act upon it; but it had been laid on the table with the understanding that it would be now taken up.

Mr. Buchanan said the gentleman need not fear that he would not have an opportunity to vote on the bill. There was no disposition in its friends to suppress it. But Mr. B. would like to hear the senator justify the issue of the old notes of the U. S. Bank after the expiration of its charter.

Mr. Clay said he was afraid the senator would not be gratified in the fulfilment of any such expectation. Mr. C. would undertake no such justification; but he wished to see if gentlemen were ready to vote that government had any such power as that claimed by the bill.

The subject was here dropped, no motion being made to take the bill up, and no announcement of the bill from the chair.

The senate proceeded to consider the bill to establish a board of commissioners to hear and examine claims against the United States.

The subject of this bill was discussed by Messrs. Grundy, Prentiss, Strange, Hubbard, Preston, Calhoun, and Buchanan; some amendments from the committee were agreed to, provision was made for a special solicitor, and the bill, as amended, was then laid on the table, and ordered to be printed.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 18. Memorials on the subject of duelling were presented by Messrs. Atherton, of New Hampshire, and Darlington, of Pennsylvania, and were referred to the select committee now in session.

The memorial presented by Mr. Atherton was from the inhabitants of the town of Antrim, in the county of Hillsborough, state of New Hampshire, which town contains three hundred and seventeen legal voters, praying, agreeably to a unanimous vote of a full meeting of the citizens of said town, for the passage of a law to suppress the practice of duelling.

Mr. Darlington presented the memorial of Wm. Hall and sixty others, citizens of Lancaster county, Pennsylvania, praying congress to pass a law to disqualify any person who may hereafter be engaged in a duel from holding office under the general government.

On motion of Mr. Williams, of N. C.,

Resolved, That the committee on the public lands be instructed to inquire into the expediency of establishing land districts in the United States, the receipts from which do not authorize their longer continuance.

Among the reports made were the following.

Mr. Mercer, from the committee on roads and canals, reported, without amendment, senate bill No. 29, making appropriations for certain roads in the territory of Wisconsin.

Mr. Cambreleng, from the committee of ways and means, reported the following bill:

A bill supplementary to the act entitled "An act to authorize the issuing of treasury notes."

Be it enacted, &c. That the secretary of the treasury, with the approbation of the president of the United States, is hereby authorized to cause treasury notes to be issued according to the provisions of an act entitled "An act to authorize the issuing of treasury notes," approved the 12th day of October last, in place of such notes as have been issued under the authority of the act aforesaid, and which have been paid into the treasury and cancelled.

The bill was twice read and committed.

The Speaker laid before the house a communication from the postmaster general, transmitting, in obedience to the act of July 2, 1836, a statement of all land and water mails established or ordered within the year preceding the 1st July, 1837, other than those let to contract at the annual lettings, and other than the express mails, which have been heretofore reported.

The Speaker laid before the house a letter from the secretary of the treasury, transmitting statements prepared in obedience to the order of the house on the 19th February, containing information, as far as it is now practicable to furnish the same, as to the value of exports from 1791 to 1837; the value of imports from 1821 to 1837; the value of imports free of duty and dutiable from 1821 to 1837; and the amount of duties and drawbacks from 1791 to 1836.

Mr. Whittlesey, of Ohio, moved that the special order for to-day (the bill to establish a board of claims) be postponed until Friday next; and that the house to-day proceed to the consideration of such private bills as shall not give rise to debate.

Mr. Cambreleng asked for a division of the question; and the postponement asked for was ordered by a vote of two-thirds.

The question recurring on the last division of Mr. Whittlesey's motion—

Mr. Thomas suggested that the following resolution, offered by him on a former day, be taken up and considered. This was an amendment to the 20th rule, as follows:

"And on the first Friday of each month, the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; private bills from the senate having a preference over private bills of the house."

Objection being made, Mr. Whittlesey pressed his motion to take up such private bills (to-day) as would give rise to no debate.

Some objection being made to this course by Mr. Williams, of North Carolina, who was opposed to what he denominated "dumb legislation" upon private bills.

The Chair said that this was not a debateable motion; and that it required a vote of two-thirds, inasmuch as it proposed a suspension of the rules of the house.

The motion prevailed—Ayes 110, noes 46.

Mr. Hunter, of Virginia, moved that the house go into committee of the whole to take up and consider the bill to extend the charter of the Union Bank of Georgetown to the first July 1842, in order to close up its concerns.

The motion prevailed, and Mr. Hopkins of Virginia, took the chair. The bill being read,

Mr. Fillmore said the noise in the house had been such during the reading that he could not distinctly hear all the provisions of the bill, and asked some explanations of certain parts thereof, which were given by Mr. Hunter; and the result was, a proposition (which prevailed) to amend the bill by inserting 1845 instead of 1842, as the date of the extension of the charter.

The bill was then reported to the house, the amendment adopted, and ordered to a third reading this day.

Several bills from the senate were then put upon the first and second readings, and were properly referred.

The house (on motion of Mr. Whittlesey) went into committee of the whole, (Mr. Atherton in the chair,) and took up several private bills which were not likely to give rise to debate. Several were passed over, as not falling within this order of the house; and others were read; but a disposition to debate them appearing.

Mr. Mercer moved that the committee rise, for the purpose of moving the rescinding of the order by which it was made the duty of the committee to take up only those bills which would not give rise to debate. Lost.

Other bills were then taken up, and the same difficulty occurring.

Mr. Petrikin, at this point, renewed the motion to rise, and demanded a count. Ayes 12, noes 57. No quorum.

The motion was then withdrawn; and the list was proceeded with.

A large proportion of the bills on the calendar, thus far, proposed the payment of interest on certain claims, which was objected to by several members; and the motion to rise was very frequently made, in order that the order of the house might be rescinded, in order to enable this point to be debated.

Mr. Ewing, of Indiana, renewed the motion to rise, and report the bills to the house. Ayes 51, noes 46. So the committee decided to rise, but, as there was no quorum, the chair decided that the bills could not be reported. The question was then put, "Shall the committee now rise?" and decided in the affirmative—Ayes 65, noes 28. So the committee rose. Mr. Whittlesey then rose, and moved that the order of this morning be rescinded. The Speaker said that the fact of the presence of a quorum must be first ascertained. Mr. Adams moved a call of the house. Ayes 67, noes 73. So the motion did not prevail; and the Speaker then said that a quorum having appeared, the chairman would resume the chair: which being done, Mr. Ewing moved that the committee rise, report progress, and ask leave to sit again. Mr. Wise was of the opinion that there had been no "progress" made, and proposed that the committee should report that they had made none.

Mr. Polk said that the committee of the whole on the state of the Union always reported that they

had had under consideration certain unfinished business, but had come to no conclusion thereon; but the committee of the whole house always reported progress, and asked leave to sit again.

The motion of Mr. Ewing then prevailed: the speaker took the chair, and leave to sit again was then granted the committee.

Mr. Whittlesey then renewed his motion to rescind the order of this morning, and that the committee proceed with the calendar in the regular order.

Mr. Adams then rose and asked if the bills acted on in the committee of the whole were not now before the house? The chair responded in the negative. Mr. Adams moved a call of the house, and asked for the yeas and nays; which were not ordered: and the motion was lost. Mr. Adams then asked to have this motion entered on the journal, promising to renew it every time it would be in order during the day.

Mr. Wise moved an adjournment, and Mr. Briggs asked for the yeas and nays; which were not ordered: and the motion to adjourn was lost. Mr. Whittlesey's motion recurring,

Mr. Adams renewed his motion for a call of the house, and asked for the yeas and nays. His object was to get the house together to do business. It was discreditable to the house that it was impossible to keep a quorum to do the business of the nation. The yeas and nays were ordered.

Mr. Wise moved to adjourn. Lost. The motion of Mr. Adams that there be a call of the house was decided in the negative—Yeas, 62, nays 93.

Mr. Whittlesey's motion then prevailed: and the house went into committee of the whole upon the first twenty bills on the calendar, (Mr. Lyon in the chair.)

Several bills at the head of the calendar, were, on motion, laid aside for the present, without action upon them.

Another bill was then taken up and read. After some incidental discussion, the question was put on its passage, when there appeared to be no quorum present—Yeas 63, nays 24, and the committee then rose and reported this fact to the house.

Mr. Adams moved a call of the house, which was ordered: and one hundred and twenty-five members answered to their names. The absentees having been called, it appeared that one hundred and forty members were present. Mr. Chapman moved that all further proceedings upon the call be suspended.

Mr. Adams asked if all the names of absentees (supposing the motion to suspend prevails) would appear upon the journal?

The Chair responded affirmatively.

The motion to suspend did not prevail. The doors were closed, and the names of the absentees were called by the clerk.

Mr. Buchanan was excused on account of illness and other causes, and on the same account Messrs. Bruyn, Biddle, Chaney, (illness at home,) Coffin, Clowney, Davee, Dennis, Fletcher, of Vermont, Glascock, Grantland, and Grennell, (on the committee sitting during the sessions, on leave,) Hunter, of Ohio, Logan, Loomis, M. Morris, Noble, (death in his family,) Phillips, (similar reason,) Plumer, Robertson, Spencer, Shepler, Trucey, (on the select committee,) and J. L. Williams.

During the call of absentees, the name of Mr. Hawkins being called, he responded himself to his name.

Mr. Dawson said that the member had responded from the gallery.

The Speaker said no person was permitted to speak in the gallery; and ordered the clerk to erase the name of Mr. Hawkins.

Mr. Petrikin moved that Mr. Hubley be excused on account of being called to Pennsylvania by the near departure of Mr. Muhlenberg from the country. [Laugh.] Lost.

On motion of Mr. Dromgoole, the call at this point was suspended, (the whole roll having been called, and the absentees noted,) and then, on motion, the house adjourned at quarter before five o'clock.

Saturday, April 14. Mr. Evans, of Maine, asked and obtained leave of absence for his colleague, Mr. F. O. J. Smith, from and after the 1st day of May next.

Mr. Fairfield, of Maine, Mr. Peck, of New York, and Mr. Williams, of New Hampshire, presented memorials on the subject of the late duel.

Among the reports received was the following: By Mr. Everett, from the committee on Indian affairs, a bill supplementary to the act entitled an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers; approved June 30, 1834.

Mr. Everett, submitted the following, which lies one day:

Resolved, That the secretary of war be directed to lay before this house a statement of the amount paid, and of the amount of arrears on account of the expenses of the Seminole war; and an estimate of the sum necessary, in addition to the former appropriation to pay such arrears, and for carrying on said war until the 1st day of June next.

After several resolutions of minor importance had been offered,

The resolution of Mr. Hopkins, of Virginia, on divorcing the government from all connexion with the public press, again coming up, Mr. Bond resumed and concluded his remarks upon it.

Mr. Hopkins gave notice that, if Mr. Hamer should not, on Monday next, offer his resolution on the subject of the resumption by the banks of specie payments, he (Mr. H.) would.

Mr. Petrikin gave notice he should object to its reception if offered. [A laugh.]

The house now passed to the orders of the day, and on motion of Mr. Whittlesey went into committee of the whole, (Mr. Lyon in the chair,) and considered a number of private bills. After which the committee rose and reported the bills, which had been considered, to the house; when those which had passed the committee were ordered to be engrossed, and read a third time on Monday next.

In regard to those bills whose enacting clauses had been stricken out, the question of concurrence in striking them out having been stated—

Mr. Tullioferro moved an adjournment, and the house thereupon adjourned.

Monday, April 16. As soon as the journal was read,

Mr. Hamer rose, and asked leave to make a statement to the house, to which no objection was made.

Mr. H. then said that he had been requested to state whether he intended again to offer the resolution presented by him on Monday last. In regard to that matter he legged to advert to what had been thrown out elsewhere. He understood from the newspapers that various opinions were entertained as to the object he had in view. By some it was suggested that it had been offered as a sort of antagonist proposition to Mr. Biddle's letter. Now, it would be recollected that Mr. H. presented his resolution on Saturday, and Mr. Biddle's letter was only printed on the same day in Philadelphia. He himself did not hear of it till Sunday night, nor see it till Monday morning, and could necessarily, therefore, have no knowledge of it on Saturday.

Another suggestion had been thrown out, that Mr. H. had offered it with reference to the charter election in the city of New York. However important that election might be in itself, or however important some gentlemen might deem it, he trusted he had higher objects in view than the New York city or any other election. He looked to the great interests of the country, and to them alone.

Mr. H's object was simply this: He knew that the bank convention was to assemble on Wednesday last, and he had reason to believe that many gentlemen who had gone as delegates thereto entertained an apprehension that the course of the general government, the legislation of congress, as well as the action of the treasury department, in carrying out that legislation, might be hostile to the resumption of specie payments. For himself he did not believe that the congress of the United States would pass any law, at the present session, without having special reference to the existing condition of the country, or that it would not so modify any law it might pass as to throw no hindrance in the way of resumption.

Neither did Mr. H. believe that the treasury department, in carrying out that legislation, did feel or would feel any disposition to throw any impediment in the way of effecting that resumption. His object, therefore, was to give such assurances to those banks which had gone into convention, as might encourage them to go on, for it was surely desired by every patriotic man in the country, of every party, that the banks should resume.

Again: the house refused to entertain the proposition on Monday; and when he was called upon, two days afterwards, to give an explanation, he was refused, and he was not disposed to put himself in the attitude of impeding the business of the house by moving, day after day, to suspend the rules.

Besides, he found that, by moving this proposition, he placed a number of his political friends in this embarrassing condition: that, although they did not disapprove of the principle involved in it, or the object sought to be attained by it, still some of them did not approve of its phraseology, and therefore they were compelled to vote against it. Many were actuated by another feeling. They feared a premature discussion on the whole currency question, which would inevitably spring up,

and amendments of the resolution, which might compel them and himself to vote against a proposition, the general tenor of which, in its present shape, they approved. He understood amendments were to be offered on both sides of the house. In voting against the suspension of the rules, therefore, they would be placed in the embarrassing attitude of seeming to oppose his resolution.

Mr. Bell rose to order. The gentleman from Ohio was proceeding with an argument to go before the country, and he would like to have an opportunity to reply.

Mr. Hamer observed that he should finish what he had to say in a word or two.

Mr. Bell then remarked, that if the gentleman from Ohio had risen to explain, and not to make an argument, he should be candid enough to state to the house and to the country what relief he did propose to the nation from its present embarrassed state. Mr. B. called upon the gentleman to be explicit on this head, and state specifically what was proposed.

Mr. Hamer said that since he had offered this resolution, for the purpose of giving assurance to the banks the secretary of the treasury had written a letter (which had been published) to a similar effect. The same assurances had also been given, repeatedly, by the official organ of the government here.

Mr. Sherrod Williams rose to order. The gentleman from Ohio had had leave to make an explanation of a matter personal to himself, but not to explain and apologise for the conduct of all his political friends. He (Mr. W.) was in favor of letting every man explain for himself.

Mr. Hamer then said he had nothing more to say, at this time, than that there was now no necessity for the adoption of the resolution he had proposed, and that, therefore, he should not again ask for its adoption.

Mr. Menefee had risen to make a single remark, if the house would give him leave. [Cries of leave! leave!]

Objection being made,

Mr. Menefee moved to suspend the rules, in order to be able to move that he be permitted to go on.

Mr. Chambers demanded the yeas and nays on the question of suspending the rules; which were ordered. Being taken; there were yeas 87, nays 71, not two-thirds. So the house refused to suspend the rules.

The Speaker then called the states in order for resolutions, and the following were offered:

When the state of Tennessee was called, Mr. Shields of that state, presented the following resolution of the legislature, in favor of the annexation of Texas to the United States.

Whereas we have been anxious and attentive observers of the progress of events in Texas, and have not been unmoved spectators of her late gallant and glorious struggle for freedom, and have seen that freedom achieved by those near and dear to us by the ties of kindred and common ancestry; and whereas we have seen, by a vote of the people of that republic, an anxious desire manifested to become citizens of these United States; and whereas we believe that the gallant and chivalrous bravery of Texans, in their struggle for liberty and free government, is an assurance of their worth, and sufficient evidence of their qualification to entitle them to brotherhood and citizenship with us; and whereas, also, we believe that the annexation of Texas to these United States is a "consummation devoutly to be wished," and an end worthy our best exertions to attain, if it can be done without the infraction of the law of nations, or a departure from the policy or principles of this government.

Now, therefore, *Resolved by the general assembly of the state of Tennessee*, That we desire most anxiously that Texas be acquired by these United States; and resolved that our senators and representatives in congress be informed of our desire to acquire the territory of Texas, and to annex it to the United States, by treaty or purchase, and at such time as they may deem most expedient.

Resolved, That a copy of this preamble and resolution be forwarded by the governor of this state to our senators and representatives in congress, with a request that they introduce them to the consideration of both branches of congress.

JOHN COCKE,

Speaker of the house of representatives

TERRY H. CAVAL,

Speaker of the senate.

Mr. Shields moved to refer this resolution and all others on file touching the same subject, to a select committee.

Mr. Bronson moved to lay the motion on the table.

On this question Mr. Shields asked for the yeas and nays, which were ordered and taken, as follows:

YEAS—Messrs. Alexander, H. Allen, John W. Allen, Anderson, Andrews, Albertson, Averie, Beatty, Beirne, Bicknell, Birdsall, Bond, Boon, Brodhead, Bronson, Bruyn, Cambreleng, W. B. Carter, Casey, Chapman, Clark, Cleveland, Coles, Corwin, Craig, Cushman,

an, Darlington, Dawson, Deberry, DeGraff, Dromole, Dunn, Edwards, Everett, Farrington, Fairfield, ry, James Garland, Glascock, Goode, Grantland, Grant, Graves, Haley, Hall, Hulsted, Hamer, Harrington, Hawkins, Haynes, Herod, Halsey, Holt, Hopkins, gham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Kemble, Klingensmith, Lawler, Leadbetter, Lincoln, Loomis, S. Mason, Maxwell, McKay, R. McClellan, McClure, Mercer, Morgan, W. Morris, Noble, Palmer, Parker, Farmenter, Paynter, Pearce, Pennybacker, Petrikin, Phelps, Pope, Pratt, Randolph, Reily, Rives, Sheffer, A. H. Shepherd, Smith, Southgate, Spencer, Stuart, Stratton, Taylor, Thomas, Titus, Towns, Vanderveer, A. S. White, J. White, E. Whittlesey, L. Williams, J. W. Williams, J. L. Williams, Yorke—107.

NAYS—Messrs. Adams, Bell, Borden, Bouldin, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, John Campbell, Cheatham, Childs, Clowney, Coffin, Conner, Cranston, Crockett, Curtis, Cushing, Davies, L. Fletcher, Fillmore, R. Garland, J. Graham, Wm. Griffin, Harlan, Harper, Hawes, Henry, Hoffman, H. Johnson, Keim, Lewis, Lyon, Mallory, Marvin, Martin, May, A. McClellan, McKennan, Milligan, Miller, Mitchell, Montgomery, C. Morris, Noyes, Ogle, Owens, Patterson, Peck, Potts, Reed, Rencher, Rhett, Richardson, Ridgway, Rumsey, Russell, C. Shepard, Shields, Sibley, Slade, Snyder, Stone, Taliaferro, Thompson, Tillinghast, Toland, Turney, Underwood, Sherrod Williams, C. H. Williams, Wise, Yell—75.

So the whole subject was laid on the table.

When the state of Virginia was called, Mr. Hopkins, in pursuance of notice given on Saturday last, offered a resolution, (being the same as that presented on Monday last, by Mr. Hamer.)

Mr. Hopkins said that it was not his wish to interrupt the presentation of resolutions; but he should call up this proposition for consideration so soon as the call of the states had been finished.

When the state of Massachusetts was called, Mr. Cushing offered the following resolution:

Resolved, That the secretary of the treasury be directed to inform this house whether a certain letter, bearing his signature, and the date of the 18th of March, 1833, which has appeared in the public papers, and which purports to make known the purpose of the treasury department in relation to the receipt and disbursements of the promissory notes of the state banks by the federal government, is authentic or not; and, if it be, to communicate to the house a copy of the same; and also copies of any and every other official letter on the same subject-matter; and that he be further directed to report to the house the views and intentions of the department in the premises, and the measures adopted, or to be adopted, in execution thereof.

Mr. Cushing asked for the consideration of this resolution at the present time.

Objections being made—

Mr. Cushing moved a suspension of the rules, for the purpose of considering the motion; and asked for the yeas and nays; which were ordered, and stood as follows: Yeas 97, nays 85.

Not being two-thirds, the motion to suspend the rules, did not prevail.

Mr. Adams presented the following resolution, which was adopted without objection:

Resolved, That the president of the United States be requested to communicate to this house, if not incompatible with the public interest, any information which he may have received, officially or otherwise, relating to an attack by a Mexican armed vessel upon the sloop Columbian, bearing the flag of the United States, in the Gulf of Mexico.

On the motion of Mr. Yell,

Resolved, That the secretary of war be directed to communicate to this house copies of all instructions to Major General Gaines, relating to the selection of sites for military posts on the western frontier of Arkansas and Missouri; whether he has entered upon the duties assigned him, and when probably a report may be expected from him; and such other information as may be in the power of the department to communicate touching the commencement and progress of the defence of the western frontier.

On motion of Mr. Snyder,

Resolved, That the committee on naval affairs be instructed to provide, by law, for the appointment of midshipmen in the navy, so that an equal number may be chosen from each congressional district in the United States.

Mr. Rice Garland offered the following resolution, which lies over one day:

Resolved, That the secretary of the treasury be directed to inform this house, as soon as practicable, whether, in the present financial condition of the country and of the treasury, it will not be most judicious and proper to make such appropriations as will preserve the public works from injury and dilapidation alone; and if such a course will not be judicious and proper, he then inform the house whether some or all the estimates for the service of the year 1833, already submitted, for fortifications, the improvement of harbors and rivers, the establishment of light-houses, beacons, and buoys, the construction of roads, the service of the Indian department, and for all other purposes, cannot be reduced without injury to the public service; and if such reduction can be made, that he designate what proposed appropriations may properly be reduced,

and how much; and further, that he inform the house whether some of the appropriations already made may not, without material injury to the country, be suspended for the present; if so, to designate them; also, that he inform this house whether, if all the appropriations made are expended, and those proposed are made, the amount now in the treasury, or estimated to come into it during the present year, will be sufficient to meet them; and, if not, what will be the deficit, and in what manner it is proposed to be met.

On motion of Mr. Shields,

Resolved, That the committee of claims be instructed to inquire into the expediency of allowing additional pay to such troops as have been, or are, employed in the service of the United States in the present Florida or Seminole war, and have lost their horses and baggage in said service, without any fault of theirs, because the United States had failed to provide forage for said horses, and who were required to perform, and did perform, after they were dismounted, on foot, the same services which were required of mounted men, so as to make their monthly arrearages equal to that of mounted men in said service; and, also, of providing that the horses of any kind of said troops which may have died from excessive fatigue, in executing extraordinary orders of the commanding officers, without any fault of their riders, or such of said horses as were killed by accident or casualty, while under the immediate orders and direction of said officers, shall be paid for by the United States.

On motion of Mr. Leadbetter,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for an interchange of duty by the judges of the circuit court of the United States, where one or more of the said judges are interested in any matter therein pending, or where trial cannot be had without prejudice to parties.

Mr. Bond submitted the following, which lies over one day:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That no order should be adopted by the executive of the United States which discriminates the medium in which payment of debts or public dues shall be made to the government, and that if any such order now exists, the same ought to be forthwith rescinded.

Mr. S. Williams offered the following, which lies over:

Resolved, That the committee of ways and means be instructed to report a bill making it unlawful for the secretary of the treasury, or any other officer of this government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands or from any other source) of the United States shall be collected.

Mr. Southgate offered the following, which lies over one day:

Resolved, That the secretary of the treasury transmit to congress the names of all receivers, collectors, and disbursers of the public money in office on the 1st of January, 1833, who were in default to this government at that period, designating the amount of each respective liability.

On motion of Mr. McKay,

Resolved, That the committee on naval affairs be instructed to inquire into the expediency of repealing the law establishing the board of navy commissioners.

Resolved further, That said committee inquire into the expediency of fixing by law the number of vessels; and also of officers, petty officers, and seamen, to be employed in time of peace.

On motion of Mr. C. H. Williams,

Resolved, That the committee on the public lands be instructed to inquire into the expediency of indemnifying the settlers in that section of the country commonly called the Strip, (embracing that part of the state of Tennessee south of Winchester line,) for the injury received by a disregard (on the part of the government) of the treaty of 1813, in disposing of the lands in said limits for the benefit of the Chickasaw Indians, contrary to the provisions of said treaty.

On motion of Mr. Jos. L. Williams,

Resolved, That the committee on Indian affairs inquire into the propriety of reporting a bill providing the rate of compensation due to such warriors of the Cherokee tribe of Indians as were wounded in the service of the United States, pursuant to the 14th article of the treaty between the United States and said tribe, concluded 29th December, 1835, and ratified 23d May, 1836.

On motion of Mr. Harlan,

Resolved, That the postmaster general be directed to inform this house whether he has collected a judgment rendered in favor of the post office department against Samuel B. Crockett and Francis P. Blair, in the federal court of Kentucky, and reported by him to this house the 3d of March, 1837, of balances due to the department prior to 1st of July, 1836, in the following words: "Suit ordered, and judgment obtained, May, 1834, for \$1,827 01; credited by \$431 37; penalty remitted by postmaster general, leaving balance as stated; application for relief refused by the department; December 20, 1835, *fa. issued*, and returned March, 1836, no estate found; information was sought by the department relative to the parties November 30, 1835; referred to the district attorney December 30, 1835; also, wrote to him February 13, 1837." And if he has not

collected said judgment, what steps, if any, have been taken to enforce the collection of the same.

Resolved further, That the postmaster general be directed to inform this house whether it is the practice of the department to remit the penalty incurred by defaulting deputy postmasters, without the payment of the principal debt; and that he be further directed to inform this house what amount of moneys has been paid by his department to the said Francis P. Blair for printing ordered by said department since the rendition of the judgment, and return of the writ of execution aforesaid.

The states having been gone through with—

Mr. Hopkins, as he had expressed his intention to do, moved to take up for consideration the following resolution:

"Considering that the business, commerce, circulation, and exchanges of the country are in a deranged and embarrassed condition; and considering, also, that a part of the banks of the United States have expressed a desire to resume specie payments at an early period,

Resolved by the senate and house of representatives of the United States of America in congress assembled, That, if the banks, or a portion of them, do thus resume, it will be the duty of the general government, within the limits of its constitutional authority, to aid such banks in regaining public confidence, and to sustain them in their laudable efforts to fulfil their obligations to relieve the wants of the community, and to restore to the people a sound circulating medium.

Mr. Petrikin (as he promised to do) objected.

Mr. Hopkins moved to suspend the rules for the purpose of now considering this resolution.

Mr. Clark asked for the yeas and nays; which were ordered, and stood as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Averigg, Bell, Biddle, Bond, Borden, Bouldin, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Cushing, Darlington, Dawson, Davies, Deberry, Dunn, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, J. Graham, Wm. Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Ingham, J. Jackson, H. Johnson, Lawler, Lincoln, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, Morgan, C. Morris, Noyes, Ogle, Patterson, Pearce, Peck, Phelps, Pope, Potts, Pratt, Rariden, Randolph, Reed, Rencher, Ridgway, Rumsey, Russell, Sawyer, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Smith, Snyder, Southgate, Stanley, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, Sherrod Williams, C. H. Williams, Wise, Yorke—116.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Cambreleng, J. Campbell, Chapman, Cleveland, Clowney, Coles, Conner, Craig, Crary, Cushman, DeGraff, Dromgoole, Edwards, Elmore, Farrington, Fairfield, Fry, Glascock, Griffin, Hammond, Hamer, Hawkins, Haynes, Halsey, Holt, Howard, W. H. Hunter, R. M. T. Hunter, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Montgomery, Moore, S. W. Morris, Murray, Noble, Owens, Palmer, Parker, Paynter, Pennybacker, Petrikin, Pickens, Rhett, Richardson, Rives, Sheffer, Taylor, Thomas, Titus, Towns, Turney, Vanderveer, Webster, Weeks, J. W. Williams, J. L. Williams, Worthington, Yell—33.

So, there not being two-thirds, the rules were not suspended for the purpose of considering Mr. Hopkins's resolution.

Petitions and memorials on various subjects were presented, when Virginia was called, Mr. Wise offered the following:

"*Resolved*, That the committee for the District of Columbia inquire in the propriety of receding, under proper restrictions and reservations, with the consent of the people of this District, and of the states of Maryland and Virginia, the said District to the said states."

Mr. Pratt moved that the above resolution be laid upon the table; on which motion Mr. Wise demanded the yeas and nays; which were ordered.

Mr. Wise then called for the reading of the memorial; and it was read accordingly.

Mr. Wise stated that the legislature of Maryland had declared itself willing to receive the District if retroceded.

Mr. Taylor inquired if the District committee had not been discharged from the further consideration of this memorial?

Mr. Wise said, that committee had reported adversely to the desire of the memorialists.

The question on laying the resolution on the table was ordered by yeas and nays, as follows: Yeas 89, nays 73.

So the resolution was laid on the table.

Mr. Wise gave notice that, if this proposition were still to be refused, he would go with the west, to remove the seat of government from this place to that section of the country.

Petitions from Maryland were called and presented; at this point, Mr. *Atherton*, at the request of Mr. *Thomas*, moved to reconsider the vote of Saturday last, granting leave of absence to Mr. *Smith* after the 1st of May next.

The motion was entered, and the call for petitions proceeded in regular order.

All the states having been called,

The house then took up several senate bills, which were read twice, and referred.

At 4 o'clock the house, on motion, adjourned.

Tuesday April 17. Mr. *Campbell*, of South Carolina, stated that he had on yesterday voted from misapprehension against granting leave to Mr. *Hopkins*, of Virginia, to offer a resolution on the subject of affording the support of the government to the banks in resuming specie payments, and, in if order, would move a reconsideration of that motion; not that he suspected the administration of any hostility to the banks, or any wish to impede them in bringing back the country to a sound and healthful currency; but as the subject was confessedly one of great importance, he did not desire to be misunderstood in relation to it.

The *Chair* said that the motion was in order, and would be entered on the journal, to be considered hereafter.

Mr. *Adams*, from a select committee to whom had been referred a memorial on the subject of encouraging a system of meteorological observations throughout the United States, was directed to ask the use of the hall, previously to the sitting of the house, on Wednesday and Thursday mornings, to afford to professor *Espey* an opportunity to deliver two lectures on that subject.

Objection being made to receiving the motion,

The *Chair* reminded Mr. *Adams* that when select committees should be called, the motion would be in order.

Reports of committees were then called, when the following, among other reports, were received.

Mr. *Boon*, from the committee on public lands, reported, without amendment, senate bill providing for the reduction and graduation of the price of the public lands.

Mr. *Harlan*, from the same committee, reported against senate bill for giving effect to the 8th article of the treaty of 1819 with Spain.

Mr. *Yell*, from the committee on military affairs, reported a bill for providing for the defence of the western frontier.

Mr. *Ingham*, from the same committee, reported senate bill to remunerate the captors of the privateer *Lydia*, without amendment.

Mr. *Howard*, from the committee on foreign affairs, reported against the petition of Samuel Goldsberry for property captured and condemned under the Neapolitan government in 1807.

Mr. *Fairfield*, from the same committee, reported a bill to provide for surveying the northeastern boundary line of the United States, according to the provisions of the treaty of peace of 1783.

Mr. *Sibley*, from the committee on revolutionary pensions, reported against the petitions of sundry officers and soldiers, &c. of the revolutionary war, praying that all pensioners who were struck from the pension roll under the law of 1820 may be restored to their pension.

Mr. *Fletcher*, from the committee on patents, reported "An act in addition to an act to promote the encouragement of the useful arts," accompanied by a report thereon.

Mr. *Calhoun*, of Massachusetts, from the select committee, reported a bill granting a bounty in land to such soldiers of the old fourth regiment of United States infantry as served during any part of the war with Great Britain.

Mr. *Taylor*, from the committee on invalid pensions, reported the following resolution, which was disagreed to by the house:

Resolved, That this house will proceed on Friday next, after 12 o'clock, to consider the bills which have been reported by the committee on invalid pensions, and those that may be reported before that time.

Mr. *Fletcher* presented the following resolution, which was read, and referred to the committee on the library:

Resolved, the senate concurring herein, That the commissioner of patents have the privilege of taking books from the library of congress, for the use of his department, under the same rules and regulations as are prescribed to members of congress.

Select committees being called on for reports,

Mr. *Adams* again presented the request of professor *Espey* for the use of the hall.

The request was supported by Messrs. *Whittlesey*, *Connor* and *Tillinghast*, and opposed by Messrs. *Pickens* and *Petrik*, the latter of whom demanded the yeas and nays upon it, but the house refused to order them; and the discussion was briefly ended by Mr. *McKenna*'s demanding the previous question, when the question was agreed to: **Ayes 99.**

Mr. *Lincoln* from the committee on the public buildings, and by direction of that committee, moved that the house go into committee of the whole on the state of the union, and take up the bill providing for taking down the materials of the new treasury building, and applying them in the erection of a post office. He stated the urgency of the case, one hundred and fifty mechanics having their employ suspended, and it being of importance, on all accounts, that the question be settled one way or the other.

Mr. *Rencher*, of North Carolina, objected; but, on the suggestion of Mr. *Whittlesey*, consented to waive his objection. Mr. *Boon* renewed it; whereupon, the question being put, the house, by a vote of two-thirds, (required to change the order of business,) assented to the motion, and went accordingly into committee of the whole (Mr. *Pope* in the chair) on that bill.

The bill having been read,

Mr. *Lincoln* went into an expose of the grounds of the bill, giving a complete history of the present building, from its inception, «xonerating the late and present administration from all blame as to its location, size, or defects, and explaining the course of the present architect, and of the committee, in relation to the whole subject.

It is impossible, at present, to present even a sketch of the debate, which occupied the house during the residue of the sitting, and terminated, for this day, without the house having arrived at any decision respecting the bill.

When Mr. *Lincoln* had concluded, Mr. *Cumbrerling*, objecting to the probable extent of the discussion while appropriation bills were delayed, moved that the committee rise.

Mr. *W. Thompson* opposed the motion, and took occasion from the bill to go into a general attack upon the extravagance of the administration.

Mr. *Pickens* made a speech in opposition to the bill, in which he spoke highly of Mr. *Mills*, and his reputation in South Carolina, where he had erected a number of buildings. Mr. *Mercer* followed, in defence of the bill, and in reply to Messrs. *Thompson* and *Pickens*. Mr. *Boon* replied to Mr. *Thompson*'s attack, and vindicated the administration's economy. Mr. *Rencher* earnestly opposed the bill, and remonstrated against relying on the opinions of interested architects from abroad, &c.

Mr. *Williams*, of North Carolina, replied to his colleague, and defended the bill, insisting on the ability and disinterestedness of those who had condemned the present building, which he proposed to replace by a plain, economical structure. Mr. *Yell* spoke warmly against the bill, inveighing against the extravagance of the good-society party, and lauding the economy of the soup-and-bread party, who, he prophesied, would erect a greater obstruction to the prospect of the president's house from the other end of the capital than would be interposed by this treasury building. Mr. *Everett* went into a calculation to show the vast expense to which a completion of the present building would pledge the house, and the economy of arresting the plan, and pulling down the present defective edifice. Mr. *Tuliaferro* inquired why the present materials could not be used in erecting a new treasury building, rather than be transported to a distance to build a post office? Mr. *Lincoln* explained; and some conversation ensued between those gentlemen and Mr. *Mercer* on the relative merits of sand stone and granite, when,

Mr. *Naylor*, having obtained the floor, moved for the raising of the committee.

The motion prevailing, the committee rose accordingly, and thereupon the house adjourned.

Wednesday, April 18. Mr. *Peck* asked leave to present a memorial relative to the late duel between members of this house.

Mr. *Garland*, of Louisiana, objected to its reception at this time; and it was not received.

Mr. *Naylor* asked leave to offer a resolution (heretofore presented, but objected to) making certain inquiries relative to this subject.

Mr. *Ingham* made objection.

Mr. *Naylor* moved that the rules be suspended to enable him to offer it; which motion was lost.

Mr. *Corwin*, from the committee on the judiciary, reported, with an amendment, senate bill to provide for the better security of the lives of passengers on board vessels impelled in whole or in part by steam.

Mr. *Stanley*, from the committee on invalid pensions, reported a bill for the relief of Benjamin D. Townes.

Mr. *Johnston*, of Va., from the committee on revolutionary pensions, made an unfavorable report on the petition of Wm. Neves: ordered to lie on the table.

Mr. *Williams*, of Ky., asked leave to offer the following preamble and resolutions, which were read:

Whereas, it was some years since declared to be the people of the United States, by the illustrious Andrew Jackson, that reform and retrenchment in their government and its expenditures were necessary; and whereas, the declaration of the late president, in relation to the promised reform and retrenchment of the expenditures of the government, was not carried out by his friends in congress; and whereas, instead of lessening the expenditures of the government, that they have been largely and enormously increased; and whereas, it is highly important to the people of the United States that their government should be usefully administered upon as cheap a scale or price as is consistent with the public good:

Therefore, resolved, That a select committee of nine members be appointed to take into consideration, and report to this house, what salaries of the officers of the government may be reduced, what officers may be dispensed with, and what items of expenditures in the various offices or departments of this government can be entirely or in part dispensed with; and for the purposes of enabling the committee to make a correct report whether or not the expenses of the different executive departments of this government have increased within the last ten years, and what salaries may be reduced, what officers may be dispensed with, and what items of expenditure may be lessened:

Therefore, resolved, That the secretaries of state, treasury, war, navy, and the postmaster general be, and they are respectively, required to report and communicate to this house, as soon as practicable, what were the expenses of their respective departments, including every item of expenditure in the year commencing on the 4th day of March, 1828, and ending on the 3d day of March, 1829, and so on for each successive year, up to the 4th day of March, 1833, placing each item of expenditure under its proper head.

Objection being made from several quarters,

Mr. *W.* moved a suspension of the rule, and asked for the yeas and nays, which were ordered.

Mr. *McKay* requested the gentleman to withdraw the preamble, and then he would vote for the resolutions.

Mr. *Williams* replied that he could, on no account, consent to do that. Mr. *Cumbrerling* wished to know if the house was again disposed to set aside all the public business of the nation, as it did yesterday, to consider this proposition. Mr. *McKay* inquired of the chair if the question could not be taken on the preamble and resolutions separately? The *Chair* replied that the question was not divisible, for a proposition could not be divided till it was before the house. Mr. *McKay* reiterated that he would willingly vote to suspend for the resolutions, but not for the preamble. Mr. *Tillinghast* solicited the gentleman to withdraw one single word of the preamble. Mr. *Williams*. Not one word, nor one letter.

The house refused to suspend the rules—yeas 92, nays 87.

The unfinished business of the morning hour was the resolution submitted some time since by Mr. *Hopkins*, of Virginia, to divorce the public press from the patronage of the government.

Mr. *Dramgoole* moved to add the following to the resolution:

And that the said committee be also instructed to inquire whether the individual elected printer by this house, at the extra session, does now execute, and has, in fact, since his election, executed the public printing at his own establishment, with the press, types, and hands employed in his own office, and subject to his immediate orders, directions, and control; or whether the public printing has not, since the period of said election, been executed, and whether it is not now executed, at the office of the political journal other than that of the printer to this house, and under the directions and regulations of other editors; and if so, to inquire upon what authority, and upon what terms, conditions, and stipulations, the public printing has been transferred to individuals other than the one appointed and required by this house to perform the same. And that the said committee inquire further, whether, prior to the final ballot, and before the close of said election of printer, there was not some bargain, agreement, or understanding, express or implied, inchoate or complete, that in the event of the election of the individual now holding the appointment, the public printing should be executed at the office of another political journal, whose editors were, at the same time, also candidates for the appointment; and that the committee report to this house, specially, the nature and the terms of any such bargain, agreement, or understanding.

And that the committee be also instructed to ascertain and state, under separate and specific heads, the various expenditures growing out of the action of the special committee of this house, appointed on the 3d day of January, 1837; and in like manner the various expenditures growing out of the action of the select committee of this house, appointed on the 17th day of January, 1837; and also the various expenditures growing out of the action of the committee on the judiciary on the memorial of Richard S. Coxe, and William L. Brent, presented to this house on the 30th day of January, 1837; and also the expenditure incurred under the orders of this house of the 15th and 18th September last, in relation to the printing of the rules and orders of the house, with Jefferson's manual of practice.

Mr. *Wise* said he should vote for this amendment, or the reason that the bare presentation of it showed the necessity of Mr. *Hopkins's* resolution being adopted. He suggested another point of inquiry to Mr. *Dromgoole*, viz. how much public patronage had been distributed during the last two years, and how much of that public patronage had gone into the pockets of the editors of the official organ.

In reference to the alleged bargain between the Madisonian and Intelligencer offices, Mr. *W.* disavowed any privacy, though he had no doubt the parties on the other side (the *Globe*) would have made a similar bargain, if such existed, if they could have done so.

A message in writing was received from the president of the United States, by the hands of his private secretary, A. Van Buren, esq. transmitting a large mass of documents and correspondence in relation to the delay in the sailing of the exploring expedition.

Mr. *Ingham*, moved to refer them to the committee on naval affairs. He would not move their printing at present, for the documents were very voluminous, and the committee would report at an early day what ought to be printed. Mr. *Naylor* moved the printing of the whole. Mr. *Mason* of Ohio understood that a vast amount of the correspondence had been already printed. Mr. *Ingham* confirmed that statement, and added that a great number of the other documents had also been printed. Mr. *Mullory* assented to Mr. *Ingham's* motion. Mr. *Naylor* modified his motion, by excepting what had been already printed. Mr. *Wise* was at a loss to see the necessity of referring the subject to the committee on naval affairs, for the time had gone by when the information would be of service. It was locking the stable door after the horse was stolen. The motion of Mr. *Naylor* to print was rejected.

Mr. *Wise* then moved to instruct the committee to inquire into, and report the causes, of the failure of the exploring expedition. Mr. *Ingham* accepted this amendment; and, so modified, his motion to commit was agreed to.

The speaker laid before the house a communication from the secretary of the treasury, transmitting certain custom-house returns.

On motion of Mr. *Cushman*, laid on the table.

Also, a communication from the postmaster general containing statements of the postages received on paid and unpaid letters sent by express mail, from and to the cities of New York, Philadelphia, New Orleans, and Mobile.

On motion of Mr. *Johnson*, of La. laid on the table.

The business then in order was "the bill making appropriations for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois."

The question was on concurring with the committee of the whole on the amendment making an appropriation for guard fences east of the Ohio, and the improvement of the Laurel Hill descent, and that pending was the motion of Mr. *Underwood* to recommit the bill to the committee of ways and means, with instructions to report in lieu thereof a bill to cease said road to the states respectively, through which it passes.

Mr. *Underwood* expressed a wish to postpone the bill, on the ground of getting a response to a call for certain information respecting it. Mr. *Mason* of Ohio warmly opposed the suggestion as an indirect mode of killing the bill. There could be nothing wanting in the way of information. Mr. *Underwood* wanted some information as to the cost per mile up to this time. Mr. *Mason* informed the gentleman that he would find that information in a document printed at the first session of the last congress. Mr. *Boon* also insisted that the motion to postpone the bill for further information was only another mode of killing the bill, and with a view to test the sense of the house, he demanded the previous question.

On taking the second, by tellers, there was a tie, yeas 64, noes 64, but the speaker voting in the affirmative, it prevailed—yeas 65, noes 64, and the main question was ordered without a division.

Mr. *Montgomery* asked for the yeas and nays thereon; which were ordered. Mr. *Wise* moved a call of the house. Mr. *Briggs* remarked that the motion was not in order at that stage, and the *Chair* so ruled. The question was then taken: but, before the vote was announced,

Mr. *Elmore* appeared in his place, and asked leave to record his vote, stating that he was in attendance on a select committee, by leave of the house, when the vote was taken. Objection being made, Mr. *E.* moved a suspension of the rule; which was agreed to—113 to 43. Mr. *Elmore's* name was then called; and that gentleman having responded, Mr. *Bell* rose and inquired if the gentleman's vote varied the vote of the house? The *Chair* could not answer

the question, as the vote had been cast up. Mr. *Bell* protested against this practice of allowing gentlemen to vote by a mere suspension of the rules, instead of by unanimous consent—a practice which had grown up within the last two or three years, and was not known previously in the ten years of which he had been a member. He raised the point as one of order. The *Chair* decided the practice to be in order. Mr. *Bell* took an appeal, and the house affirmed the decision of the chair.—yeas 97, noes 56. Mr. *Mercer* then moved a reconsideration of the vote by which the house had suspended the rule to allow Mr. *Elmore*, to vote; but the motion was rejected—yeas 74, noes 89. The vote on the engrossment of the bill was then announced as follows—yeas 96, nays 99. So the bill was rejected. Mr. *Everett* then moved a reconsideration of the last vote. Mr. *Briggs* moved a call of the house. Mr. *Dromgoole* inquired if a motion to lay the motion to reconsider on the table would be in order? The *Chair* replied that it would, but not pending the motion for a call of the house. The call was then ordered, and proceeded in for some time; and 203 members having answered to their names, Mr. *Pettrien* moved that all further proceedings in the call be dispensed with; which was agreed to—yeas 96, noes 71. Mr. *Dromgoole* then moved to lay the motion to reconsider on the table. Mr. *Briggs* called for the yeas and nays; which were ordered, and were—yeas 85, nays 112. So the motion to lay on the table was decided in the negative, and the question recurring upon reconsidering the vote by which the bill was rejected, Mr. *Rencher* asked for the yeas and nays; which were ordered, and were—yeas 110, nays 87. So the house determined to reconsider the vote. Mr. *McKenna* then moved the previous question on the engrossment of the bill, but the house refused to second it—yeas 70, nays 79. Mr. *Haynes* briefly opposed the bill. The debate was further continued by Messrs. C. H. *Williams*, of Tennessee, and *Graves*, of Kentucky, in opposition to the bill, and by Mr. *Southgate*, in its support. Mr. *Underwood* then renewed his motion to recommit the bill to the committee of ways and means, with instructions to report a bill surrendering the road to the respective states through which it passed; and, having spoke a short time in support of his motion, and in opposition to the bill,

On his motion,

The house adjourned.

THURSDAY'S PROCEEDINGS.

In senate, April 19. The Vice President presented a communication from the secretary of the treasury, in pursuance of a senate resolution of the 8th instant with copies of three reports from the president of the United States Bank of Pennsylvania, made at the commencement of the months of February, March, and April, respectively. Laid on the table, and ordered to be printed.

After the presentation of a number of memorials, &c., the joint resolution for the adjournment of congress on the first Monday in June, coming up on its third reading—

Mr. *Grundy* said he thought the senate were acting too hastily on this subject. Perhaps there had been no period of the government when more important business was before congress than at this time; and if this resolution should be passed, the subject would then be beyond the control of congress. The better way, he thought, was, not to decide the question at this early day, because they could not now tell when the business would be done; but when the main part of the business should have been completed, they would know better how to decide. He would, therefore, move that the subject be postponed till Monday next.

Mr. *Preston* hoped the consideration of the resolution would not be postponed. It seemed desirable that the resolution should be passed in order to hasten the progress of the business in congress; and looking at the business of the senate, they would undoubtedly be ready to adjourn on the day specified in the resolution; and it was desirable that they should intimate to the other house the state of business here. The whole business of the country, if entered into, might require more time: but it would, in that case, be competent in congress to alter the time. Early in the session the senate had acted on its most important business, and after their great financial measure had been perfected by the senate according to their wishes, they had sent it to the other house, and it was well known that the house had rejected it. Congress had met at the extra session for the express purpose of regulating the finances. At that session, and at this, the senate and the house had both acted on the subject, and it was not known that any further action was now proposed in either house; and Mr. *P.* did not know that it was the duty of the senate to wait the action of the house on this important matter.

Mr. *Grundy* said he had not moved the postponement of the resolution with any reference to that measure.

Mr. *Preston* resumed: The subject, he said, naturally forced itself on their consideration; and if congress were not to act further on the finances, was there the slightest reason why they might not be ready to adjourn by the time specified? But if other measures on the finances were to be proposed and acted upon, Mr. *P.* would be very glad to be informed, and, if such were the fact, he would be willing to accede to any time that might be required. Congress had now been more than four months in session, and no measure of relief for the country or for the government had been provided, and they had the right to complain that they were not informed whether any thing further was likely to be proposed. If there was to be any thing, they ought to be informed, and, if not, they ought to adjourn; and whether there was or not, ought not to be determined by any talk or rumor out of doors, but by express action in one or the other body. The sub-treasury bill, it was well known, was dead and buried. If there were to be any new schemes or projects offered, Mr. *P.* was ready for them, and would like to see them.

Mr. *Wright* said he had contented himself yesterday with a silent vote to lay the resolution on the table, and he would not now enter into any political considerations connected with the subject; but he would notice some very important measures on which the senate had acted and had sent to the other house, who had not yet acted upon them. Of these he enumerated the bill in reference to the currency, on which the senate had consumed two months, the bill to increase the army, the bill granting pre-emption to settlers on the public lands, the bill graduating and reducing the price of the public lands. In regard to the treasury bill being dead and buried, that might be the opinion of the majority of the two houses; but Mr. *W.* did not think so. That measure, in any shape, had occupied the attention of the house only two weeks; and, supposing a majority of the house were opposed to the views of the executive, were they consequently opposed to act at all on the subject? If they were not, they would want time for action; and Mr. *W.* hoped and believed that they would feel it their imperative duty to act on the subject, and that they would act. No provision had been made for the southern Indian war in either house, and it was expected that there would be a debate for weeks in the other house on that subject alone.

Mr. *Calhoun* said that when he voted yesterday for the resolution, he did it on the ground that there would be ample time for the senate to finish its business. But if it were regarded as a measure to prevent action in the other house on the subject of the treasury bill, because it was considered dead, Mr. *C.* would not vote for it. He did not consider that as dead; but he believed that the other house would feel it an imperative duty to act on that measure, yea or nay; and if this resolution was to take from the other house the responsibility of doing so, Mr. *C.* would not vote for it, but move to lay it on the table. He thought there would be no such other calamity as for congress to rise without action on that great question.

Mr. *King* took a similar view of the subject, and said that from the remarks of Mr. *Preston* he was induced to regard the resolution in a new aspect; and if it was likely to give the other house an opportunity to evade the financial question, without acting upon it definitely, Mr. *K.* would vote against his own resolution.

Mr. *Hubbard* also spoke, briefly, in favor of delay, and of keeping the resolution still before the senate, so that when the proper time should come they might take it up, and pass it as it was, or modified according to circumstances.

Mr. *Preston* wholly disavowed any such design as had been intimated. His whole object was to put the subject in the possession of the other house, so that they might adopt the resolution or modify it to suit themselves; and he was surprised that the senator from Alabama should now reject his own offering because Mr. *P.* had patted in on the head, and said that notwithstanding its paternity it was a clever child. Mr. *P.* had often felt his own weakness, when he addressed the senate, and saw that he was unable to make any impression on gentlemen of the opposite side; but now, by advocating a measure, agreeable to them, he had rendered his remarks effective, and had turned the friends of the resolution directly against it. But the purpose of enabling the minority to worry out the majority in the other house was not in Mr. *P.'s* mind, and, if it had been, he would have been acting against himself, for the majority in the other house were his political friends on this question. He insisted, further, that the sub-treasury was dead, and no human power could call it

from the tomb, where it had lain more than four days.

The resolution was now postponed to Monday week, by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lyon, Nicholas, Niles, Norvell, Roane, Robinson, Smith, of Connecticut, Tipton, Trotter, Walker, Wall, Williams, Wright, Young—23.

NAYS—Messrs. Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, Lumpkin, McKean, Merrick, Prentiss, Preston, Robbins, Smith, of Indiana, Southard, Swift, White—16.

On motion of Mr. Wall, the senate proceeded again to consider the bill to prohibit the issuing and circulation of the notes of the late United States Bank.

Mr. Niles moved to modify the bill so as to make the time of confinement in the penitentiary from one to five years, instead of from five to ten. Mr. Calhoun moved to strike out the whole penitentiary provision. Mr. Grundy, after a remark or two, understood to be unfavorable to this motion, said he felt no particular interest about it. Mr. Smith, of Connecticut, and Mr. Niles spoke briefly, but strongly, in favor of retaining the penitentiary penalty. Mr. S. urging that a fine of \$10,000 would amount to nothing in a case in which the profits were hundreds of thousands.

Mr. Niles and Mr. Calhoun temporarily withdrew their amendments, with a view to give way to the general debate.

Mr. Wall then spoke at some length in favor of the bill, and in vindication of the constitutional power of congress to pass it.

Mr. Niles' proposition to make the penitentiary term from one to five years, was again offered by him, and agreed to.

After a brief explanatory conversation by Messrs. Crittenden, Wall, Grundy, and Ruggles.

The bill was modified so as to confine the penalty more explicitly to directors, trustees, agents, and other officers, and the agents of the trustees of the late bank of the United States, as before designed to be provided for in the bill.

The bill was further discussed by Messrs. Preston, Prentiss, Smith, of Connecticut, Wall and Niles; and on a request of Mr. Rives for farther time to consider the subject before taking the vote.

The senate held an executive session, and then adjourned.

In the house, Thursday, April 19. After a number of reports, chiefly on private claims, had been received, the house passed to the unfinished business of yesterday morning, being Mr. Hopkins' resolution for divorcing the government from the public press.

Mr. Wise rose and said, that since the publication in the papers of the amendment yesterday moved by his colleague, (Mr. Dringcole,) to the amendment of his other colleague, (Mr. Hopkins,) he perceived, what he did not know yesterday, that it referred to the expenses of the two investigating committees which had been instituted at the last session. He then proceeded to comment at considerable length on this point in the amendment, vindicating the appointment of those committees, inviting investigation as to their expense, and insisting that the good they had effected overbalanced, by far, what they had cost the country.

Mr. Dringcole replied; disclaimed all intention to reflect on those committees, or their appointment; but said that his amendment was mainly directed to the additional expense occasioned by the exercise of the power of sending for persons and papers. He then went into an explanation and defence of the several items in his amendment.

Mr. Garland, of Virginia, obtained the floor, and then the morning hour expired.

A communication was received from the acting secretary of war, enclosing a report from the commissioner of Indian affairs, in answer to a resolution of the house of the 26th ultimo, relative to the destruction of property of the late gen. Nathaniel Taylor, by the Cherokee Indians.

Also, a communication from the acting secretary of war, enclosing the memorial of inhabitants of Knightstown, in the state of Indiana, praying congress to provide for the construction of a bridge across Blue river, at that place, with the report of the chief engineer thereon; which memorial was referred to this department on the 17th of February last.

Also, a communication from the secretary of the treasury, transmitting a portion of the information called for by the house on the 9th of April instant, in relation to the amount of revenue received in each state in the year 1836, and the amount expended during the same year.

Mr. Everett inquired of Mr. Cambreleng when it was his purpose to call up the bill making appropriations for the Seminole war. Mr. Cambreleng replied that as soon as the house should have disposed of the bill for the issue of treasury notes, he should call up the Seminole bill. Mr. Everett then asked leave to move that the resolution offered by him on Saturday last, calling for information as to the amount of arrears due on that war, and an estimate of its probable expenses up to the 1st of June next. Mr. Cushman objected; whereupon, Mr. Everett moved a suspension of the rules for that purpose, and demanded the yeas and nays, which were ordered.

The yeas and nays were taken accordingly, and resulted as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Bell, Bond, Borden, Briggs, Bynum, W. B. Calhoun, John Calhoun, Cambreleng, W. B. Campbell, John Campbell, W. B. Carter, Chambers, Cheatham, Clowney, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, De Graff, Dunn, Everett, Ewing, R. Fletcher, Fillmore, Rice Garland, Glascock, James Graham, Wm. Graham, Graves, Griffin, Halsted, Harlan, Harper, Hastings, Hawes, Haynes, Henry, Herod, Howard, R. M. T. Hunter, Ingham, Jabez Jackson, Lincoln, Loomis, Lyon, Mulloy, Marvin, S. Mason, Maury, May, Maxwell, McKennan, Mercer, Milligan, Mitchell, Calvary Morris, Murray, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Ramsey, Russell, A. H. Shepherd, Shields, Sibly, Snyder, Southgate, Sanly, Stone, Stratton, Talaferro, Tillinghast, Toland, Underwood, A. S. White, John White, E. Whitesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Yorke—101.

NAYS—Messrs. Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Broadhead, Bronson, Casey, Chapin, Cyles, Connor, Craig, Cray, Cushman, Dringcole, Edwards, Farrington, Fairfield, Fry, Gray, Haley, Hamer, Harrison, Hawkins, Thomas B. Jackson, J. Jackson, N. Jones, J. W. Jones, Keim, Kingensmith, Lawler, Leadbetter, Logan, J. M. Mason, Martin, R. M. McClellan, A. McClellan, Montgomery, Morgan, Samuel W. Morris, Noble, Owens, Palmer, Parmenter, Paynter, Pennybacker, Pettkin, Phelps, Pickens, Prentiss, Rhett, Richardson, Sawyer, Shaffer, C. Shepard, Spencer, Stuart, Taylor, Titus, Towns, Turney, Vandever, Webster, Weeks, J. W. Williams, Worthington, Yell—70.

There not being two-thirds in the affirmative, the motion to suspend the rules was lost, and Mr. Everett's call for information was not allowed to be moved.

Mr. Lincoln moved that the house go into committee of the whole on the bill respecting the new treasury building; but the motion was objected to, and the house refused to suspend the rules for the purpose. So the motion was rejected.

The house then passed to the unfinished business of yesterday, and resumed the consideration of the Cumberland road bill.

Mr. Underwood, who had the floor at the adjournment, resumed and concluded his speech against the bill, and in favor of his amendment to recommit. Mr. Cushing, of Massachusetts, went into an extended argument in reply, and in defence of the bill. Mr. Rhett, of South Carolina, spoke with great ardor in opposition to the measure, and was followed by Mr. Calhoun, of Kentucky, as decidedly in its favor. Mr. Clowney obtained the floor, but yielded it, for the purpose of an explanation, to Mr. Underwood, who was proceeding to answer his colleague, (Mr. Calhoun,) when, alluding to an amendment proposed by himself to the constitution, and glancing at the subject of slavery—

He was arrested by the chair. He asked leave to proceed; but the chair still insisting on the rule of order, he appealed to the house. The yeas for his proceeding were 94. But, before the yeas were counted, the chair also appealed to the house to support its rules. Some confusion arose, when,

On motion of Mr. Clowney, the house adjourned.

MISCELLANEOUS.

From Mexico. The New Orleans Transcript of the 11th inst. says:

"Two French brigs of war visited Matamoras on the 24th ult. and sent a deputation up to the town to assure the French citizens of the protection of their government, and that if the Mexican government should not comply satisfactorily, by the 25th instant, with requisitions already made, the ports of the republic will be blockaded. One thousand of the Mexican troops, under Canaliz, were about to leave the place, —destination unknown.

Specie by wholesale. We learn that arrangements have been made by the Bank of England, in connection with Messrs. Baring, Brothers & co., and Mr. James G. King, of this city, to send out to the address of Messrs. Prime, Ward & King, one million sterling in specie. Two hundred thousand pounds have arrived by the Sheridan and Columbus, and the

residue will be here by the packets in succession. £100,000 by each.

[*Four Com.*]

The whole amount of specie received at New York, in the last few days, is estimated at nearly two millions of dollars, viz: 303,822 sovereigns, 29,000 dollars, and 2,896,923 francs.

It is stated that this large sum is sent out to New York with a view to aid the banks in resuming. The American adds:

"It is estimated, by those who have good means of knowing, that ten millions of dollars will be imported before June 1st, and that, without reducing the amount of bullion in the Bank of England below ten million pounds sterling—as the tendency of gold was constant from the continent to England."

From the New York Express.

A notice was put up in front of Prime, Ward & King's office this morning, that arrangements had been made by the Bank of England and Baring, Brothers & co., through the agency of Messrs. Prime and their partner, Mr. James G. King, now in London, to import one million of pounds sterling in specie, to enable our banks to resume specie payments; of this sum, 500,000 dollars have arrived since Saturday. The notice has excited quite a sensation in the street. Enquiries are now made how this has been obtained; what banks are particularly interested; and how have funds been placed in London to pay; all these points are important, if the specie is really going into the vaults of the banks to enable them to resume.

The New York Gazette states that it is surmised that the object of the Bank of England in sending this large remittance of specie to this country, is for the purpose of establishing an agency in New York, as an offset to that of the United States Bank in London, and of which the Bank of England is particularly jealous.

In New York on Friday 13th inst., Philadelphia bank notes were selling at five per cent. discount. Bills on Baltimore six per cent. discount; on Mississippi thirty-five; on Alabama, twenty-five.

Sales of the New York stock exchange, April 17.

50 shares U. S. Bank, s 30 days,	113
300 do do	114a114 1-2
225 do Amer. Trust co. Balto.	95 1-2a96
25 do do s 30 days,	96

April 18.

330 shares U. S. Bank,	115a115 1-2
25 do do s 30 days,	114 3-4
25 do Amer. Trust Balto.	95 3-4

Specie. American gold, &c. 3-4a1 per cent. premium. Sales of 100 patriot doubloons at \$15 6a each.

Treasury notes. 3-8a1-8 per cent. discount.

Canada. We learn from the Toronto Colonist of the 12th inst. that on that day at 8 o'clock, A. M. Samuel Lount and Peter Matthews were executed in pursuance of their sentence, for high treason.—They walked with a firm step to the scaffold, and after an impressive prayer by the Rev. Mr. Richardson, they were launched into eternity. An immense concourse of people were present, by whom the greatest order was observed. The square in rear of the goal, on which the scaffold was erected was surrounded by the volunteer corps of provincial militia, now stationed in Toronto.

A correspondent of the Albany Evening Journal says, that petitions had been sent to gov. Arthur for mercy, or even an extension, signed by some three thousand citizens of Toronto and its vicinity; the executive council had been called together, but naught availed to stay execution. The bodies, notwithstanding the earnest application of their wives and friends, were delivered up for dissection. The affair is said to have created much excitement.

It is stated that Theller, Montgomery, Anderson, and G. F. Warlen are to be executed on the 24th inst.

Sentence of death was pronounced at Hamilton in the Gore district, upon Horatio Hill, Stephen Smith, Charles P. Waldrath, Ephraim Cook, John Trufford, Nathan Town, and Peter Malcolm—day of execution the 20th instant.

Also, upon William Webb and John Hamill—execution to take place on the 22d instant.

The Toronto Guardian states that Theller founded his defence chiefly on the assertion that he was an American citizen, which was overruled on the ground that he was born a British subject, and could not divest himself of his allegiance.

The same paper says that the case of Sutherland remained undecided on the 11th; and intimates doubt of the rumors put forth about his extraordinary disclosures.

In passing sentence upon Peter Malcolm, the court informed him that for reasons assigned his case would be favorably represented to the executive.

NILES' NATIONAL REGISTER.

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WASHINGTON CITY, APRIL 23, 1838.

[Vol. LIV.—Whole No. 1,387.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

¶ We have inadvertently copied from the "Globe" the report of the majority of the committee appointed to investigate the causes of the late duel, under an impression that we would have been able to have accompanied it with the reports presented by Messrs. Grennell and Elmore, and the final action of the house upon the subject. This not being the case, it becomes necessary, in order to avoid the imputation of concurrence with the majority, to say, that the report has not been adopted—that it has not even been printed by order of the house, and that the whole matter is still under consideration.

It is not often that, even through inadvertence, we have presented a one-sided view of a question, and would have avoided it in the present instance, if we could have done so without greatly delaying the appearance of the present sheet. We will, of course, publish the other reports as soon as they are directed to be published, and give such parts of the testimony and the debate as shall do full justice to all the parties concerned.

¶ Great rejoicing has taken place in New York in consequence of the arrival at that place of the steam packets *Sirus* and *Great Western*, from England, in very quick passages. Among other demonstrations of pleasure, was a splendid dinner to the commanders by the corporation; but we are so much pressed for room that we must postpone an account of all that occurred on the occasion until our next.

¶ M. Bodiscoe, minister from Russia to the United States, and his suite, arrived at New York on Wednesday last in the packet ship *Meteor*, from London.

¶ The Hon. Henry A. Muhlenburg, minister of the United States to Austria, with his family, and John Randolph Clay, esq., secretary of legation, with his family, sailed from New York on Wednesday in the packet ship *Burgundy* for Havre.

GEN. JACKSON visited Nashville on the 19th inst. and remained several days. He has nearly regained his usual health.

CONGRESSIONAL ELECTION. On Wednesday last an election was held in the congressional district composed of the cities of Baltimore and Annapolis, and Anne Arundel county, to fill the vacancy occasioned by the death of Mr. McKim, which resulted in favor of John P. Kennedy, esq., the whig candidate, by a majority of 862 votes.

The following is believed to be a correct statement of the result:

	John P. Kennedy, (whig.)	W. H. Marriott, (adm.)
Baltimore city,	5,957	5,337
Anne Arundel,	1,052	820
Annapolis city,	10 (maj.)	

7,019 6,157

Mr. Kennedy's majority in the district 862.

The following statements show the results in each of the wards in the city of Baltimore, and in the districts of Anne Arundel county.

Baltimore city.					
Wards.	Whig.	Ad.	Whig maj.	Ad. maj.	
1	409	314	95		
2	351	320	31		
3	432	564		82	
4	425	574		149	
5	590	875	215		
6	508	466	42		
7	631	231	400		
8	408	552		144	
9	637	260	877		
10	400	473		74	
11	623	498	130		
12	583	710		172	
			1290	670	
			670		
			620		

In the regular congressional election, held in July, 1837, the average majority for the Van Buren ticket in the city of Baltimore was 233 votes; and the average majority for the same ticket in the whole district, was 251 votes.

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Anne Arundel.		
District.	Whig.	Ad.
1	325	94
2	67	75
3	95	121
4	127	230
5	216	226
6	215	74
Total,	1,052	820

Annapolis city.

For Kennedy	144
" Marriott	134

The average majority given for the Van Buren party at the last July election, for representatives in congress, was 124.

BANKS, CURRENCY, &c. The New York Commercial Advertiser of Monday afternoon says—

"Some of the banks of this city commenced paying out their notes on Friday and Saturday last. This morning they are doing so very generally, and although the resolution for a resumption of specie payments is not yet formally in force, still specie can be obtained, if wanted, from any of them. The banks have all resolved to resume on the 9th of May, and we rather suspect that they intend to do so on Monday next, albeit not authorized thus to speak."

The same paper of Wednesday afternoon has the following:

New custom house order. We understand that instructions were received this morning, authorizing the collector of customs in this city to receive all the notes of the city banks, of those who do not issue paper of a less denomination than five dollars. The fifth section of a recent law prevents the receipt of such notes. The banks in this city which have not availed themselves of the late law of this state are the Manhattan, Bank of America, and the Bank of the State of New York.

The Express of Wednesday says—
The Mechanics', the Merchants', the New York, the Commercial and the State Banks, have come forward and pay out their notes freely for every check presented, and pay any demand on them for specie with great cheerfulness. We are told also, that they are liberal in their discounts. Several of the other banks do not pay out their bills, which is to be regretted, as the community are suffering beyond all reason for the want of a circulating medium. Many of the banks have not a dollar in circulation, or that can be got hold of. Thus for months and months the citizens of New York have not seen a dollar of our own bank notes. Every bill has been, as fast as it has reached the bank, clutched with eagerness, not again to be put in circulation. Many of the banks have not only hoarded up their own bills, but have in their possession large amounts of their neighbor's bank notes. But now the banks, if they have any real wish, as they must have to make money plenty, must come out at once, and not only issue their notes, but discount freely, so as to relieve the community. The instant money becomes plenty there will be but little call for specie.

The bills of all the city banks of New York are now received at that post office for postage.

The New York Journal of Commerce, of Monday, second edition, says, "The banks have all resumed specie payments in the broadest extent, bills, deposits and all; and more than that, they pay out their own notes only."

It is also stated in the Journal of Commerce that a loan of a million of dollars has been negotiated in New York for Tennessee, within a few days, and one of \$600,000 for Ohio.

We find the following in the New York Courier and Enquirer in relation to the Boston banks.

"We learn by gentlemen, passengers in yesterday's boat, from Boston, that a meeting of the officers of the banks of that city, held on Friday evening, it was resolved to redeem all their notes of the denomination of five dollars and under, and that the resolution was carried into effect on Saturday, the banks on that day paying specie for all their paper presented. Virtually, the resumption is considered entire, as it is understood that the banks will furnish any amount of specie for ordinary business purposes, and no demand for any other can be anticipated, at present."

Sales at the New York stock exchange, April 25.

208 shares U. S. Bank, cash to 10 days, 115
100 shares Amer. trust, Balto. s. 30 days, 98
Specie—Nothing done to-day, and no quotations.
Treasury notes—Sales of \$6500 at 69 1-2 and 1500 at 99 3-8; \$1500 of six per cents were sold at par.

Sales at Philadelphia, April 25.

20 shares U. S. Bank, 117 3-4

Major John S. Gooch, agent of the Mississippi Union Bank, left Washington on Wednesday with the engravings and materials necessary for the bank. On his arrival, the state bonds will be executed for \$5,000,000 and disposed of at once, and when the ten millions, in addition to this are subscribed, the state will issue its bonds for ten millions more, to be likewise disposed of.

Nashville, April 20, 4 P. M. Money matters grow worse. The depreciation on the notes of the Mississippi banks is enormous, and we were told by the brokers this morning that large sums of this description of paper could not be sold at any sacrifice short of one third or one half of the amount. Small lots are discounted at the following rates:

Natchez bank and branches, 20 a 25; Vicksburg rail road, 20 a 25; Bank of Vicksburg, 25; Vicksburg water co. 25; Brandon 35; Tombigby, Columbus, 25; Commercial, Columbus, 25; Madison city bank 25; Lake Washington 30; Real estate, Holly springs, no sales; Manchester 25.

Other funds as follows:

U. S. Bank, 16 a 17 pre.; Specie, 16 a 17 pre.; Kentucky, 15 pre.; Virginia, 15 pre.; New Orleans, 10 a 12 pre.; Indiana, 12 pre.; Illinois, 10 pre.; Carolinas and Georgia, 5 a 8 pre.; Alabama, par a 2 pre.

Mexico. The editors of the New York "Journal of Commerce" have received Vera Cruz papers to the 31st March, brought by the Pastora.

The Diario del Gobierno of the 26th, published at the Mexican capital says,—"At a quarter past 10 o'clock, this morning, the supreme government received the ultimatum announced by the French minister, Baron Deffandis, and this evening it will be communicated to congress. We will speak to-morrow, and will continue to speak in all our numbers on a topic of so great national interest, and which the government has managed, and without doubt will continue to manage, in a manner which shall satisfy the desire and expectations of the Mexicans."

By mercantile letters we learn that the French ultimatum contained the following hard terms, viz: that the Mexicans should pay \$600,000 for claims, and \$55,000 to the families of five Frenchmen who had been shot by order of the authorities, and that the government should cashier two judges at Mexico, one at Puebla; and Gomez, commandant at Tampico. If these terms were not complied with by the 15th of April, hostilities were to commence.

It was very sickly in the Mexican capital. Fever was one of the most prevalent diseases.

Efforts were made to raise the brig of war Libertador, which, during the gale in December last, was driven against the castle of Uloa, and sunk.

EXAMINATION OF MIDSHIPMEN. Navy Department, April 25, 1838. A board for the examination of midshipmen whose warrants bear date prior to the 1st day of January, 1838, will be convened at Baltimore on Monday, the 28th of May next.

It is expected that all midshipmen who may be entitled to examination under the regulation of the department, will attend at the above mentioned time and place, and report to commodore James Biddle, president of the board.

THE CHEROKEES. The Nashville Whig states that in ordering gen. Scott to the Cherokee country, the secretary of war directed him to call upon the executive of the states of Tennessee, North Carolina, and Georgia, in the event that he should require an additional force in carrying out the treaty. The department has given notice to governor Cannon, of Tennessee, that such a call may be made, with a request that it may be responded to by his excellency. The governor has replied, by letter, with his accustomed promptness, that the state will be prepared to meet the requisitions.

GOVERNOR MARCY'S SPECIAL MESSAGE.

To the senate and assembly:

FELLOW-CITIZENS: The time is not far distant when the banks of this state will resume specie payments; and it can now be anticipated with tolerable certainty, what will be the situation of things when this event shall take place. The period of resumption has been looked for with much anxiety, and strong hopes have been indulged that it would be attended with a highly important improvement in the business concerns of the country.

Since the general suspension of specie payments in the month of May last, the banks which have furnished their monthly statements to the commissioners have made commendable efforts to put themselves in a condition to resume. On the first of June last, their liabilities amounted to about sixty-four millions of dollars, while the debt due to them for loans and discounts exceeded sixty-seven millions. From that period to the present time, a course of rapid curtailment has been steadily pursued, so that their liabilities on the first of the present month were but fifty-three millions, and their loans and discounts were less than fifty-six millions. By this process of reduction, the condition of our banks has been greatly improved, and their ability to meet and sustain specie payments, is now fully equal to what it has been at any former period. This remark is particularly applicable to the banks in the city of New York, where, amidst a general depression of business, the most rigorous and praiseworthy efforts have been put forth to prepare for an early and successful resumption. The institutions in that city have, during the suspension of specie payments, reduced their liabilities more than six and a half millions of dollars. Their specie during the same period has increased from about \$1,800,000, to more than \$3,500,000, to which, in estimating their ability to meet their engagements, should be added about one million and a half of dollars purchased and ordered from abroad, and expected to arrive early in the ensuing month. The banks throughout the state which have made reports to the commissioners, have reduced their liabilities more than eleven millions of dollars, their loans and discounts about the same amount, and their circulation from about nine millions of dollars to about four millions.

The banking institutions of this state are therefore in the best condition for a return to the payment of specie, and appear to be determined, as they certainly should be, that no effort on their part shall be wanting to place the state and its business interests in the most desirable position.

The reduction of discounts, the contraction of circulation, and the means employed to procure a supply of specie—all rendered necessary in preparing for resumption—have borne heavily upon almost all classes of our citizens, and been particularly injurious to those branches of business which required the use of large capitals, or depended upon credit for success.

Owing to causes alluded to in my message at the opening of the present session, our constituents in all parts of the state shared largely in the distresses which preceded and immediately followed the suspension of specie payments. Such was the case in an especial manner with the citizens of our great commercial emporium. The loss of about fifteen millions of capital by the fire of December, 1835—the interruption of business by the unparalleled commercial revulsion which soon followed that disastrous event—the sudden withdrawal from deposit, in the midst of all this depression, of ten millions of public money—all having occurred within the space of about twenty-seven months, co-operate with other considerations to induce the legislature to extend its aid in an efficient manner, if it should become necessary, to shield our institutions from threatened hostility, and thereby to protect and foster the general interests of the people. It is also proper to remark, that about three millions of the amount of deposits withdrawn from the banks in the city of New York, were apportioned to the several counties and towns in the state, and loaned to the citizens thereof under the law of the last session in relation to the surplus moneys belonging to the United States.

There is also another feature in the case presented by the depressed state of business in the city of New York, which should not pass without observation. A large portion of the trade of that city is transacted with distant sections of the union. The causes which have operated so extensively to derange the general currency of the country, have produced the most serious effects in the states south and west. There is reason to believe that the banks in that vast and important region, have not been influenced in an equal degree by the considerations which have controlled our institutions and brought them into a sound condition; but that, on the con-

trary, they have so far extended their issues of paper as materially to diminish its value and render it of little use as a medium for the collection of debts due to our citizens. The losses by the course of domestic exchanges, consequent upon the great depreciation in the value of southern and western bank paper, have added to the embarrassments of our merchants, and greatly impaired the resources.

Although the suspension, owing to various causes, has operated much more severely in some places than in others, it must be regarded as a common calamity, and its continuance cannot be otherwise than injurious to all sections of the country; it is therefore to be regretted that all sections have not felt an equal solicitude for the restoration of our currency to a sound condition, and adopted measures equally vigorous for producing so desirable a result. Such, however, has not been the course of proceeding on the part of all. Indeed, it is now no longer a matter of doubt that the movement here, in relation to resuming payments in specie, must be made without the co-operation of any other state.

I have not been able to discover any adequate reason why the banks in some of the other states, and particularly in the Atlantic cities, could not have been in as favorable a condition to resume as our own. The main causes which led to the suspension have for some time ceased to operate, and others of an opposite tendency are exerting a beneficial influence in restoring the currency to a healthy state. The commercial debt abroad, which was large at the period of suspension, and the pressing demand for which was one of the principal causes of that calamity, is now mostly paid off or arranged; foreign exchanges are decidedly in our favor; the precious metals instead of being in demand for exportation, are coming into the country in great abundance from every quarter.

In a state of things so favorable to a general resumption, it can scarcely be doubted that with proper preparatory measures the banks in most parts of the union, if they had been in concert, or with reference to the general prosperity of the country, might have been in a situation to resume specie payments as early as the period fixed on for that purpose by the banks of this state. It is not to be denied that these preparatory measures, whenever resorted to, must lead to a temporary increase of embarrassments in most branches of business. While one place or section of the country submits to the sacrifices which result from these unavoidable measures, for the purpose of removing the evils of a disordered currency, it was to be hoped that other parts of the union would not be so far misled by any narrow views of temporary and local interest, as to decline the like sacrifices and refuse a ready concurrence in a course of proceeding so essential to the general prosperity.

For the purposes of this communication, it is not important to determine the cause or the motive that has influenced the conduct of those institutions which have refused to co-operate with ours in the measure of resumption. It is now reduced to a moral certainty that there will be no general movement on this subject, and that the banks of this state will enter into that measure without the co-operation—and I wish I could say they would be permitted to maintain themselves in it without the open or covert hostility—of those which cannot or will not unite with them or immediately follow their example.

The suspension law of the last session expires on the 16th of May next, and the banks in the city of New York have determined to resume the payment of all demands against them in specie on the 10th of that month. The country banks of this state are prepared to take the same step at the same time, and all classes and interests, it is believed, are ready to aid those efforts by a generous confidence and approval. I do not doubt that our institutions will sustain themselves, whatever may be the course pursued by the banks in other states; but the effects of this measure upon the business concerns of the people of this state, will depend in a great degree upon the relation in which our banks will be placed in reference to those in other parts of the union; and in an especial manner to those in the neighboring Atlantic cities. If all, or nearly all the banks in the principal commercial places had resolved, as it was anticipated a short time since they would do, to resume at about the same period, and had entered upon that course earnestly, in good faith, and with kindly feelings towards each other, they would have met with few difficulties; they might probably have expected mutual forbearance in any emergency—and certainly would have had no cause to fear hostility from any source whatever. Vigorous and united efforts among themselves would have accelerated the return of public confidence, and with it they would have been at once in a condition to

dispense those accommodations which a wholesome state of business requires.

Until very recently, it was generally expected that such would be the course of events. It was confidently believed that the period of general resumption, at least throughout the eastern, middle, and some of the western states, was at hand; that it would be the beginning of an auspicious change in our pecuniary affairs; that the gloom which had so long been gathering and thickening over the land would thereafter gradually disappear, and we should be cheered by a season of wondrous prosperity.

I regret that it becomes my duty to announce to you that these pleasing anticipations are not likely to be realized, and to exhibit to you a much less inviting prospect—a prospect in which our banks will not only have to commence without co-operation in the resumption of specie payments, but will, for some time at least, have to stand alone, and struggle not only with the inevitable difficulties of such a measure, but with others, perhaps, superadded to them, arising from the condition, and possibly from the hostility of non-specie paying banks in other states.

Surrounded on all sides, as we shall be, by banks emitting irredeemable paper, it is not perhaps uncharitable to indulge a fear that they may consult their own interest by making efforts to embarrass and circumscribe the operations of our institutions with a view of securing to themselves the benefits of an extensive circulation of their bills in this state. In this manner we may be deprived of a sufficient supply of a sound currency, and in our necessities be forced to use their depreciated paper and thereby minister to their interest while they are persisting, contrary to good policy and in violation of their own obligations, in holding themselves in an irredeemable state. But assuming, as it is proper perhaps that we should do, that the refusal of the banks of other states to unite with ours in resuming, is owing to a convention on their part that they are not in a condition to sustain themselves in that measure, they will undoubtedly avail themselves of the means which the resumption in this state will afford them, to recover from their weakness, and transfer to themselves the resources which our institutions have, at considerable expense, provided for their own security. Banks that persist in issuing an irredeemable currency will by the use of it be enabled to possess themselves of claims against such as have resumed, and by exacting specie and refusing to pay it in satisfaction of demands against themselves, they will be enabled to impair and eventually exhaust the resources of the latter institutions unless they circumscribe within narrow limits their accommodations to the public. Situated as our banks are in relation to those in the Atlantic cities which have announced their determination to continue the issue of an irredeemable currency—considering the amount of their capital and their immense resources and the probable consequences of a serious attempt by them confederated and co-operating in favor of the suspension policy, or even by the United States Bank of Pennsylvania alone, with a capital much larger than the aggregated capitals of all the banks in the city of New York—to withdraw the specie which has been collected by our institutions as a necessary preparatory step to resumption;—and looking to the deplorable effects which would result in the remote contingency of being obliged by the aggressions of the non-specie paying banks, or other untoward events, to suspend a second time; every consideration of prudence will induce our banks to proceed with the utmost circumspection and to confine their operations within perfectly safe limits.

If there were no other object to answer than the success of the attempt to resume, the subject would be presented to us in a much less imposing aspect, and interposition by the legislature might not be deemed necessary; but if the banks are to continue in their present contracted state after they have resumed, and particularly if the circumstances to which I have alluded, and others of an obvious character, are likely to require further contraction on their part, very few indeed of the benefits which have been anticipated from a return to specie payments will be realized. Though they discharge their obligations in the legal currency, if they continue to reduce their discounts, or if they do not gradually expand, the public will not be essentially relieved; the laboring classes will look in vain for their accustomed employment; most kinds of agricultural products will decline in price; our manufacturing establishments cannot be put in successful operation; various branches of mechanical business will be deprived of a wholesome degree of encouragement; trade will continue in its present depressed condition; the disorders of the currency will be but partially removed, and the immoral practices

which spring from such disorders, will be but partially remedied.

It is confidently believed that the interposition of the credit of the state in case an emergency shall arise imperiously demanding a resort to such a measure, would give success to the efforts now making to correct the numerous evils which have arisen from the present deranged and vitiated state of our currency, and it appears to me that if such would be its effects, there should be no hesitation on the part of the legislature in applying the remedy. The benefits of such an interposition would be general, inasmuch as it would contribute in no inconsiderable degree to relieve almost all branches of business from depression, and all classes of our citizens from the inconveniences, inseparable from the use of an irredeemable and depreciated paper.

To avoid the creation of a new stock for the express purpose of being loaned to the banks for a long period, I recommend that the commissioners of the canal fund be authorized to issue stock, which it is now certain will become necessary within a few years, for the enlargement of the Erie canal, and the completion of the Black river and Genesee valley canals, and if the apprehended emergency should arise demanding its use, to loan it to the banks, requiring of them the most ample security for the punctual payment of the interest, and the reimbursement of the principal from time to time, as the money may be wanted in the progress of these works.

The amount necessary for the completion of these works, will exceed the sum which may be required, in any event to sustain our state institutions against hostile attacks from whatever quarter they may come, and to enable them to grant such assistance as will invigorate all branches of industry, call forth the energies of the state, and give an onward movement to its business concerns. Although intelligent merchants and bankers are of opinion that it will not probably be necessary to use the credit of the state, yet it may be otherwise, and the recent exposition of the views and policy of the Bank of the United States increases the apprehensions that a crisis will arise in which the credit of the state to some extent may be required. With a view of making ample provision for any such exigency, I respectfully recommend that authority should be given, in the manner suggested, to issue stock for the contemplated purpose to the amount of six or eight millions of dollars. This recommendation does not, it will be perceived, promise the creation of a stock, and eventually, if need be, the raising of money expressly for sustaining the banks in the measure of resumption and retrieving from their present depression the business concerns of the people, but it suggests for these highly important purposes, that the moneys which it is known will be required for the public works already authorized by law, should be raised a short time before they are wanted for expenditure. It is by no means certain that it will be necessary to use the power hereby recommended to be invested in the commissioners of the canal fund, but the consequences which would result to the state at large in case the contingency which might require its exercise should happen would be so extremely injurious, that I deem it expedient that the measure herein suggested, or some one of a similar character, should be adopted.

A new interest is, in my opinion, given to the subject I have presented, and much force is added to the considerations in favor of the measure I have recommended, by the course of conduct which it is the avowed intention of the United States Bank of Philadelphia to pursue in relation to the resumption. Had the determination to oppose a return to specie payments, and the bold avowal of the policy of maintaining irredeemable issues, come from any other quarter, they would have caused much less surprise and regret. This institution has a capital of thirty-five millions of dollars, and possesses by the terms of its charter, much more than ordinary banking powers and privileges—it has its agencies and long established business connexions in almost every state in the union—it enjoys an extensive credit, not only in this country, but in Europe; and its resources derived from this consideration alone, are immense, it most confidently relies, as appears by the language of its president, upon the subserenity of the banks of all the states except New York, in falling into its views and co-operating with it in carrying them into effect. When this formidable power,—I believe I am warranted in saying this formidable combination of powers,—is arrayed against the measure of resuming specie payments, and has become the open champion of the suspension policy, and the advocate of an irredeemable currency—when it is publicly announced by the president of the United States Bank—the central power, as it may be called, of a confederation of

banking institutions—that the uncertain period of resumption must be delayed until the accomplishment of certain pecuniary operations and political objects which are distinctly shadowed forth in his letter,—there is very strong reason to fear that the banks of this state will not be permitted to pursue the course which they have resolved to take without encountering more than the intrinsic difficulties of the measure. I am confidently persuaded that a vast majority, if not almost the entire mass of our constituents, are opposed to, and will expect their representatives and public functionaries to resist, the policy put forth by the United States Bank, of continuing the issue of an irredeemable currency. In the division which will spring from the extraordinary position taken upon this subject, the people of this state, and its banking institutions will, I trust, be found among the friends and supporters of a sound currency—a currency equivalent in value, to the legal standard; and will be arrayed against the policy of continuing the issue of irredeemable paper. To carry out their views in relation to this subject, to sustain our institutions in the measure of resumption, and to put an end to the evils of a debased circulating medium, I cannot doubt that they will approve of the interposition by the legislature, in the manner I have suggested, or in any other more efficient manner that may be devised. Viewing this subject in reference to the present posture of our pecuniary affairs, to the embarrassment in which almost all branches of business are involved, and especially in reference to the attempt, by a formidable moneyed power, to prolong the suspension of specie payments beyond the period imposed by necessity, I believe the present crisis must be generally regarded as one in which it is “the duty of the state to stand forth in its strength, and by the use of its credit and the sanction of its name, to shield its institutions and its citizens from harm.” I am ready to co-operate with the other departments of the government in every proper effort that shall promise such a result.

EXECUTIVE CHAMBER,
Albany, April 12, 1838.

W. L. MARCY.

SYSTEM OF DEFENCE.

In the senate of the United States, April 10, 1838.

The resolution offered some time since by Mr. Davis, calling on the department for information to enable the senate to determine what fortifications might be diminished and dispensed with, and whether a system of defence, by the aid of steam batteries, would not be more economical and efficient than the present system, coming up for consideration.

Mr. Davis said he wished to offer a few words of explanation, though the resolutions spoke pretty distinctly for themselves. They looked to rather an important end, and he desired, therefore, to call to them, particularly, the attention of the senate and of the executive department of the government.

The government was now in want of funds, run around, as had been said by the senator from Missouri. It was too true that, notwithstanding there had lately been a great surplus, a treasury full to overflowing, at the last session a loan of \$10,000,000 to the government had been provided for; and now, in the other house, a proposition had been brought forward for a loan of \$10,000,000 more, which, in all, would make a loan to the government of \$20,000,000 within the present year. This amount, a short time ago, would have been considered much more than enough for the annual uses of the government; but it seemed that it was now required in addition to the current revenue. Mr. D. however, alluded to these facts to show that the treasury and the revenue of the country were in an embarrassed condition, and that, too, when the country generally was at peace and free from a public debt. These resolutions were designed to call the attention of the executive department of the government to the defences of the Atlantic frontier, for the purpose of an examination, to ascertain what might be done in regard to them, in the way of economy as well as efficiency. When those fortifications were commenced, we had recently come out of a war with Great Britain, in which the Atlantic frontier had suffered much annoyance, commerce having been obstructed, and some small towns destroyed, and others menaced. It was, therefore, felt to be necessary to provide for the defence of that frontier; and it might be said that, feeling the evils of that war, they went rather to the opposite extreme in preparing for its defence, that it might not be found again in the same exposed condition. A board of engineers was appointed to examine the coast, and report to government an efficient system of defence, to be ready when another war should occur, which was not im-

probable. This board, with a distinguished French engineer at its head, reported a system of fortifications, extensive and sufficiently complete, though to say that it would afford entire protection would be untrue. The first class of fortifications were of stupendous dimensions, designed to protect the large towns and other important points that were most assailable. The subordinate classes were also on a scale proportionately large. Congress embraced this system, and proceeded to carry it into effect.

Mr. D. thought it was now important to look at it. Though it was doubtless best that the country should be well protected against invasion, he had at all times given his votes to sustain this system with some degree of reluctance, under the belief that it was an overgrown system. He had now before him the original estimate of the three classes of fortifications, and he found that the engineers estimated the whole cost at about \$18,000,000. He had the curiosity also to look at the actual expenditures on those forts that were said to be completed, which were ten or twelve in number, and he found that their construction had cost just about twice as much as was originally estimated by the engineers. At that rate this system, when completed, would have cost at least \$36,000,000; and then what followed? This would be the simple expense of construction alone; they must subsequently be armed, manned, and maintained.

Twenty years had now nearly elapsed since this process was commenced; and Mr. D. asked whether, during that time, there had not been changes in the country which demanded that we should look into the system, and see whether it ought not in justice to be modified. Mr. D. had now referred to steam as a means of defence. It was true that at the time when the system was adopted, steam, as a means of defence, was not unknown; it was experimented upon to some extent, but it was not so matured as to be very materially regarded in providing for the defence of this frontier. But inquiry into this subject, and the employment of steam in the civil marine, had now more fully developed its character, and shown that it could be employed as one of the most effective agents in the defence of the country. The question, therefore, arose, whether there ought not to be some modifications in the present system, and whether it might not be expedient to abandon some, and to diminish others of the existing and projected fortifications.

In saying this, Mr. D. by no means wished to lessen the efficiency of the defences of the country; but he desired that there should be no unnecessary expenditure of the public money; and, above all, he would not unnecessarily lay such foundations as would render it necessary or expedient to maintain a large standing army. The force necessary to man these fortifications was set down in these estimates at nearly 38,000 in time of war, and in time of peace at about 5,000; and it was well known that subjects of this sort were always presented to congress in the most favorable aspect; and therefore the 38,000 and 5,000 might be considered as the minimum numbers; and if the same rule should be applied as was found applicable to the expenditures, it would turn out that the numbers of men must be doubled. But at least, though Mr. D. did not pretend to accuracy in his own estimates on this subject, he knew full well that the 38,000 and 5,000 men were put down as the smallest numbers. He would not estimate the expense of maintaining these men, though he believed it was placed by the department at about \$300 a year for each man. But it was not for that particularly that he objected to a standing army; and he meant in no way to disparage our troops in saying that a standing army was in its very nature uncongenial to our institutions. Its sympathies were of course with the government, and not with the people; it drew its support out of the treasury, and its sympathies would follow the power that directly maintained it. It would therefore be effectively in the hands of the government; and, whenever the government chose to turn it to its own purposes, it might turn it against the people themselves and the liberties of the country; and his having the power to do so made it a dangerous engine in the hands of the executive of a free government. The institution of the militia was of revolutionary origin; and, although it had been ridiculed, yet it must be regarded, by every cautious friend of republican principles, as the only safe force for a free people, because the citizen soldier was the only one that could be relied on for the support of liberty. On these accounts, especially, it was very desirable that the number of standing troops for the defence of the country should be as small as was possibly consistent with its safety.

Mr. D. had said in the outset that the treasury was embarrassed, and all admitted that it was so

There had been, long ago, a call for great economy, for limited expenditures, for a general reform; and yet had there been any sort of reform in the expenditures? And if there had been, where was it? The administration of Mr. Adams was denounced for its prodigality, for the great number of its officers, for its extravagant expenditures of money; and if all this could have been shown, Mr. D. would have gone into any company to correct the evil. But had the expenditures of the government been ever diminished, in any branch of public service? Had the number of its officers been ever reduced? Had a system of reform been carried out in any manner? If so, Mr. D. had never been aware of it. The blue book would show that the number of officers had, on the contrary, been greatly increased. Nor had their salaries been diminished. Mr. D. was not aware that the salary of one individual among them had been diminished for the last nine years; on the contrary, he knew, and every gentleman who heard him knew, that whenever the subject was touched at all in congress their salaries had been raised, and that in very many instances. There was, then, no great reform in all this. Mr. Adams's administration had expended about \$12,000,000, annually, and in 1836-'7 the expenditure had risen to more than \$30,000,000 a year.

Mr. D. was at an utter loss how to see where there had been any reform or retrenchment. He hoped for something from this matter, if such answers were made as he had reason to expect to the resolutions. He hoped for a saving in this branch of the expenditures, if the information came in season to be used when the appropriation bills should come under consideration.

Mr. D. proceeded to show, in detail, the great advantages that might be expected from the use of steam-batteries, especially in keeping the enemy's ships of war out of our bays and sounds, keeping our commerce open, and our towns and villages more free from danger and alarm. He urged, also, that Great Britain, by using them on her part, would ultimately compel us to use them, willing or not, which we might do with great comparative advantage, having the means and the materials at hand in all parts of the country, while their depots must be at Halifax and Bermuda. He insisted that it was high time for the government to enter into an inquiry on this subject with zeal and earnestness.

He said we all remembered how the population of Chesapeake bay were harassed, the shipping destroyed, the trade upon this great inland thoroughfare completely cut up, by British vessels that had possession of this highway, while we had no means of resisting their depredations. To obviate this, we had built two fortifications at an outlay of from three to four millions, to secure Hampton Roads, but these did not shut an enemy out of the bay. They only served as a place of refuge for our own vessels, and this was a great point gained. If we now added a small fleet of heavy armed steamers to the defence of this water, no vessel or vessels would dare enter it, whatever might be their force, for if they should be becalmed or come to anchor, or become incapable of being worked from any cause, they must be sacrificed to even a single battery, that choose its own position, and destroy them, while it would be little exposed to danger. The hazard, therefore, of entering bays and interior waters against such a force was so imminent that few would incur it, unless aided by steam. If, therefore, we relied more on this kind of defence and less on large fortifications, our internal trade would be left to its free, uninterrupted action, and we should enjoy all the vast benefits of it in time of war, and the inhabitants and their property would cease to be molested. This kind of force had at all times this great advantage; it could be suddenly concentrated and be brought to bear with all its power where emergencies called for it.

And in regard to Long Island sound, one end of it was closed in, with the exception of the narrow passage of East river, while the other was too wide open to be fortified; and what was the consequence? The British had entered the sound with their ships of war, and blockaded the whole adjacent coast, had confined the vessels in the ports, and stopped the intercourse, so that while flour could not be sold here and at Baltimore, in the east it brought \$16, and could hardly be procured at all, because it had to be transported by land; whereas, if steam batteries had been used, the way would probably have been kept open. Mr. D. had little hesitation in saying that a few batteries of this sort would afford more effectual protection than any system of protection which could be employed. Fortifications were also necessary for the protection of these batteries themselves, and the defence of the important points of the country, but with the

steam batteries they would be immensely more effective, so as to drive the enemy out of our waters, and force them to sea, where they could not live, except at a distance from the coast. This would be a great advantage, and give the greatest possible security to the country.

After some remarks from Mr. Benton the resolution was agreed to.

MR. WEBSTER'S SPEECH,

In answer to Mr. Calhoun—March 22, 1838.

On Thursday, the 22d of March, Mr. Calhoun delivered the speech which was published in our last, in answer to Mr. Webster's speech of March 12. When he had concluded, Mr. Webster immediately rose, and addressed the senate as follows:

MR. PRESIDENT: I came rather late to the senate this morning, and happening to meet a friend on the avenue, I was admonished by him to hasten my steps, as "the war was to be carried into Africa," and I was expected to be annihilated. I lost no time in following the advice, sir, since it would be awkward for one to be annihilated without knowing any thing about it.

Well, sir, the war has been brought into Africa. The honorable member has made an expedition into regions as distant from the subject of this debate as the orb of Jupiter is from that of our earth. He has spoken of the tariff, of slavery, and of the late war. Of all this I do not complain. On the contrary, if it be his pleasure to allude to all, or any of these topics, for any purpose whatever, I am ready at all times to hear him.

Sir, this carrying the war into Africa, which has become so common a phrase among us, is, indeed, imitating a great example; but it is an example which is not always followed by success. In the first place, sir, every man, though he be a man of talent and genius, is not a Scipio; and in the next place, as I recollect this part of Roman and Carthaginian history—the gentleman may be more accurate—but as I recollect it, when Scipio resolved upon carrying the war into Africa, Hannibal was not at home. Now, sir, I am very little like Hannibal, but I am at home; and when Scipio Africanus South Carolinensis brings the war into my territories, I shall not leave their defence to Asdrubal, nor Syphax, nor any body else. I meet him on the shore, at his landing, and propose but one contest,

"Concuritur;

"Aut cita mors, aut victoria laeta."

Mr. President, I had made up my mind that if the honorable gentleman should confine himself to a reply, in the ordinary way, I would not say another syllable. But he has done so. He has gone off into subjects quite remote from all connexion with revenue, commerce, finance, or sub-treasures, and invites to a discussion which, however uninteresting to the public at the present moment, is too personal to be declined by me.

He says, sir, that I had undertaken to compare my political character and conduct with his. Far from it. I attempted no such thing. I compared the gentleman's political opinions at different times, with one another, and expressed decided opposition to those which he now holds. And I did, certainly, advert to the general tone and drift of the gentleman's sentiments and expressions, for some years past, in their bearing on the union, with such remarks as I thought they deserved; but I instituted no comparison between him and myself. He may institute one, if he pleases, and when he pleases. Seeking nothing of this kind, I avoid nothing. Let it be remembered, that the gentleman began the debate by attempting to exhibit a contrast between the present opinions and conduct of my friends and myself, and our recent opinions and conduct. Here is the first charge of inconsistency; let the public judge whether he has made it good. He says, sir, that on several questions I have taken different sides, at different times; let him show it. If he shows any change of opinion, I shall be called on to give a reason, and to account for it. I leave it to the country to say whether, as yet, he has shown any such thing.

But, sir, before attempting that, he has something else to say. He had prepared, it seems, to draw comparisons himself. He had intended to say something, if time had allowed! Sir, time does allow—time must allow. A general remark of that kind ought not to be, cannot be, left to produce its effect, when that effect is obviously intended to be unfavorable. Why did the gentleman allude to my votes, or my opinions, respecting the war, at all, unless he had something to say? Does he wish to leave an undefined impression that something was done, or something said, by me, not now capable of defence or justification? something not reconcilable with true patriotism? He means that, or nothing. And now, sir, let him bring the matter forth; let him take the responsibility of the accusation: let him state his facts. I am here to answer: I am here, this day, to answer. Now is the time, and now the hour. I think we read, sir, that one of the good spirits would not bring against the arch-enemy of mankind a railing accusation; and what is railing, but general reproach—an imputation, without fact, time, or circumstance? Sir, I call for particulars. The gentleman knows my whole conduct well: indeed, the journals show it all, from the moment I came into congress till the peace. If I have done, then, sir, any thing unpatriotic—any thing which, as far as love to country goes, will not bear comparison with his, or any man's conduct—let it now be stated. Give me the fact, the time, the manner. He speaks of the war; that which we call the late war, though it is now twenty-five years since it terminated. He would leave an impression that I opposed it. How? I was not in congress when war was declared, nor in public life, anywhere, I was pursuing my profession, and keeping company with judges, sheriffs, and jurors, and plaintiffs and defendants. If I had been in congress, and had enjoyed the benefit of hearing the honorable gentleman's speeches, for all I can say, I might have concurred with him. But I was not in public life. I never had been, for a single hour; and was in no situation, therefore, to oppose or to support the declaration of war. I am speaking to the fact, sir; and if the gentleman, has any fact, let us know it.

Well, sir, I came into congress during the war, I found it waged, and raging. And what did I do here to oppose it? Look to the journals. Let the honorable gentleman tax his memory. Bring up any thing, if there be any thing to bring up—not showing error of opinion, but showing want of loyalty or fidelity to the country. I did not agree to all that was proposed, nor did the honorable gentleman. I did not approve of every measure, nor did he.

The war had been preceded by the restrictive system and the embargo. As a private individual, I certainly did not think well of these measures. It appeared to me the embargo annoyed us as much as our enemies, while it destroyed the business and cramped the spirits of the people.

In this opinion I may have been right or wrong, but the gentleman was himself of the same opinion. He told us, the other day, as a proof of his independence of party, on great questions, that he differed with his friends on the subject of the embargo. He was decidedly and unalterably opposed to it. It turns out, in his judgment, therefore, no imputation either on my patriotism, or the soundness of my political opinions, that I was opposed to it also. I mean opposed in opinion: for I was not in congress, and had nothing to do with the act creating the embargo. And as to opposition to measures for carrying on the war, after I came into congress, I again say, let the gentleman specify—let him lay his finger on any thing, calling for an answer, and he shall have an answer.

Mr. President, you were yourself in the house during a considerable part of this time. The honorable gentleman may make a witness of you. He may make a witness of any body else. He may be his own witness. Give us but some fact, some charge, something capable in itself either of being proved or disproved. Prove any thing, not consistent with honorable and patriotic conduct, and I am ready to answer it. Sir, I am glad this subject has been alluded to, in a manner which justifies me in taking public notice of it; because I am well aware that, for ten years past, infinite pains have been taken to find something, in the range of these topics, which might create prejudice against me in the country. The journals have all been pored over, and the reports ransacked, and scraps of paragraphs and half sentences have been collected, put together in the tamest manner, and then made to flare out, as if there had been some discovery. But all this failed. The next resort was to supposed correspondence. My letters were sought for, to learn if, in the confidence of private friendship, I had never said any thing which an enemy could make use of. With this view, the vicinity of my former residence has been searched, as with a lighted candle. New Hampshire has been explored, from the mouth of the Merrimack to the White Hills. In one instance a gentleman had left the state, gone five hundred miles off, and died. His papers were examined, a letter was found, and I have understood it was brought to Washington, a conclave was held to consider it, and the result was, that if there was not any else against Mr. Webster, the matter had better be kept alone. Sir, I hope to make every body of that opinion who brings against me a charge of want of patriotism. Errors of opinion can be found, doubtless, on many subjects; but as conduct flows from the feelings which animate the heart, I know that no act of my life has had its origin in the want of ardent love of country.

Sir, when I came to congress, I found the honorable gentleman a leading member of the house of representatives. Well, sir, in what did we differ? One of the first measures of magnitude, after I came here, was Mr. Dallas's proposition for a bank. It was a war measure. It was urged as being absolutely necessary to enable government to carry on the war. Government wanted revenue—such a bank it was hoped would furnish it and on that account it was warmly pressed and urged on congress. You remember all this, Mr. President. You remember how much some persons supposed the success of the war and the salvation of the country depended on carrying that measure. Yet the honorable member from South Carolina opposed this bill. He now takes to himself a good deal of merit—none too much, but still a good deal of merit, for having defeated it. Well, sir, I agreed with him. It was a mere paper bank—a mere machine for fabricating irredeemable paper. It was a new form for paper money; and, instead of benefiting the country, I thought it would plunge it deeper and deeper in difficulty. I made a speech on the subject; it has often been quoted. There it is; let whoever pleases read and examine it. I am not proud of it for any ability it exhibits; on the other hand, I am not ashamed of it, for the spirit which it manifests. But, sir, I say again, the gentleman himself took the lead against this measure—this darling measure of the administration. I followed him; if I was seduced into error, or into unjustifiable opposition, there sits my seducer.

What sir, were other leading sentiments, or leading

measures of that day? On what other subjects did men differ? The gentleman has adverted to one, and that a most important one; I mean the navy. He says, and says truly, that at the commencement of the war the navy was unpopular. It was unpopular with his friends, who then controlled the politics of the country. But he says he differed with his friends; in this respect he resisted party influence and party connexion, and was the friend and advocate of the navy. Sir, I commend him for it. He showed his wisdom. That gallant little navy soon fought itself into favor, and showed that no man, who had placed reliance on it, had been disappointed.

Well, sir, in all this, I was exactly of the same opinion as the honorable gentleman.

Sir, I do not know when my opinion of the importance of a naval force to the United States had its origin. I can give no date to my sentiments on this subject, because I never entertained different sentiments. I remember, sir, that immediately after coming into my profession, at a period when the navy was most unpopular, when it was called by all sorts of hard names, and designated by many coarse epithets, on one of those occasions, on which young men address their neighbors, I ventured to put forth a boy's hand in defence of the navy. I insisted on its importance, its adaptation to our circumstances, and to our national character; and its indispensable necessity, if we intended to maintain and extend our commerce. These opinions and sentiments I brought into congress; and, so far as I remember, it was the first, or among the first times, in which I presumed to speak on the topics of the day, that I attempted to urge on the house a greater attention to the naval service. There were divers modes of prosecuting the war. On these modes, or on the degree of attention and expense which should be bestowed on each, different men held different opinions. I confess I looked with most hope to the results of naval warfare, and therefore I invoked government to invigorate and strengthen that arm of the national defence. I invoked it to seek its enemies upon the seas—to go where every auspicious indication pointed, and where the whole heart and soul of the country would go with it.

Sir, we were at war with the greatest maritime power on earth. England had gained an ascendancy on the seas over the whole combined powers of Europe. She had been at war twenty years. She had tried her fortunes on the continent, but generally with no success. At one time, the whole continent had been closed against her. A long line of armed exterior, an unbroken hostile array, frowned upon her from the gulf of Archangel, round the promontory of Spain and Portugal, to the foot of the boot of Italy. There was not a port which an English ship could enter. Every where on the land the genius of her great enemy had triumphed. He had defeated armies, crushed coalitions, and overturned thrones; but, like the fabled giant, he was unconquerable only while he touched the land. On the ocean, he was powerless. That field of fame was his adversary's, and her meteor flag was streaming in triumph all over it.

To her maritime ascendancy, England owed every thing, and we were now at war with her. One of the most charming of her poets has said of her, that

"Her march is o'er the mountain wave,
"Her home is on the deep."

Now, sir, since we were at war with her, I was for intercepting this march; I was for calling upon her, and paying our respects to her at home; I was for giving her to know that we, too, had a right of way over the seas, and that our marine officers and our sailors were not entire strangers on the bosom of the deep; I was for doing something more with our navy, than to keep it on our shores, for the protection of our own coasts and our own harbors; I was for giving play to its gallant and burning spirit; for allowing it to go forth upon the seas, and to encounter, on an open and an equal field, whatever the proudest or the bravest of the enemy could bring against it. I knew the character of its officers, and the spirit of its seamen; and I knew that, in their hands, though the flag of the country might go down to the bottom, while they went with it, yet that it could never be disabed or disgraced.

Since she was our enemy—and a most powerful enemy—I was for touching her, if we could, in the very apple of her eye; for reaching the highest feather in her cap; for clutching at the very brightest jewel in her crown. There seemed to me to be a peculiar propriety in all this, as the war was undertaken for the redress of maritime injuries alone. It was a war declared for free trade and sailors' rights. The ocean, therefore, was the proper theatre for deciding this controversy with our enemy, and on that theatre my ardent wish was, that our own power should be concentrated to the utmost.

So much, sir, for the war, and for my conduct and opinions as connected with it. And, as I do not mean to recur to this subject often, nor ever, unless indispensably necessary, I repeat the demand for any charge, any accusation, any allegation whatever, that throws me behind the honorable gentleman, or behind any other man, in honor, in fidelity, in devoted love to that country in which I was born, which has honored me, and which I serve. I, who seldom deal in defiance, now, here, in my place, boldly defy the honorable member to put his insinuation in the form of a charge, and to support that charge by any proof whatever.

The gentleman has adverted to the subject of slavery. On this subject, he says, I have not proved myself a

friend to the south. Why, sir, the only proof is, that I did not vote for his resolutions.

Sir, this is a very grave matter; it is a subject very exciting and inflammable. I take, of course, all the responsibility belonging to my opinions; but I desire these opinions to be understood, and fairly stated. If I am to be regarded as an enemy to the south, because I could not support the gentleman's resolutions, be it so. I cannot purchase favor from any quarter, by the sacrifice of clear and conscientious convictions. The principal resolution declared that congress had plighted its faith, not to interfere, either with slavery or the slave-trade, in the District of Columbia.

Now, sir, this is quite a new idea. I never heard it advanced until this session. I have heard gentlemen contend that no such power was in the constitution; but the notion, that though the constitution contained no prohibition, yet that congress had plighted its faith, not to exercise such a power, is an entire novelty, so far as I know. I must say, sir, it appeared to me little else than an attempt to put a prohibition into the constitution, because there was none there already. For this supposed plighting of the public faith, or the faith of congress, I saw no ground, either in the history of the government, or in any one fact, or in any argument. I therefore could not vote for the proposition.

Sir, it is now several years since I took care to make my opinion known, that this government has, constitutionally, nothing to do with slavery, as it exists in the states. That opinion is entirely unchanged. I stand steadily by the resolution of the house of representatives, adopted, after much consideration, at the commencement of the government—which was, that congress have no authority to interfere in the emancipation of slaves, or in the treatment of them, within any of the states; it remaining with the several states alone to provide any regulations therein, which humanity and true policy may require. This, in my opinion, is the constitution, and the law. I feel bound by it. I have quoted the resolution often. It expresses the judgment of men of all parts of the country, deliberately formed, in a cool time; and it expresses my judgment, and I shall adhere to it. But this has nothing to do with the other constitutional question; that is to say, the mere constitutional question, whether congress has the power to regulate slavery and the slave-trade in the District of Columbia.

On such a question, sir, when I am asked what the constitution is, or whether any power granted by it has been compromised away; or, indeed, could be compromised away—I must express my honest opinion; and always shall express it, if I say any thing, notwithstanding it may not meet concurrence either in the south, or the north, or the east, or the west. I cannot express, by my vote, what I do not believe.

He has chosen to bring that subject into this debate, with which it has no concern, but he may make the most of it, if he thinks he can produce unfavorable impressions on the south, from my negative to his fifth resolution. As to the rest of them, they were common-places, generally, or abstractions; in regard to which, one may well not feel himself called on to vote at all.

And now, sir, in regard to the tariff. That is a long chapter, but I am quite ready to go over it with the honorable member.

He charges me with inconsistency. That may depend on deciding what inconsistency is, in respect to such subjects, and now it is to be proved. I will state the facts, for I have them in my mind somewhat more fully than the honorable member has himself presented them. Let us begin at the beginning. In 1816, I voted against the tariff law, which then passed. In 1824, I again voted against the tariff law, which was then proposed, and which passed. A majority of New England votes, in 1824, was against the tariff system. The bill received but one vote from Massachusetts; but it passed. The policy was established; New England acquiesced in it; conformed her business and pursuits to it; embarked her capital, and employed her labor, in manufactures; and I certainly admit that, from that time, I have felt bound to support interests thus called into being, and into importance, by the settled policy of the government. I have stated this often here, and often elsewhere. The ground is defensible, and I maintain it.

As to the resolutions adopted in Boston, in 1820, and which resolutions he has caused to be read, and which he says he presumes I prepared, I have no recollection of having drawn the resolutions, and do not believe I did. But I was at the meeting, and addressed the meeting, and what I said on that occasion has been produced here, and read in the senate years ago.

The resolutions, sir, were opposed to the commencement of a high tariff policy. I was opposed to it, and spoke against it—the city of Boston was opposed to it—the commonwealth of Massachusetts was opposed to it. Remember, sir, that this was in 1820. This opposition continued till 1824. The votes all show this. But in 1824, the question was decided; the government entered upon the policy; it invited men to embark their property and their means of living in it. Individuals have done this to a great extent; and, therefore, I say, so long as the manufactures shall need reasonable and just protection from government, I shall be disposed to give it to them. What is there, sir, in all this, for the gentleman to complain of? Would he have us always oppose the policy, adopted by the country, on a great question? Would he have minorities never submit to the will of majorities?

I remember to have said, sir, at the meeting in Faneuil hall, that protection appeared to be regarded as in-

cidental to revenue, and that the incident could not be carried fairly above the principal: in other words, that duties ought not to be laid for the mere object of protection. I believe that was substantially correct. I believe that if the power of protection be inferred only from the revenue power, the protection could only be incidental.

But, I have said in this place before, and I repeat now, that Mr. Madison's publication, after that period, and his declaration that the convention did intend to grant the power of protection, under the commercial clause, placed the subject in a new and clear light. I will add, sir, that a paper drawn up by Dr. Franklin, and read by him to a circle of friends in Philadelphia, on the eve of the assembling of the convention, respecting the powers which the proposed new government ought to possess, shows, perfectly plain, that, in regulating commerce, it was expected congress would adopt a course, which should, to some degree, protect the manufactures of the north. He certainly went into the convention himself under that conviction.

Well, sir, and now what does the gentleman make out against me in relation to the tariff? What laurels does he gather in this part of Africa? I opposed the policy of the tariff, until it had become the settled and established policy of the country. I have never questioned the constitutional power of congress to grant protection, except so far as the remark goes, made in Faneuil hall, which remark respects only the length to which protection might properly be carried, so far as the power is derived from the authority to lay duties on imports. But the policy being established, and a great part of the country having placed vast interests at stake in it, I have not disturbed it; on the contrary, I have insisted that it ought not to be disturbed. If there be inconsistency in all this, the gentleman is at liberty to blazon it forth; let him see what he can make of it.

Here, sir, I cease to speak of myself; and respectfully ask pardon of the senate for having so long detained it, upon any thing so unimportant as what relates merely to my own public conduct and opinions.

Sir, the honorable member is pleased to suppose that our spleen is excited, because he has interfered to snatch from us a victory over the administration. If he means by this any personal disappointment, I shall not think it worth while to make a remark upon it. If he means a disappointment at his quitting us while we were endeavoring to arrest the present policy of the administration, why, then, I admit, sir, that I, for one, felt that disappointment deeply. It is the policy of the administration, its principles, and its measures, which I oppose. It is not persons, but things; not men, but measures. I do wish, most fervently, to put an end to this anti-commercial policy; and if the overthrow of the policy shall be followed by the political defeat of its authors, why, sir, it is a result which I shall endeavor to meet with equanimity.

Sir, as to the honorable member's rescuing the victory from us, or as to his ability to sustain the administration in this policy, there may be a drachm of a scruple about that. I trust the citadel will yet be stormed, and carried, by the force of public opinion, and that no Hector will be able to defend its walls.

But now, sir, I must advert to a declaration of the honorable member, which, I confess, did surprise me. The honorable member says that, personally, he and myself have been on friendly terms, but that we always differed on great constitutional questions! Sir, this is astounding. And yet I was partly prepared for it; for I sat here the other day, and held my breath, while the honorable gentleman declared and repeated, that he always belonged to the state rights party! And he means, by what he has declared to-day, that he has always given to the constitution a construction more limited, better guarded, less favorable to the extension of the powers of this government, than that which I have given to it. He has always interpreted it according to the strict doctrine of the school of state rights! Sir, if the honorable member ever belonged, until very lately, to the state rights party, the connexion was very much like a secret marriage. And never was secret better kept. Not only were the espousals not acknowledged, but all suspicion was avoided. There was no known familiarity, or even kindness between them.—On the contrary, they acted like parties who were not at all fond of each other's company.

Sir, is there a man, in my hearing, among all the gentlemen now surrounding us, many of whom, of both houses, have been here many years, and know the gentleman and myself perfectly; is there one, who ever heard, supposed, or dreamed, that the honorable member belonged to the state rights party before the year 1825? Can any such connexion be proved upon him—can he prove it upon himself, before that time?

Sir, I will show you, before I resume my seat, that it was not until after the gentleman took his seat in the chair which you now occupy, that any public manifestation, or intimation, was ever given by him, of his having embraced the peculiar doctrines of the state rights party.

The truth is, sir, the honorable gentleman had acted a very important and useful part during the war. But the war terminated. Toward the close of the session of 1814-15, we received the news of peace. This closed the 13th congress. In the fall of 1815, the 14th congress assembled. It was full of ability, and the honorable gentleman stood high among its distinguished members. He remained in the house, sir, through the whole of that congress; and now, sir, it is easy to be shown, that, during those two years, the honorable gentleman took a decided lead, in all those great mea-

asures, which he has since so often denounced, as unconstitutional and oppressive—the bank, the tariff, and internal improvements. The war being terminated, the gentleman's mind turned itself toward internal administration and improvement. He surveyed the whole country, contemplated all its resources, saw what it was capable of becoming, and held a political faith, not so narrow and contracted as to restrain him from useful and efficient action. He was, therefore, at once, a full length ahead of all others, in measures, which were national, and which required a broad and liberal construction of the constitution. This is historic truth. Of his agency in the bank, and other measures connected with the currency, I have already spoken, and I do not understand him to deny any thing I have said, in that particular. Indeed, I have said nothing capable of denial.

Now allow me a few words upon the tariff. The tariff of 1816 was distinctly a South Carolina measure. Look at the votes, and you will see it. It was a tariff for the benefit of South Carolina interests, and carried through congress by South Carolina votes, and South Carolina influence. Even the *minimum*, sir, the so-much-reproached, the abominable *minimum*, that subject of so much angry indignation and wrathful rhetoric, is of southern origin, and has a South Carolina parentage.

Sir, the contest on that occasion, was chiefly between the cotton-growers at home, and the importers of cotton fabrics from India. These India fabrics were made from the cotton of that country. The people of this country were using cotton fabrics, not made of American cotton, and, so far, they were diminishing the demand for such cotton. The importation of India cottons was then very large, and this bill was designed to put an end to it, and, with the help of the *minimum*, it did put an end to it. The cotton manufactures of the north were then in their infancy. They had some friends in congress, but if I recollect, the majority of Massachusetts members and of New England members were against this cotton tariff of 1816. I remember well, that the main debate was, between the importers of India cottons in the north, and the cotton-growers of the south. The gentleman cannot deny the truth of this, or any part of it. Boston opposed this tariff, and Salem opposed it, warmly and vigorously. But the honorable member supported it, and the law passed. And now be it always remembered, sir, that that act passed on the professed ground of protection: that it had in it the *minimum* principle, and that the honorable member and other leading gentlemen from his own state supported it, voted for it, and carried it through congress.

And now, sir, we come to the doctrine of internal improvement—that other usurpation, that other oppression, which has come so near to justifying violent usurpation of the government, and scattering the fragments of the union to the four winds. Have the gentleman's state-rights opinions always kept him aloof from such unhalloved infringements of the constitution? He says he always differed with me on constitutional questions. How was it in this most important particular? Has he here stood on the ramparts, brandishing his glittering sword against assaults, and holding out a banner of defiance? Sir—sir—sir—it is an indisputable truth, that he is himself the man—the *ipse* that first brought forward, in congress, a scheme of general internal improvement, at the expense, and under the authority of this government. He, sir, is the very man, the *ipsum* *ipse*, who, considerably, and on a settled system, began these unconstitutional measures, if they be unconstitutional. And now for the proof.

The act incorporating the Bank of the United States, was passed in April, 1816. For the privileges of the charter, the proprietors of the bank were to pay to government a *bonus*, as it was called, of one million five hundred thousand dollars, in certain instalments. Government also took seven millions in the stock of the bank. Early in the next session of congress—that is, in December, 1816—the honorable member moved, in the house of representatives, that a committee be appointed to consider the propriety of setting apart this *bonus*, and also the dividends on the stock belonging to the United States, as a permanent fund for internal improvement. The committee was appointed, and the honorable member was made its chairman. He thus originated the plan, and took the lead in its execution. Shortly afterwards, he reported a bill carrying out the objects for which the committee had been appointed. This bill provided that the dividends on the seven millions of bank stock belonging to government, and also the whole of the *bonus*, should be permanently pledged, as a fund for constructing roads and canals; and that this fund should be subject to such specific appropriations as congress might thereafter make.

This was the bill; and this was the first project ever brought forward, in congress, for a system of internal improvements. The bill goes the whole doctrine, at a single jump. The Cumberland road, it is true, was already in progress; and for that the gentleman had also voted. But there were, and are now, peculiarities about that particular expenditure, which sometimes satisfy scrupulous consciences; but this bill of the gentleman's, without equivocation or saving clause—without if, or and, or but—occupied the whole ground at once, and announced internal improvement as one of the objects of this government, on a grand and systematic plan. This bill, sir, seemed indeed too strong. It was thought by persons not esteemed extremely jealous of state rights, to evince, nevertheless, too little regard to the will of the states. Several gentlemen opposed the measure,

in that shape, on that account; and among them colonel Pickering, then one of the representatives from Massachusetts. Even Timothy Pickering could not quite sanction, nor concur in, the honorable gentleman's doctrines, to their full extent, although he favored the measure in its general character. He, therefore, prepared an amendment, as a substitute; and his substitute provided for two very important things, not embraced in the original bill:

First, that the proportion of the fund to be expended in each state, respectively, should be in proportion to the number of its inhabitants;

Second, that the money should be applied in constructing such roads, canals, &c. in the several states, as congress might direct, *with the assent of the state*.

This, sir, was Timothy Pickering's amendment of the honorable gentleman's bill. And now, sir, how did the honorable gentleman, who has always belonged to the state-rights party, how did he treat this amendment, or this substitute? Which way, do you think, his state-rights doctrine led him? Why, sir, I will tell you. He immediately rose, and moved to strike out the words "*with the assent of the state*." Here is the journal under my hand, sir; and here is the gentleman's motion. And certainly, sir, it will be admitted, that this motion was not of a nature to intimate that he had become wedded to state rights. But the words were not stricken out. The motion did not prevail. Mr. Pickering's substitute was adopted, and the bill passed the house in that form.

In committee of the whole on this bill, sir, the honorable member made a very able speech, both on the policy of internal improvements, and the power of congress over the subject. Those points were fully argued by him. He spoke of the importance of the system; the vast good it would produce, and its favorable effect on the union of the states. "Let us, then," said he, "bind the republic together, with a perfect system of roads and canals. Let us conquer space. It is thus the most distant parts of the republic will be brought within a few days' travel of the centre; it is thus that a citizen of the west will read the news of Boston still moist from the press."

But, on the power of congress to make internal improvements; ay, sir, on the power of congress, hear him! What were then his rules of construction and interpretation? How did he at that time read and understand the constitution? Why, sir, he said that "he was no advocate for refined arguments on the constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on. It ought to be construed with plain good sense." This is all very just, I think, sir; and he said much more. He quoted many instances of laws, passed, as he contended, on similar principles, and then added, that "he introduced these instances to prove the uniform sense of congress and of the country, (for they had not been objected to,) as to our powers; and surely," said he, "they furnish better evidence of the true interpretation of the constitution than the most refined and subtle arguments."

Here, you see, Mr. President, how little original I am. You have heard me, again and again, contending in my place here for the stability of that which has been long settled; you have heard me, till I dare say you have been tired, insisting that the sense of congress, so often expressed, and the sense of the country, so fully known, and so firmly established, ought to be regarded as having decided, finally, certain constitutional questions. You see now, sir, what authority I have for this mode of argument. But while the scholar is learning, the teacher renounces. Will he apply his doctrine now—I sincerely wish he would—to the question of the bank, to the question of the receiving of bank notes by government, to the power of congress over the paper currency? Will he, sir, will he admit that these ought to be regarded as decided, by the settled sense of the congress of the country? Oh, no. Far otherwise. From these rules of judgment, and from the influence of all considerations of this practical nature, the honorable member now takes these questions with him into the upper heights of metaphysics, into the regions of these refinements and subtle arguments which he rejected with so much decision in 1817, as appears by this speech. He quits his old ground of common sense, experience, and the general understanding of the country, for a flight among theories and abstractions.

And now, sir, let me ask, when did the honorable member relinquish these early opinions and principles of his? When did he make known his adhesion to the doctrines of the state-rights party? We have been speaking of transactions in 1816 and 1817. What the gentleman's opinions then were, we have seen. But when did he announce himself a state-rights man? I have already said, sir, that nobody knew of his claiming that character until after the commencement of 1825; and I have said so, because I have before me an address of his to his neighbors of Abbeville, in May of that year, in which he recounts, very properly, the principal incidents in his career, as a member of congress, and as head of a department; and in which he says that, as a member of congress, he had given his zealous efforts in favor of a restoration of specie currency; of a due protection of those manufactures which had taken root during the war, and, finally, of a system for connecting the various parts of the country by a judicious system of internal improvement.

And he adds, that it afterwards became his duty, as a member of the administration, to aid in sustaining, against the boldest assaults, those very measures, which, as a member of congress, he had contributed to establish.

And now, sir, since the honorable gentleman says he differed from me on constitutional questions, will he be pleased to say what constitutional opinion I have ever expressed, for which I have not his express authority? Is it on the bank power? the tariff power? the power of internal improvement? I have shown his votes, his speeches, and his conduct, on all these subjects, up to the time when general Jackson became a candidate for the presidency. From that time, sir, I know we have differed; but if there was any difference before that time, I call upon him to point it out—what was the occasion, what the question, and what the difference? And if, before that period, sir, by any speech, any vote, any public proceeding, or by any other mode of announcement whatever, he gave the world to know that he belonged to the state-rights party, I hope he will now be kind enough to produce it, or to refer to it, or to tell us where we may look for it.

Sir, I will pursue this topic no further. I would not have pursued it so far—I would not have entered upon it at all—had it not been for the astonishment I felt, mingled, I confess, with something of warmer feeling, when the honorable gentleman declared that he had always differed from me on constitutional questions.

Sir, the honorable member read a quotation or two from a speech of mine in 1816, on the currency or bank question. With what intent, or to what end? What inconsistency does he show? Speaking of the legal currency of the country, that is, the coin, I then said it was in a good state. Was not that true? I was speaking of the legal currency; of that which the law made a tender. And how is that inconsistent with any thing said by me now, or ever said by me?

I declared then, he says, that the framers of this government were hard-money men. Certainly they were. But, are not the friends of a convertible paper *hard-money men*, in every practical and sensible meaning of the term? Did I, in that speech, or any other, insist on excluding all convertible paper from the uses of society? Most assuredly I did not. I never quite so far lost my wits, I think. There is but a single sentence in that speech which I should qualify, if I were to deliver it again—and that the honorable member has not noticed. It is a paragraph respecting the power of congress over the circulation of state banks, which might, perhaps, need explanation or correction. Understanding it as applicable to the case then before congress, all the rest is perfectly accordant with any present opinions. It is well known that I never doubted the power of congress to create a bank; that I was always in favor of a bank, constituted on proper principles; that I voted for the bank bill of 1815, and opposed that of 1816 only on account of one or two of its provisions, which I and others hoped to be able to strike out. I am a hard-money man, and always have been, and always shall be. But I know the great use of such bank paper as is convertible into hard-money, on demand; which may be called specie paper; and which is equivalent to specie in value, and much more convenient and useful.

On the other hand, I abhor all irredeemable paper; all old-fashioned paper money; all deceptive promises; every thing, indeed, in the shape of paper issued for circulation, whether by government or individuals, which may not be turned into specie at the will of the holder.

But, sir, I have insisted that government is bound to protect and regulate the means of commerce, to see that there is a sound currency for the use of the people.

The honorable gentleman asks, what then is the limit? Must congress also furnish all means of commerce? Must it furnish weights, and scales, and steel-yards? Most undoubtedly, sir, it must regulate weights and measures; and it does so. But the answer to the general question is very obvious. Government must furnish all that which none but government can furnish. Government must do for individuals which individuals cannot do for themselves. That is the very end of government. Why, else, have we a government? And can individuals make a currency? Can individuals regulate money? The distinction is as broad and plain as Pennsylvania avenue. No man can mistake it, or well blunder out of it. The gentleman asks if government must furnish for the people ships, and boats, and wagons. Certainly not. The gentleman here only recites the president's message of September. Those things, and all such things, the people can furnish for themselves; but they cannot make a currency; they cannot, individually, decide what shall be the money of the country. That, every body knows, is one of the prerogatives and one of the duties of government; and a duty which I think we are most unwisely neglecting. We may as well leave the people to make war and to make peace, each man for himself, as to leave individuals the regulation of commerce and currency.

Mr. President, there are other remarks of the gentleman of which I might take notice. But, should I do so, I should only repeat what I have already said, either now or heretofore. I shall, therefore, not now allude to them.

My principal purpose, in what I have said, has been: first, to defend myself—that was my first object; and next, as the honorable member has attempted to take to himself the character of a strict constructionist, and a state-rights man, and on that basis to show a difference, not favorable to me, between his constitutional opinions and my own, heretofore, it has been my intention to show that the power to create a bank, the power to regulate the currency by other and direct means, the power to lay a protecting tariff, and the power of internal improvement, in its broadest sense, are all powers which the honorable gentleman himself has supported, has acted on, and in the exercise of which, indeed,

he has taken a distinguished lead in the councils of congress.

If this has been done, my purpose is answered. I do not wish to prolong the discussion, nor to spin it out into a colloquy. If the honorable member has any thing new to bring forward; if he has any charge to make—any proof, or any specification; if he has any thing to advance against my opinion or my conduct, my honor or patriotism, I am still at home. I am here. If not, then, so far as I am concerned, this discussion will here terminate.

I will say a few words, before I resume my seat, on the motion now pending. That motion is, to strike out the specie-paying part of the bill. I have a suspicion, sir, that the motion will prevail. If it should, it will leave a great vacuum; and how shall that vacuum be filled?

The part proposed to be struck out, is that which requires all debts to government to be paid in specie. It makes a good provision for government, and for public men, through all classes. The secretary of the treasury, in his letter, at the last session, was still more watchful of the interest of the holders of office. He assured us, bad as the times were, and notwithstanding the floods of bad paper which deluged the country, members of congress should get specie.

In my opinion, sir, this is beginning the use of good money, in payment, at the wrong end of the list. If there be bad money in the country, I think that secretaries and other executive officers, and especially members of congress, should be the last to receive any good money; because they have the power, if they will do their duty, and exercise the power, of making money of the country good for all. I think, sir, it was a leading feature in Mr. Burke's famous bill for economical reform, that he provided, first of all, for those who are least able to secure themselves. Every body else was to be well paid all they were entitled to; before the ministers of the crown, and other political characters, should have any thing. This seems to me very right. But we have a precedent, sir, in our own country, more directly to the purpose; and as that which we now hope to strike out is the part of the bill furnished, or proposed originally by the honorable member from South Carolina, it will naturally devolve on him to supply its place. I wish, therefore, to draw his particular attention to this precedent, which I am now about to produce.

Most members of the senate will remember that, before the establishment of this government, and before, or about the time, that the territory which now constitutes the state of Tennessee was ceded to congress, the inhabitants of the eastern part of that territory established a government for themselves, and called it the state of Franklin. They adopted a very good constitution, divided into the usual branches of legislative, executive, and judicial power. They laid and collected taxes, and performed other acts of legislation. They had, for the present, it is true, no maritime possessions, yet they followed the common forms in constituting high officers; and their governor was not only captain-general and commander-in-chief, but admiral also, so that the navy might have a commander when there should be a navy.

Well, sir, the currency of this state of Franklin became very much deranged. Specie was scarce, and equally scarce were the notes of specie-paying banks. But the legislature did not propose any divorce of government and people; they did not seek to establish two currencies, one for men in office, and one for the rest of the community. They were content with neighbor's fare. It became necessary to pass what we should call, now-a-days, the civil-list appropriation-bill. They passed such a bill; and when we shall have made a void in the bill now before us, by striking out specie payments, for government, I recommend to its friends to fill the gap by inserting, if not the same provisions as were in the law of the state of Franklin, at least something in the same spirit.

The preamble of that law, sir, begins by reciting, that the collection of taxes, in specie, had become very oppressive to the good people of the commonwealth, for the want of a circulating medium. A parallel case to ours, sir, exactly. It recites further, sir, that it is the duty of the legislature to hear, at all times, the prayer of their constituents, and apply as speedily a remedy as lies in their power. These sentiments are very just, sir, and I sincerely wish there was a thorough disposition here to adopt the like.

Acting under the influence of these sound principles, sir, the legislature of Franklin passed a law, for the support of the civil list, which, as it is short, I will beg permission to read:

"Be it enacted by the general assembly of the state of Franklin, and it is hereby enacted by the authority of the same, That, from the 1st day of January, A. D. 1793, the salaries of the civil officers of this commonwealth be as follows, to wit:

"His excellency the governor, *per annum*, one thousand deer skins; his honor, the chief justice, five hundred do. do.; the attorney-general, five hundred do. do.; secretary to his excellency the governor, five hundred racoon do.; the treasurer of the state, four hundred and fifty other do.; each county clerk, three hundred beaver do.; clerk of the house of commons, two hundred racoon do.; members of assembly, *per diem*, three do. do.; justice's fee for signing a warrant, one muskrat do.; to the constable, for serving a warrant, one mink do.

"Enacted into a law this 18th day of October, 1788, under the great seal of the state.

"Witness his excellency, &c.

"Governor, captain-general, commander-in-chief, and admiral in and out said state."

This, sir, is the law, the spirit of which I commend to gentlemen. I will not speak of the *appropriateness* of these several allowances for the civil list. But the example is good, and I am of opinion, that until congress shall perform its duty, by seeing that the country enjoys a good currency, the same medium which the people are obliged to use, whether it be skins or rags, is good enough for its own members.

Mr. Calhoun again rose and said, I am not at all surprised, Mr. President, that the senator from Massachusetts should show such solicitude to free himself from the responsibility of converting this discussion into a mere personal altercation, so unworthy the place and the occasion. But it is not a little unjust in him to attempt to transfer the responsibility from himself to me, having acted throughout, as I have, wholly on the defensive, and done every thing I could to avoid personalities. I have, in truth, a deep and unfeigned aversion to personal altercations, in any case; especially here, in my official character, where duty and self-respect, as well as the dignity of the body, forbid its introduction. On the present occasion, I had every reason to avoid it. The subject is one unsurpassed in magnitude and importance, and which requires the calmest and most deliberate consideration. I have had entire confidence in the strength and truth of the side I support; and, of course, felt deep solicitude to limit the discussion strictly to the merits of the question.

But the senator, in order to throw the blame on me, denies that he drew a comparison between us. Does he consider it no comparison to claim for himself the most universal and ardent patriotism; and to attribute to me the opposite qualities, of being sectional, and entertaining feelings far from friendly to the union? And this, too, without any thing in the question, or my previous remarks, that could, by possibility justify it? Does he really think that I ought to have sat in silence without attempting to show, as I have done, how perfectly unfounded are his claims to superior patriotism, and how unjust his charges against me?

But in order to justify himself, he accuses me of having first attempted to fix on himself and friends the charge of inconsistency, in supporting the substitute of the senator from Virginia, (Mr. Rives.) I made no such charge. I simply availed myself of the opinion which he and they entertained and expressed, in relation to a similar measure in 1834—acquitting them expressly of all inconsistency. So far from a charge of the kind, I placed my argument on the assumption, that their opinion remained unchanged; and yet this he calls a charge of inconsistency—a throwing of the first stone; and on which he rests the justification of his unprovoked personalities.

The senator next attributes to me the assertion, that I intended to draw a comparison between his course and mine during the late war, if time had permitted, accusing me, at the same time, of making a "railroad accusation" against him. My answer is, that I said nothing like it; and made no accusation whatever, either "railroad" or specific. I said not a word of "time permitting me." What I really said was entirely different; and bears no analogy whatever to what he attributes to me, as the senate must remember. I confined myself to an inquiry into the truth of the picture he had drawn of his patriotism; and his comparison between his public conduct and mine. I demonstrated what little claims he had to the high qualities he arrogated to himself; and how unfounded his assumption was to a more universal and ardent patriotism. I illustrated all this by a reference to his course in relation to abolition and the tariff; and declined going into a comparison between our courses during the late war—not for a want of time, as he states, but expressly on the ground that the events of that day were by-gone, and belonged to history, where I was willing to leave it, and where I should leave it, unless provoked to go into the comparison, by some future attack from the senator. I added not a word of accusation whatever, either "railroad" or otherwise. It is true, I said that, at one time, I intended to go into a comparison. I certainly had no reason, personally, to decline it; but I felt a strong repugnance, which I could not overcome, to recurring back to such distant events, that have passed out of the circle of the politics of the day. Acting under its influence, I limited my remarks, in reference to the senator and myself, to the great and living questions of the day, which are still unsettled, and are destined to exercise an important control over the future destiny of the country.

But if I should be forced into the comparison, I shall not confine myself simply to what the senator *did* at that important period of our history; I would take a far wider range. He claims for himself an exalted patriotism, far above others, and myself in particular; and that, too, in war as well as peace; and he would have no right to complain, if held responsible not only for what he *did*, but for what he *did not*; not only for his *own* acts, but also for his political associates and party, which passed without his *censure* or *rebuke*. I have no wish, for the reasons I have stated, to enter on the comparison; but if he desires it, I will read a statement of some dozen or fifteen of his votes, which I laid my hands on since he commenced his reply; and which will furnish some index of his course during that period. (Mr. Webster indicating no desire for the reading, Mr. Calhoun proceeded.)

Dropping, then, the senator's course during the war, I shall proceed to notice some remarks of his in reference to myself. He has hunted up with much industry, and brought forward with great parade, my course in relation to the tariff—to the bank—and the bonus bill, immediately subsequent to the late war, in order to fix

on me a charge of inconsistency. I am pleased that he has afforded me, on this occasion, an opportunity to speak of this portion of our political history, and of the part I took. It is one that requires explanation, not only in reference to myself, but the party to which I belong.

In supporting the measure to which the senator referred, I was not alone; I acted with the great body of the party: and, if I took a more prominent part in relation to them than others, it is to be attributed to the position which I held in the house and the party at the time. It is not my intention to defend those measures; but to explain, in justice to myself and the party, the circumstances under which we acted. I do not deny but that we departed, more or less from the true principles and policy of our party; but it was under circumstances which, though they do not justify the departure, are calculated, in a great degree, to excuse it; and to repel effectually any inference that it was an intentional abandonment of them.

No popular party is proof against success, and the long possession of power: and such proved to be the fact in our case. We had been in the uninterrupted possession of power for more than sixteen years, and had just carried through successfully a war against the greatest power on earth, and, at the same time, overthrown the party in opposition to us. The flush of victory had, as is usual, the effect of working a considerable change in the feelings and views of our party, which contributed to the introduction of the measures to which the senator refers. But there were other, and powerful causes, which also contributed to it. During the war, the country had suffered much from a depreciated and unequal currency; from the want of domestic supplies to take the place of those articles which we had been cut off by the war, and from the want of good roads, and other channels of conveyance, on which to transport munitions of war, and to concentrate promptly a sufficient force on the points menaced or attacked by the enemy. After its termination, there was a vivid recollection of the difficulties occasioned by these wants. The danger, at the time, to the country, was believed to be connected exclusively with our foreign relations. The war, it is true, had terminated successfully; but there were hostile feelings left behind on both sides, between our country and Great Britain; and she kept up a powerful force in her possessions in our immediate vicinity, which was calculated to excite our vigilance, and to admonish us of the necessity of being prepared for a renewed contest. Besides we were in danger in being involved in a long and dangerous contest, growing out of the revolution in Spanish America; in which at one time the great powers of Europe united by what was called "The Holy Alliance," were strongly inclined to interfere. Under these circumstances, and when the political principles of our party appeared to have gained a permanent ascendancy, by the prostration of our old opponents, and to be in no danger, it is not at all wonderful that the measures with which the senator now reproaches me should have received the support of myself and the party to which I belong. I confess, for myself, that I then believed the danger to be, not within, but without—not from the giving away of our principles, but violence from abroad: and that I had no suspicion that it lay in the quarter which experience has shown it really did. This accounts for my course at that period.

In voting for the tariff of 1816, which I am still of opinion was a judicious measure, with the exception of the *minimum* principle, of which I think as badly as any one, I regarded it as a *revenue measure*, and called for by the circumstances of the time. But I did not dream that, in the short space of twelve years, it would be perverted by those interested in an instrument of such unbounded oppression as to exact and pass into the treasury one-half of the whole proceeds of our foreign exchanges. Nor did I imagine that, in introducing a bill to set apart a particular fund for internal improvement, and leaving it to congress to determine thereafter the extent of power over that subject, and to what objects the funds should be applied, (that was its real character) there was the least danger that, in a few years, the whole revenue of the country would become an object of scramble among the various sections in which the struggle would be, who should get most, without any reference to the public good. As to the bank, placed in the circumstances in which I and those with whom I acted were, I do not see how we could have acted differently, even with our present experience. The time for reformation in reference to the currency had not then arrived; and any attempt at reform would have proved abortive.

But I offer not what I have said as a justification; I acknowledge we all departed, in a greater or less degree, from the stern and rigid principles of the party, and the true policy of the government, and well have we paid the penalty. It has taught me a lesson never to be forgotten, and I now call on the younger and more inexperienced members of the party, as I then was, to profit by our example. Avoid, as you would the greatest evil, the least departure from principle, however harmless and innocent it may at the time appear to be. The smallest departure will prove to be an entering wedge; and the others, differing from you in views and principles, will drive the measure farther than you ever contemplated; just as we have seen our old opponents seize on the tariff, internal improvement, and the bank, to overthrow our principles and to establish their own. Never cease to bear in mind that ours is a limited government, with specific powers; and that if the pre-

scribed line be passed over so little, there is no fixing any limits to the encroachments of power.

Nor is the period of which I am speaking the only one in which success has caused departure from the principles and policy of our party. The vast revenue, which the protective tariff placed at the disposal of the government, had the effects on those in power which might have been anticipated. They no longer relied on principles as the means of preserving their ascendancy. The patronage and resources of the Government were deemed sufficient for that purpose; and many measures were adopted, which will hereafter be regarded as great and dangerous departures from the creed of the party; and which have done more to reconcile the people to the principles and policy of our opponents, and to weaken their confidence in ours, than all other causes put together.

As to myself, each revolving year impresses me deeper and deeper with the truth and wisdom of the old Virginia school of politics. She was blessed, when this government went into operation, with leaders of the clearest discernment and purest patriotism; the Jeffersons, the Taylors, and Roanes, and many others, who had formed the most just conception of our system of government, and the policy to be pursued to preserve it. I had, from my earliest years, imbibed a strong attachment for that school. Indeed, I may say, it was inherited by me. But I never realized to the full extent the depths of its wisdom, and the vast importance of adhering rigidly to its maxims, till experience, and the reflection of riper and more advanced years, taught me. And here is the broad line of distinction between the senator and myself, which he, with all his ingenuity, cannot obliterate. He belongs, and always has, to another and an opposite school, which, to designate by its most distinguished leader, may be called the school of Hamilton; a man distinguished for his great abilities, perfect frankness, and ardent patriotism, but who was decidedly inferior to Mr. Jefferson in genius, the power of original thinking, and the clearness and depth of his conception of the true nature and character of our government. Belonging, as we do and ever have, to schools so diverse, our agreement has been casual, while our difference has been habitual and fundamental, both as to the nature and character of our government, and the policy it ought to pursue; and which has placed us opposite to each other on the present, and most of the other great questions which have been agitated in our time.

He sees in the success of the present question the advancement of the principles and policy to which I am devoted, and in its defeat the advancement of his own; hence our difference, and the ardor of the present conflict—a conflict of opposing systems, in which, as one or the other may prevail, the future destiny of the country will be permanently influenced. The separation of the political and moneyed power will give a lasting ascendancy to the political school to which I belong, and their union to that of the senator.

He is right in fixing on 1825 as the year when my views in relation to the principles and character of the government became firmly fixed and settled. It was then I took my seat in the chair which you, sir, now occupy. I had devoted the seven preceding years laboriously to the duties of the war department, which I had found in a state of complete disorder, and which so engrossed my attention as to leave me little leisure to attend to the general politics of the country. The change of office gave me both time and opportunity to view more minutely the general operations of the government, which I did not neglect. I soon saw the incipient state of those disorders, which had then just begun to develop themselves, and the causes in which they originated, as well as the fearful consequences to which they threatened to lead. This induced me to make a careful review and examination of the principles of the government. I went to the source, the Kentucky resolutions and the Virginia resolutions and report, which I carefully investigated, in all their bearings. I then turned my attention more carefully to the investigation of the character and tendency of what was called, at the time, the American system, and saw clearly its oppressive, corrupting, and dangerous tendency. I took a firm stand against it. Since then, my life has been one incessant struggle to maintain or restore the principles and policy of the old state-rights republican party, regardless of all personal consequences. During this long period of thirteen years of continued action, amidst the most trying scenes, I may bid defiance to the most rigid scrutiny to point out the slightest variation in my course, or the least departure from the principles or doctrines of the political school to which I belong. I may be accused of carrying my principles too far, or of adhering too rigidly to my doctrines, but of the opposite fault none have ventured to accuse me. My adherence to them has never wavered under the greatest difficulties or danger. If, then, I erred in common with the great body of the party, under the circumstances which I have explained, I, at least, have long since made, I trust, ample amends. If I have done any thing to contribute to the common errors of the period immediately subsequent to the late war, I have done far more, I hope, towards their correction, and the restoration of the principles and doctrines which our party profess, as well as to arrest the ascendancy of the opposite. To this great object, which I solemnly believe, involves our liberty and the perpetuation of our popular and free institutions, I have devoted my life.

Mr. Webster said he would correct one misapprehension. The senator from South Carolina had understood

him to say that he (Mr. W.) would embrace the earliest opportunity to revive the tariff. But what he had said was, that there was doubt whether the manufactures, under the minimum provided by the present law, would be sufficiently protected; and if it should be found that they were not, he (Mr. W.) would endeavor to procure that protection.

Mr. Clay said it would be with extreme reluctance that he should, at any time, interfere in a discussion between the two distinguished senators from Massachusetts and South Carolina, and he did not now rise for such purpose. But the senator from South Carolina had used and repeated several times an expression which he (Mr. C.) could not permit to pass unnoticed. He was the more surprised at it because he had supposed that the adjustment of accounts between that senator and himself, made on a former day, had been mutually satisfactory, as it certainly had been entirely so to him (Mr. C.) As if, however, the senator still had some remaining feeling about it, he had been pleased to describe the senator from Massachusetts and himself (Mr. C.) as "associates" in an attack upon him. There was no foundation for such an assertion. He (Mr. C.) had never conferred with the senator from Massachusetts on the subject of what he (Mr. C.) had intended to say towards the senator from South Carolina. And he was equally ignorant of what course the senator from Massachusetts intended to pursue towards the senator from South Carolina until he heard him in the senate. Had he consulted with him on the subject, he (Mr. C.) should have advised him to have foreborne. There was, therefore, no ground whatever for the imputation of association or concert in any attack upon the senator from South Carolina.

Mr. Calhoun said that he did not intend to impute any improper motives; and he had alluded more particularly to the senator from Massachusetts.

The senate then adjourned.

TWENTY-FIFTH CONGRESS.

SECOND SESSION--SENATE.

April 20. Mr. McKean presented a petition of citizens of Terrytown, Bradford county, Pennsylvania, and three petitions from citizens of Rush township, Susquehanna county, Pennsylvania, praying congress to abolish slavery immediately in the District of Columbia. Motion to receive laid on the table.

Mr. King, on leave, introduced a bill to authorize George Whitman to import an iron steamboat free of duty. Read twice, and referred.

On motion of Mr. Wall, the committee on the post office and post roads were instructed to inquire into the expediency of establishing a new mail route from Hacketts town to Belvidere, Warren co., N. J.

On motion of Mr. Preston, the resolution offered by him, concerning the annexation of Texas to the United States, was made the special order for Monday next.

The senate resumed the consideration of the bill to prevent the issuing and circulation of the notes of the late Bank of the United States.

The subject was discussed at great length, almost wholly on the question of the constitutional power to pass the bill, by Messrs. Wall, Preston, Clay, of Ala., White, Grundy Prentiss, Rives, Calhoun, Roane, and Brown.

Mr. Buchanan was understood to say that had the time not been late, he might have said something on the constitutional question involved in the bill; but he should now say nothing till the bill should come up on its third reading; nor should he probably then, unless induced to do so by something from the other side.

The bill was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Niles, Norvell, Pierce, Rives, Roane, Robinson, Ruggles, Smith, of Con., Tipton, Trotter, Wall, Williams, Wright, Young—27.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis, King, Merrick, Nicholas, Prentiss, Preston, Robbins, Smith, of Indiana, Southard, Swift, White—14.

The senate then adjourned till Monday.

April 23. Mr. Clay, of Kentucky, rose and said, he had for some time held in his possession, and he would now present, certain proceedings and resolutions of a large and respectable meeting of the citizens of Cleveland, Ohio, opposed to the sub-treasury bill. They attributed (Mr. C. said) the present deranged state of the currency and business of the country to the action of this government, and they deprecated in strong but respectful language the passage of the bill to which he had alluded. They regarded the proposed separation of the government from the currency and business of the country as wholly unjustifiable, and utterly repugnant to the nature and genius of our institutions; and they were desirous that the government should

do something to bring back the state of prosperity which the government had lost for itself and the country.

These proceedings emanated (Mr. C. believed) from the second town in importance in the state of Ohio, situated at the outlet of the great canal of that state into Lake Erie. They were great friends of the credit system, and well they might be, because by that system the great work had been achieved, which was so beneficial and important to them, and so creditable to the enterprise and energy of that state.

The bill which they deprecated was now in the other house, and Mr. C. hoped and believed that it was dead, dead, dead, and he could not even add that supplication which usually closed the sentence of our tribunals of justice on a condemned prisoner, [May the Lord have mercy upon your soul.] Yet, though he believed it was dead, it was possible that the president and the other friends of the measure might revive it; and it was to meet it, if it should come up in any shape, that Mr. C. now presented these resolutions, and asked that they might be printed, and lie on the table.

The proceedings were accordingly laid on the table, and ordered to be printed.

The Vice President presented a message from the president of the United States, with papers relating to Indian depredations on the property of an individual, (not heard.)

On motion of Mr. White, referred, and ordered to be printed.

After a number of petitions had been presented, and some other business of minor importance transacted, the senate took up, on its third reading, the bill to prohibit the issuing and circulation of the notes of the late Bank of the United States.

Mr. Buchanan and Mr. Clay, of Kentucky, occupied the rest of the day in an earnest debate on this subject, (to be published hereafter.)

The bill was passed by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, Linn, Lumpkin, Lyon, Morris, Niles, Norvell, Pierce, Rives, Roane, Robinson, Ruggles, Smith, of Con., Tipton, Trotter, Williams, Wright, Young—27.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis, King, Merrick, Nicholas, Prentiss, Preston, Smith, of Indiana, Spence, Swift, White—13.

Mr. Preston gave notice of his design to enter on the question of the annexation of Texas tomorrow.

The senate adjourned, after an executive session.

April 24. Mr. Clay of Kentucky, rose and said he had been requested to present a petition, very numerously signed, by individuals embracing every class of the community—members of literary institutions, authors, merchants, and, in short, all the classes of society—in behalf of passing an amendment to the copyright law; that is, to extend the privilege of copyright to authors of such foreign countries as allowed American authors the copyright there. They urged that the amendment would conduce greatly, not only to the encouragement of American literature, but at the same time, would be an act of justice to foreign authors. This subject had been presented by Mr. C. at the last session of congress, and also early in the present one; it had engaged a large share of the public attention, and had occasioned much discussion pro and con, and it had been itself the apparent cause of the publication of several books. Mr. C. would now take the opportunity to say that every conviction which had impressed him heretofore in the favor of this object, and which had induced him to move in the matter, remained unshaken, and was even strengthened, by all which he had since seen and heard. The committee had had this subject under their consideration for some time, and had very properly waited that they might fully learn the views of all the parties concerned; but, as the session was now far advanced, Mr. C. felt himself at liberty to express the hope that the committee would now report on the subject to the senate at some early day, and that the measure asked for would be passed. He moved that the memorial be laid on the table, and printed; which was ordered accordingly.

Mr. Rives also presented a memorial, which he said was precisely similar, and which did not require any remark from him, as it spoke ably and fully for itself. He would only say that it came from some of the brightest ornaments of American literature, and was entitled to every respect and consideration. Laid on the table, and ordered to be printed.

Mr. Preston also presented a memorial of a similar character, signed by different classes of persons, booksellers and others. The discussion before the

public, Mr. P. said, to which the senator from Kentucky had alluded, was mainly between authors and publishers, who had supposed themselves to have different interests on this subject, authors being of opinion that their interests would be subserved by an international copy-right law. The discussion had been of some warmth, and had run out somewhat into other collateral matters. Mr. P. believed the senate had already passed the bill asked for, and, as far as he could ascertain, public opinion was very generally favorable to it, not only in this country, but in all civilized foreign countries. A distinguished member had introduced a bill of this kind in the British parliament, and had advocated it with much eloquence and ability. In France, also, a measure of the same kind was contemplated or in progress; and in Germany, where it was of more consequence than any where else, because they were the most extensive makers of books. Mr. P. would be happy to think that the United States had taken the first step on this subject, by proposing a general system for the community of nations, and for the literary class, who exercised a very great control over public sentiment.

And there could not be said to have been a more favorable time for the adoption of this general measure than the present, at the moment when the public mind throughout the world was in a state of repose, was in a state of general sympathy and homogeneity, and of general union on subjects connected with the happiness and improvement of mankind. This was owing to the great degree of universal peace, prosperity, and happiness, which had existed for the last twenty-five years throughout the civilized world—a degree greater than had existed before since the death of the second Antioch.

This memorial, Mr. P. said, was, to a great extent, from booksellers and publishers, showing that there was now on their part a conformity with the opinions of American authors on this subject. Mr. P. moved that it be printed, and lie on the table; which was ordered.

Mr. Buchanan presented a memorial from the chamber of commerce of Philadelphia, stating that the attempt to keep the river free of ice by means of the icebreakers had essentially failed, and asking farther facilities from congress; recommending, also, that New Castle be made a port of entry, that a winter harbor be provided for low down the river Delaware, and that certain piers in that river be repaired or constructed. Referred.

Mr. B. also presented the memorial of Walter Johnson, asking the establishment of a national institution of the physical sciences as connected with the public service. Referred.

Mr. Bayard presented a memorial of the society of friends, praying some act for the protection or amelioration of the condition of the Indian tribes, and particularly against the unnecessary prosecution of the war in Florida. Laid on the table.

Mr. White and Mr. Robinson presented some papers, which were referred, the general import, even, of which, the reporter could not ascertain.

After several bills for the relief of individuals had been reported, and ordered to a second reading,

The bill to establish a pension agency at Montpelier, Vermont came up, and was opposed by Mr. Hubbard, who presented a letter to him from the commissioner on pensions, adverse to the object, which was read.

Mr. Prentiss said, that in introducing the bill he had been influenced by motives of public accommodation, and especially by a regard to the convenience and interest of that class of patriotic and meritorious persons who were enjoying the liberality and beneficence of the government. The bill had been reported by the committee on pensions at two or three successive sessions, and he had hoped that no opposition would be made to it. The committee had not acted upon the supposed narrow and arbitrary rule, that no more than two pension agencies should be established in any state. They had at different times reported bills establishing additional agencies, though these bills, for the want of time, had not been finally acted upon.

The bill proposed to establish a pension agency at Montpelier, the seat of government of Vermont, for the payment of pensioners residing in the counties of Washington, Orange, Caledonia, Orleans, Essex, and Lamoille, counties lying north of or adjacent to Montpelier. No one looking to the geography of the state, no one casting his eye upon the map, could hesitate for a moment to say, without regard to any other considerations, that Montpelier, of all places in the state, was the most suitable and proper one for a pension agency. It was central in its position, of easy access from all parts of the state, and especially from the several counties named in the bill.

The state was from forty to fifty miles wide at its southern extremity, gradually widening in extent until it became more than a hundred miles in width on its northern frontier. There was an agency established on the extreme western limits, and also one on the extreme eastern limits, the latter being within sixty miles of the south line of the state. Many pensioners in the counties mentioned in the bill were obliged to go from seventy to a hundred miles, and some a hundred and thirty or forty miles, to get to either of these agencies. This was not only a great inconvenience to the pensioners, but occasioned an expense and charge to them to which they ought not to be subject. If the agency provided by the bill should be established, this inconvenience would be removed and the expense now incurred in a great measure avoided. Montpelier, as already observed, was the seat of government. The legislature convened there early in October, soon after one of the semi-annual instalments to pensioners became due; and as each town in the state sent a representative, pensioners might send and get their money without expense or inconvenience.

It was true, as had been stated by the senator from New Hampshire, (Mr. Hubbard,) that the secretary of war had, by law, power to establish as many agencies as he, in his discretion, might think proper, and that application might be made to him. But it was also true, as the senator well knew, that the secretary had adopted as a rule of his department, in order to rid himself of troublesome and vexatious importunities, to establish but two agencies in any one state; leaving it to the discretion of congress to establish more or not. It would be in vain, therefore, to apply to the war department, as two agencies already existed in Vermont. Mr. P. believed that the additional agency would be a great convenience and benefit to the pensioners residing in the northern part of the state, and he hoped the bill would pass.

Mr. Swift and Mr. Clay, of Alabama, also spoke in favor of the bill, which was then passed, and sent to the other house for concurrence.

On motion of Mr. Roane, the bill respecting the banks of the District of Columbia was taken up and made the special order for Friday next.

On motion of Mr. Trotter, (who made some remarks to show the urgency and propriety of the measure,) the senate took up the bill to extend the time for the commission instituted for claims under the Choctaw treaty, and the bill was amended as recommended by the committee, and ordered to a third reading.

The senate then proceeded to the special order of the day—being the following preamble and resolution, moved by Mr. Preston on the 4th of January, viz:

Whereas the just and true boundary of the United States, under the treaty of Louisiana, extended on the southwest to the Rio Grande del Norte, which river continued to be the true boundary line until the territory west of the Sabine was surrendered to Spain by the treaty of 1819: And whereas such surrender of a portion of the United States is of evil precedent, and of questionable constitutionality: And whereas many weighty considerations of policy make it expedient to re-establish the said true boundary, and to annex to the United States the territory occupied by the state of Texas, with the consent of the said state:

Be it therefore resolved, That, with the consent of the said state, previously had, and whenever it can be effected consistently with the public faith and treaty stipulations of the United States, it is desirable and expedient to re-annex the said territory to the United States.

Mr. Preston rose and addressed the senate about two hours in support of the resolution. When he had concluded, no other member rising, the resolution was, at the instance of Mr. P., for the present, ordered to lie on the table, in consequence of the indisposition of Mr. Walker, who, it was understood, desired to speak on it.

The senate then took an executive session, and then adjourned.

April 25. The Vice President presented a communication from the navy department, in pursuance of a senate resolution of March 1st, with a list of agents of the navy pension fund, copies of the instructions given them, of accounts and correspondence with them, &c. Laid on the table, and ordered to be printed.

Mr. Hubbard presented a communication from the collector at Boston, in relation to certain banks in that city. Referred.

Mr. Benton, from the committee on military affairs, reported a joint resolution authorizing the purchase by the United States of the island at the confluence of the St. Peter's and Mississippi rivers. Read, and ordered to a second reading.

Some business of minor importance was disposed of, when the bill supplementary to the acts to the appointment of commissioners under the 14th article of the treaty of 1830 with the Choctaw Indians, was read a third time and passed.

The resolution reported by Mr. White, chairman of the select committee on the case of Mr. Ruggles, declaring that there was no satisfactory evidence to sustain the charge made by Mr. Jones, of New Jersey, against the honorable John Ruggles, and that it was inexpedient for the senate to take any farther measures thereon, was taken up, and agreed to, without debate or dissent.

On motion of Mr. Prentiss, the senate resumed the consideration of the bill to establish a board of commissioners to hear and examine claims against the United States.

On motion of Mr. Merrick, the bill was so amended as to require the special solicitor to file written arguments in reply to the arguments of counsel for claimants, not only when he should think proper, but when the board should require him to do so; and, also, prohibiting him from practising as an attorney in any court of law or equity in the country.

Mr. King, who said he had not been attending to the adoption of these amendments, moved to modify the bill so as to take away all discretion on this point, and require the solicitor to file a written argument with the commissioners in every case.

The general merits of the bill were now discussed at length, by Messrs. Norrell, Hubbard, Prentiss, Benton, Calhoun, Niles, Buchanan, Tipton, Bayard, Clay, of Alabama, Serier, White, and Linn.

Mr. Bayard (Mr. King having temporarily withdrawn his amendment) moved to strike from the bill the provision for a special solicitor.

Mr. Calhoun moved to lay the bill on the table, with a view to refer the whole subject to a special committee, who should devise and report a system of joint rules for the two houses, by which claims should be more certainly and efficiently decided by the two houses themselves, the claims being presented as now and heretofore. This motion was negatived as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Alabama, Lumpkin, Morris, Norvell, Serier, Smith of Indiana, Trotter, Wright, Young—13.

NAYS—Messrs. Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Smith, of Connecticut, Spence, Swift, Tipton, Walker, White, Williams—27.

The question recurring on Mr. Bayard's motion to strike out the whole provision for a special solicitor, it was carried in the affirmative without a division. On motion of Mr. Bayard, the number of commissioners provided for by the bill was reduced from three to two. The provision allowing claimants to appear by counsel, was also stricken out, to correspond with the want of a solicitor on the part of the United States. On motion of Mr. Morris the senate then adjourned.

April 26. The senate was engaged nearly all of to-day on the bill to create a board of commissioners to examine and report on claims against the United States. The bill was ordered to be engrossed for a third reading: Yeas 23, nays 15. Particulars of the day's proceedings in our next.

HOUSE OF REPRESENTATIVES.

Friday, April 20. Among the reports made to-day were the following:

Mr. Petrikia, from the committee for the District of Columbia, reported, without amendment, the bill to incorporate certain banks in the District of Columbia.

Mr. Bell, from the committee on Indian affairs, reported with amendments, senate bill to authorize the appointment of four additional clerks in the office of the commissioner of Indian affairs.

Mr. Randolph, from the committee of agriculture, reported a joint resolution to authorize the president of the United States to lease gratuitously, for ten years, any lot of land belonging to the United States, and not included in the enclosed public lands, for the cultivation of the mulberry and sugar beet.

Mr. McKay, from the committee on military affairs, reported a joint resolution authorizing the secretary of war to purchase a site in the District of Columbia for a powder magazine and keeper's house.

Mr. Hopkins' resolution of inquiry, as to the connexion of the government with the press, and the expediency of destroying that connexion, with Mr. Dromgoole's amendment, extending that inquiry to some kindred and other topics, coming up in order, Mr. Garland, of Virginia, commenced a reply to his colleague, (Mr. Dromgoole,) who had proposed the amendment, (which will be given, when finished, with the rest of the debate,) but which was not completed when the hour expired.

This day being private business day, and the board of claims bill being the special order,

Mr. *Cambreleng* rose, and said that the public business required to be proceeded with immediately. He would therefore move to postpone the private and special orders, and take up the unfinished public business. On this motion, (requiring a vote of two-thirds,) Mr. C. demanded the yeas and nays, which were ordered; and the motion prevailed by the following vote: Yeas 139, nays 46.

The unfinished business, being the Cumberland road bill, was then taken up, pending Mr. Underwood's motion to recommit, with instructions; and the debate (to be given hereafter, in full) was continued by Messrs. *Clowney*, *Pickens*, and *Corwin*.

Mr. *Casey*, of Illinois, then took the floor, and moved the previous question. Mr. *Pickens* moved to lay the bill on the table. [This motion had precedence.] Mr. *Briggs* asked for the yeas and nays. Ordered. Mr. *Campbell*, of South Carolina, asked for a call of the house. Lost.

The question was then taken on Mr. *Pickens'* motion, and decided in the negative by the following vote:

YEAS—Messrs. Andrews, Atherton, Beirne, Bell, Bicknell, Birdsall, Bouldin, Brodhead, Cambreleng, John Campbell, W. B. Carter, Chapman, Clowney, Coles, Connor, Crockett, Cushman, Dawson, Deberry, DeGraff, Dromgoole, Edwards, Elmore, Farrington, James Garland, James Graham, Grantland, Graves, Griffin, Haynes, Hopkins, R. M. T. Hunter, Thomas B. Jackson, Jabez Jackson, J. W. Jones, Kemble, Lawler, Legare, Lewis, Loomis, Lyon, Mallory, J. M. Mason, Martin, Maury, McKay, A. McClellan, Montgomery, Samuel W. Morris, Murray, Noble, Owens, Palmer, Parker, Pennybacker, Pickens, Reily, Rencher, Rhett, Richardson, Robertson, Rumsey, Sawyer, A. H. Shepperd, C. Shepard, Slade, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Toucey, Towns, Turney, Underwood, Vanderveer, Weeks, L. Williams, S. Williams, J. W. Williams, C. H. Williams, Wise—86.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Anderson, Beatty, Biddle, Bond, Boon, Borden, Briggs, Bronson, W. B. Calhoun, John Calhoun, W. B. Campbell, Casey, Chambers, Cheatham, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Davee, Davies, Dunn, Everett, Ewing, Fairfield, R. Fletcher, Fillmore, Foster, Fry, Rice Garland, Goode, William Graham, Gray, Grennell, Haley, Halstead, Hammond, Hamer, Harlan, Harrison, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Howard, W. H. Hunter, Ingham, Jenifer, H. Johnson, J. Johnson, Keim, Leadbetter, Lincoln, Logan, Marvin, S. Mason, May, Maxwell, R. McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Miller, Mitchell, Morgan, Calvary Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Paynter, Peck, Petrikim, Phelps, Pope, Potts, Prentiss, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Snyder, Southgate, Taylor, Thomas, Tillinghast, Titus, Toland, Webster, A. S. White, John White, E. Whittlesey, J. L. Williams, Worthington, Yell, Yorke—109.

The demand of Mr. *Casey* for the previous question was seconded by tellers—Ayes 91, noes 61.

Mr. *Sherrod Williams* demanded the yeas and nays on the question "Shall the main question be now put?" Ordered. And the house decided that the main question should now be put—Yeas 108, nays 86. Mr. *Montgomery*, of North Carolina, moved an adjournment. Lost. The question recurring on the engrossment of the bill, Mr. *Reed* demanded the yeas and nays. Ordered. And the house ordered the bill to be engrossed and read a third time, by the following vote: Yeas 100, nays 95. Mr. *Fillmore* moved an adjournment. Lost. Mr. *Rhett* moved a call of the house. Lost. Next Monday, to-morrow, and this day, were named as the time of reading the bill the third time. Monday—lost. To-morrow—lost. The Chair naming the question as being on to-day, Mr. *Thomas* moved the first Monday of May next, and on this he asked the yeas and nays. Mr. *Rhett* then moved an adjournment. Lost. Mr. *Elmore* moved a call of the house. Mr. *Thompson* asked for the yeas and nays on this motion. Ordered. Mr. *Elmore* moved an adjournment. Lost. Ayes 73, noes not counted. The yeas and nays were then taken on ordering a call of the house; and it was decided in the negative as follows: Yeas 62, nays 107. Mr. *Thompson* moved an adjournment. Lost. The motion of Mr. *Thomas* was rejected by the following vote: Yeas 83, nays 95. The question recurring on ordering the bill to be read a third time this day, Mr. *Chapman*, of Alabama, asked for the yeas and nays. Lost. The house then ordered the bill to be read a third time this day. And the bill being read, Mr. *Boon* demanded the previ-

ous question (on the passage of the bill,) which was seconded, and the main question was ordered to be put.

Mr. *Connor* demanded the yeas and nays on the passage of the bill, which were ordered, and the bill was passed by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Beatty, Bond, Boon, Borden, Briggs, Bronson, John Calhoun, Casey, Chambers, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Davee, Davies, DeGraff, Dunn, Ewing, R. Fletcher, Fillmore, Foster, Rice Garland, Goode, William Graham, Grant, Grennell, Haley, Halsted, Hammond, Hamer, Harlan, Harrison, Harper, Hastings, Henry, Herod, Hoffman, Howard, W. H. Hunter, Ingham, Jenifer, H. Johnson, J. Johnson, Leadbetter, Lincoln, Marvin, Samson Mason, May, Maxwell, R. McClellan, McKennan, Menefee, Mercer, Miller, Mitchell, Moore, Morgan, C. Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Paynter, Peck, Petrikim, Pope, Potts, Prentiss, Rariden, Randolph, Reed, Ridgway, Russell, Sibley, Snyder, Southgate, Taylor, Tillinghast, Titus, Toland, Webster, A. S. White, J. White, Elisha Whittlesey, J. L. Williams, Worthington, Yell, Yorke—96.

NAYS—Messrs. Andrews, Atherton, Beirne, Bell, Bicknell, Bouldin, Cambreleng, William B. Campbell, J. Campbell, W. B. Carter, Chapman, Cheatham, Cleveland, Coles, Connor, Cushman, Dawson, Deberry, Dromgoole, Edwards, Elmore, Everett, Farrington, Fry, J. Garland, Graves, Griffin, Hawes, Haynes, Hopkins, T. B. Jackson, J. Jackson, J. W. Jones, Keim, Kemble, Klingensmith, Lewis, Loomis, Lyon, Martin, Maury, McKay, Abraham McClellan, McClure, Montgomery, S. W. Morris, Murray, Noble, Owens, Palmer, Pennybacker, Pickens, Reily, Rencher, Rhett, Richardson, Robertson, Rumsey, A. H. Shepperd, C. Shepard, Shields, Slade, Spencer, Stanly, Stuart, Stratton, Taliaferro, Thompson, Toucey, Towns, H. L. Turney, Underwood, Vanderveer, Wagener, Weeks, L. Williams, Sherrod Williams, J. W. Williams, C. H. Williams, Wise—80.

On motion of Mr. *McKenna*, the house then adjourned—it being twenty minutes before 6 o'clock.

Saturday, April 21. After several reports on private claims had been received,

Mr. *Lincoln*, from the committee on the public buildings reported an amendment to the bill for taking down the treasury building, which was ordered to be printed.

On motion of Mr. *Chapman*, the committee on the public lands were discharged from the petition of William Stringer; also, of the petition of the Alabama legislature, for pre-emption to settlers who lost their settlements by certain Indian treaties, and for the passage of a law authorizing entries of public lands in lots of 40 acres; which said petitions were severally committed to the committee of the whole house which have in charge bills for similar purposes.

The joint resolution of the house, authorizing the secretary of war to purchase a site in the District of Columbia for a new powder-magazine and keeper's house, and the bill for the relief of J. A. Fleming, were severally read a third time and passed.

Mr. *Fairfield* obtained leave to offer several petitions in relation to the late duel, which were referred to the select committee on that subject.

The house then proceeded to the unfinished business of the morning hour, which was Mr. *Hopkins'* resolution for separating the government from all connexion with the public press.

Mr. *Garland*, of Virginia, resumed and concluded his remark on that subject; when Mr. *Wise* obtained the floor, but yielded it to Mr. *S. Williams*, who moved to amend the amendment offered by Mr. *Dromgoole* to Mr. *Hopkins'* resolution by appending thereto his own resolution on the subject of retrenchment; modified, however, by omitting the words "illustrious Andrew Jackson," and substituting "the late president of the United States."

On this amendment he addressed the house, and had proceeded for a short time, when the morning hour expired, and the subject lies over.

Mr. *Thomas*, of Maryland, asked the house to take up the motion for reconsidering the leave of absence from the 1st of May next of Mr. *Smith*, of Maine.

Objection being made, he moved to suspend the rules, and on this motion he demanded the yeas and nays, which were ordered, and, being taken, resulted as follows: Yeas 87, nays 92. (Not a majority, two-thirds being necessary to carry the motion.)

The house then proceeded to consider the calendar of private bills, and took up the bill for the relief of Dr. Philip Turner, with the amendment from the committee of the whole, proposing to strike out the enacting clause.

A motion was made by Mr. *Graham*, of North Carolina, to make the bill appointing commissioners of private claims the special order of the day for Friday next, but it was not agreed to.

Mr. *Petrikim* moved the previous question on Mr. *Turner's* bill, but it was not sustained; and the debate on the bill was re-opened, and, as before, occupied the house for several hours. [The reason of the interest felt in this bill (beyond that ordinarily exhibited in regard to private bills) was that it involves the principle of the allowance of interest on the commutation pay of revolutionary officers.]

Mr. *Haley* terminated this vexed discussion by moving the previous question.

Mr. *Cushman* thereupon moved a call of the house.

On this motion, Mr. *Glascok* demanded the yeas and nays, but the house refused to order them.

Mr. *Dawson* moved an adjournment; lost, ayes 62, noes 68.

The previous question was then seconded—ayes 75, noes 49, when the question on engrossing the bill was decided in the negative by yeas and nays, as follows: Yeas 75, nays 76. So the bill was rejected.

After the yeas and nays had been taken, but before they were announced, Mr. *Wise* said he had voted through inadvertence, being personally interested in the question; and he requested that his vote be erased.

After some hesitation, it was ordered that the vote be erased from the journal; not as though he were excused, but on the ground that he had no right to vote.

Mr. *Mercer* made a similar request, and on the same ground. Several attempts were made to debate the question, which were declared to be out of order, the house having decided on it by yeas and nays. Mr. *Mercer's* vote was erased.

Mr. *Toucey*, from the select committee on the late duel, by leave, made a report, the consideration of which he moved should be postponed to two weeks from Monday next, and that it be printed. He said this motion was made by the unanimous order of the committee.

[This report not having been ordered to be printed, the clerk of the house has, perhaps very properly, declined to allow copies to be taken of any part of it. We are enabled, however, to state generally, that its conclusions are that Mr. *Wise*, on account of his participation in the duel, is deeply involved in a breach of the privileges of the house, and is deserving of censure by the house; that Mr. *Jones* is also involved in a breach of the privileges of the house, and also deserving of censure. In regard to other persons, accessories or spectators, (except as follows,) the committee contents itself with stating facts and evidence, without recommending any action. From the Globe of Saturday night, whose publishers appear to have had access to the report before it was presented to the house, we obtain the following quotations from the report:

FROM THE GLOBE.

In relation to Mr. *Graves*, the recommendation is in the following words:

"The committee, therefore, viewing the breach of the rights and privileges of the house, on the part of Mr. *Graves*, to have been an offence of this high character, against the vital principle of a deliberative assembly and of representative government, feel constrained, by a sense of duty, to present to the house a resolution that he be expelled therefrom."

In conclusion the report says:

"The committee entertain no doubt that James Watson Webb has been guilty of a breach of the privileges of the house, but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the New York Courier and Enquirer, he be left to the chastisement of the courts of law and public opinion, and that the house will consult its own dignity and the public interests by bestowing upon him no further notice."

Mr. *Grennell*, in behalf of himself and Mr. *Rariden*, members of the committee, presented a written statement of their views, which he asked might be printed with the report.

Mr. *Elmore*, not being able to agree with either in the report of the majorities, asked leave to present in writing his views, and that this paper might be printed with the rest.

Mr. *Robertson* said that, having understood that this report would probably be brought into the house to-day, he had examined the parliamentary law relating to the subject. The subject was of importance, not merely as it related to the parties implicated, but as it bore upon the privileges of the

house. The result of his examination was a conviction that it was the duty of the house to recommend these reports to the select committee from which they came, with instructions that, if any member or members of the house should be implicated, the committee should forthwith report that fact to the house, and await its further order on the premises. He quoted Jefferson's Manual, to show that such was the law of parliament as laid down in that book, viz: That the committee could not proceed a step on its own authority when the character of a member of the house was involved; because it was the privilege of the house itself to take cognizance of the conduct of its members; and of every member to have such cognizance exerted by the house alone. He was utterly ignorant of what might be the contents of the voluminous report made by the committee; but whatever they might be, he hoped they would not be sent to the world till this question should be duly considered. He therefore moved that the report and all the other papers be laid for the present upon the table.

Mr. Fillmore called for the reading of the resolution, if any, which the majority of the committee had reported to the house.

Mr. Boon moved that the house adjourn; which motion prevailing, ayes 86, The house thereupon adjourned.

Monday, April 23. The motion of Mr. Toucey, chairman of the select committee on the subject of the late duel, to postpone the consideration of the report, and to print, was discussed during the whole of to-day by several members; of which discussion an account will be given in our next, if practicable. No question was taken.

On motion of Mr. Cambreleng, from the committee of ways and means, the committee of the whole were discharged from the bill heretofore reported to authorize the issue of \$10,000,000 in treasury notes; as also from the bill reported, supplementary to the act of October last, authorizing the issue of \$10,000,000 in treasury notes; and these bills were recommitted to the committee of ways and means. And thereupon,

Mr. Cambreleng, from the committee of ways and means, reported a new bill in the following words:

A bill to carry into effect an act approved the 12th day of October, 1837, "to authorize the issuing of treasury notes."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the secretary of the treasury, with the approbation of the president of the United States, is hereby authorized to cause treasury notes to be issued, according to the provisions of an act entitled "an act to authorize the issuing of treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the treasury and cancelled.

This bill was twice read, and committed to the committee of the whole house on the state of the union.

The Chair laid before the house the following:

To the house of representatives of the United States: In compliance with the resolution of the house of representatives of the 16th instant, relative to an attack on the steamboat Columbia, in the gulf of Mexico, by a Mexican armed vessel, I transmit a report from the secretary of state, to whom the resolution was referred.

M. VAN BUREN.

Washington, April 23, 1838.

To the President of the United States:

The secretary of state, to whom was referred a resolution of the house of representatives of the 16th instant, requesting the president to communicate to that house, if not incompatible with the public interest, any information he may have received, officially or otherwise, relating to an attack by a Mexican armed vessel upon the steamboat Columbia, bearing the flag of the United States, in the gulf of Mexico, has the honor to report that no information on this subject (except through the newspapers) has been received at this department. Respectfully submitted.

JOHN FORSYTH.

DEPARTMENT OF STATE, Washington, April 23, 1838.

Mr. Adams moved to refer it to the committee on foreign affairs, with instructions to report upon the subject forthwith. It was now five months since the president of the United States recommended war against Mexico, and nothing had yet been heard from the committee on the subject.

Mr. Howard explained that the reason of this delay was, that negotiations were pending on this very subject; and the longer the committee delayed reporting, the stronger was the probability of an amicable arrangement of the affairs between the two nations.

Mr. Adams said he had thought that all negotiations were broken off. He was glad to hear that they were going on; and would withdraw his motion to instruct.

The papers were then referred to the committee on foreign affairs: and,

The house adjourned.

[In the course of Monday's sitting, a motion was made by Mr. Bell, that the house reconsider the vote (75 to 76) whereby the house refused to engross and read a third time the bill for the relief of the heirs of doctor Philip Turner, in which bill was involved the general question of interest on commutation claims of half-pay revolutionary officers. The motion to re-consider goes over till next Friday, when it will come up when the house proceeds to the private orders of the day.]

Tuesday, April 24. As soon as the journal was read, Mr. Howard, chairman of the committee on foreign affairs asked permission of the house to re-state what he had said yesterday evening, when the president's message was read in reply to some remarks which had fallen from the gentleman from Massachusetts, (Mr. Adams.) Leave being granted, Mr. H. said that the importance of the subject of our relations with Mexico, and the desire which he felt to avoid the communication of any erroneous information to the public, induced him to repeat what he had said, because he found, by the newspaper which he held in his hand, that it had not been distinctly apprehended. He was not at all surprised at this, as the noise was so great that he doubted whether he had made himself heard even by the speaker. The house was just about to adjourn when the subject came up, and the members were beginning to disperse.

The message of the president related to the recent attack upon the steamboat Columbia, by a Mexican vessel of war, and he (Mr. H.) was reported to have said that negotiations were pending upon this very subject. This was an error. He had no knowledge upon this point. But what he did say, in reply to the motion to instruct the committee to report speedily, was this: that the delay which had occurred in reporting upon the subject of Mexico was not accidental but intentional. The reason was this. In November last the Mexican minister had informed the government of the United States, when he announced the rejection of some few of the claims which had been presented to it, that as soon as the other claims could be examined the decision upon them would be made known. The committee were willing to wait for this decision as long as the nature of the case would admit; and it was clear that the more this time was extended the greater was the chance of restoring amicable relations between the two governments, in case the government of Mexico was inclined to restore them. This was all that he had said; and upon this statement the gentleman from Massachusetts withdrew his motion to instruct the committee.

The motion of Mr. Toucey, to postpone for two weeks and to print the reports of the select committee upon the subject of the late duel, being under consideration, (and having precedence, as a privileged question,) came up in order; and was further discussed by several gentlemen, all of whose remarks will be given hereafter.

Wednesday, April 25. The question of postponing and printing the report of the select committee, and the separate reports offered by members of the committee, together with the proposition of Mr. Robertson to refer the whole subject to a committee of privileges, with instructions to report as to the steps to be taken by the house with regard thereto, was farther discussed to-day by Messrs. Slade, Foster, Fletcher, Toucey, Wise, Thomas, Graves, Grantland, Bell, Pennybacker, and Sergeant, whose remarks will be given hereafter.

Mr. Boon then moved the reading of the report. Mr. Fillmore asked for the reading of the testimony.

Mr. Bell protested against the reading. The pending question was not merely the disposition of the report, but one touching the regularity of the proceedings of the committee.

The Chair decided it to be the right of a member to have the report read he was called upon to vote on. The Clerk having been directed to proceed, read as follows:

The committee appointed to investigate the causes which led to the death of the hon. Jonathan Cilley, late a member of the house of representatives, and the circumstances connected therewith, and to inquire whether there has been, in the case alluded to, a breach of the privileges of the house, and to whom were referred sundry memorials upon the subject, now ask leave to submit their

REPORT:

In discharging the trust committed to them by the house of representatives, the committee have endeavored implicitly to obey its order, notwithstanding short, on the one hand, of the full measure of the duty imposed upon them, nor transcending

its just limits on the other. They were of the opinion that the investigation was instituted solely for the maintenance of the privileges of the house. It was not within the province of the house of representatives to investigate the causes which led to the death of one of its members, or the circumstances which attended it, with a view to the punishment of any offender for a high crime or misdemeanor. That belongs, in every case, exclusively to the courts of law. Senators and representatives are not privileged from arrest in cases of "treason, felony, and breach of the peace;" and it is a constitutional provision, that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." The inquiry, therefore, is directed to one object only—the maintenance of the privileges of the house; and the question is, what, in that view, were the causes which led to the death of Mr. Cilley, and the circumstances connected therewith, and did they involve a breach of those privileges?

In pursuing this investigation, the committee have examined all whose testimony, there was reason to believe, might be material; and Messrs. Graves, Wise, and Jones, members of the house, were permitted to attend, and to examine and cross-examine the witnesses; and the same leave was extended to Mr. Menelee, of the house, and to Mr. Pierce, of the senate, at their request. The entire mass of the testimony is now submitted as a part of this report. One witness, Daniel Jackson, of the city of New York, who was summoned to attend, and called upon to testify, was neglected to obey the requisition, though he appeared before the committee, and interrogatories were put to him; but, from the position in which he stood, and the disclosures of another witness, it was not thought worth the time or attention of the house or of the committee to notice him further.

The late Jonathan Cilley, a member of the house from the state of Maine, fell by the hand of William J. Graves, a member of the house from the state of Kentucky, in a duel fought with rifles, near the boundary line between the District of Columbia and the state of Maryland, on Saturday, the 24th of February last.

The causes which led to his death are intimately connected with the proceeding of this house. On the 12th of February Mr. Wise, of Virginia, presented to the house a publication in the New York Courier and Enquirer, charging a member of congress with corruption upon the authority of an anonymous writer under the signature of "the Spy in Washington;" and thereupon moved a resolution for the appointment of a select committee, with power to send for persons and papers, to inquire into the charge. Mr. Wise said: "The character of the authority upon which the charge is made, is vouched for as respectable and authentic by the editor of the Courier and Enquirer, in whose paper it appears, and the house is called upon to defend its honor and dignity against the charge."

Mr. Cilley addressed the house in opposition to the resolution. In the course of the debate "he said he knew nothing of this editor, but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$52,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American congress." These words, spoken by Mr. Cilley in debate, were strictly in order, were pertinent to the subject under discussion, and "did not exceed the bounds and limits of his place and duty;" and though they implied a doubt inconsistent with unblemished honor and character in the person alluded to, yet Mr. Cilley was justified in the use of them, by a report of a committee of the house of representatives, appointed on the 14th of March, 1832, to inspect the books and examine into the proceedings of the Bank of the United States. An extract from the report, made by the majority of the committee, and published by order of the house of representatives, is herewith annexed, in which it is stated that, "for sixteen months" the New York Courier and Enquirer "was warmly opposed" to the Bank of the United States; that on the 26th of March, 1831, and within less than nine months thereafter, the bank made three loans, amounting "to the sum of \$52,975, which consisted of notes drawn and endorsed by the editors only;" and the

"on or about the 8th of April, 1831, it (the paper,) changed its course in favor of the bank."

It was in reference to the facts contained in this report, and published to the world by order of the house of representatives, that Mr. Cilley spoke the words, which had been already recited; and for thus alluding to facts put forth in the published documents of the body of which he was a member, he was called in question by the editor of the New York Courier and Enquirer. James Watson Webb, on the 21st of February last, addressed a note to him, reciting those words, apprising him that the writer of it was the editor of that paper, and concluding with a demand of explanation, couched in very explicit terms.

*Gadsby's Hotel,
Washington, February 21, 1838.*

SIR: In the Washington Globe of the 12th instant, you are reported to have said, in the course of the debate which took place in the house of representatives on that day, growing out of a publication made in the New York Courier and Enquirer—"He (you) knew nothing of this editor; but if it was the same editor who had once made grave charges against an institution of this country, and afterwards was said to have received facilities to the amount of some \$32,000 from the same institution, and gave it his hearty support, he did not think his charges were entitled to much credit in an American congress."

I deem it my duty to apprise you, sir, that I am the editor of the paper in which the letter from the "Spy in Washington," charging a member of congress with corruption, was first published; and the object of this communication is to inquire of you whether I am the editor to which you alluded, and, if so, to ask the explanation which the character of your remarks renders necessary.

Very respectfully,

Your obedient servant,

J. WATSON WEBB.

To the Hon. Jonathan Cilley.

This demand of explanation, under the circumstances which existed, was not susceptible of misinterpretation, and, the sequel proves, was not misunderstood. Mr. Graves was the bearer of this note, having read it, and being fully apprized of its contents, and tendered it to Mr. Cilley, in the hall of the house of representatives, while the house was in session. Mr. Cilley declined to receive it, and thereupon a brief correspondence ensued, which terminated in the challenge and death of Mr. Cilley by the bearer of this note. The first note of Mr. Graves was delivered by himself to Mr. Cilley, on the same day on which he bore the note of Webb, that is, on Wednesday, the 21st of February, 1838, and should have borne that date. It is as follows:

House of Representatives, February 20, 1838.

In the interview which I had with you this morning, when you declined receiving from me the note of colonel J. W. Webb, asking whether you were correctly reported in the Globe in what you are there represented to have said of him in this house, on the 12th instant, you will please say whether you did not remark, in substance, that in declining to receive the note, you hoped I would not consider it, in any respect, disrespectful to me; and that the ground on which you rested your declining to receive the note was distinctly this: That you could not consent to get yourself into personal difficulties with conductors of public journals, for what you might think proper to say in debate upon this floor, in discharge of your duties as a representative of the people; and that you did not rest your objection, in our interview, upon any personal objections to colonel Webb as a gentleman.

Very respectfully,

Your obedient servant,

W. J. GRAVES.

Hon. Jonathan Cilley.

It will be observed that the note which Mr. Graves bore, is described by him as the note of colonel J. W. Webb, asking whether Mr. Cilley was correctly reported in the Globe, in what he was there represented to have said in the house of representatives, on the 12th instant. But it will be perceived that the note itself, though it is thus described by Mr. Graves whenever he speaks of it afterwards, does not contain that inquiry.

Mr. Cilley, on the same day, personally delivered to Mr. Graves the following note in reply:

House of Representatives, February 21, 1838.

The note which you just placed in my hands has been received. In reply, I have to state that in your interview with me this morning, when you proposed to deliver a communication from colonel Webb, of the New York Courier and Enquirer, I declined to receive it, because I chose to be drawn into no controversy with him. I neither affirmed or denied any thing in regard to his character; but

when you remarked that this course on my part might place you in an unpleasant situation, I stated to you, and now repeat, that I intended, by the refusal, no disrespect to you.

Very respectfully,

Your obedient servant,

JONA. CILLEY.

Hon. W. J. Graves.

On Thursday, the day following, Mr. Graves sent his second note to Mr. Cilley, which was delivered to him in his seat, during the session of the house, by Mr. Menefee, of Kentucky, the latter accompanying its delivery with an expression of the hope that Mr. Cilley would perceive the propriety of relieving Mr. Graves from a position which was painful to him. Mr. Cilley remarked that the note should be attended to. It is as follows:

House of Representatives, February 22, 1838.

SIR: Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient. Among other things in this, that, in your declining to receive colonel Webb's communication, it does not disclaim any exception to him personally as a gentleman. I have, therefore, to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor. A categorical answer is expected.

Very respectfully,

WM. J. GRAVES.

Hon. J. Cilley.

Mr. Cilley, on the same day, returned the following reply, by Mr. Duncan, of Ohio:

House of Representatives, February 22, 1838.

SIR: Your note of this date has just been placed in my hands. I regret that mine of yesterday was unsatisfactory to you; but I cannot admit the right on your part to propound the question to which you ask a categorical answer, and therefore decline any further response to it.

Very respectfully,

JONA. CILLEY.

Hon. W. J. Graves.

On Friday, the 23d of February, Mr. Wise presented to Mr. Cilley, at his boarding house, a few minutes before 12 o'clock, M. a challenge from Mr. Graves.

Washington city, Feb. 23, 1838.

As you have declined accepting a communication which I bore to you from colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognized among gentlemen. My friend, hon. Henry A. Wise, is authorized by me to make the arrangements suitable to the occasion.

Your obedient servant,

WM. J. GRAVES.

Hon. J. Cilley.

On the evening of the same day, about the hour of five o'clock, P. M. Mr. Jones, the delegate from Wisconsin, delivered to Mr. Graves, in the room of Mr. Wise, and in his presence, an acceptance of the challenge:

Washington city, Feb. 23, 1838.

Your note of this morning has been received. My friend, general Jones, will "make the arrangements suitable to the occasion."

Your obedient servant,

JONA. CILLEY.

Hon. W. J. Graves.

Mr. Jones immediately submitted the following proposition to Mr. Wise:

Washington, Feb. 23, 1838.

SIR: Mr. Cilley proposes to meet Mr. Graves, at such place as may be agreed upon between us, tomorrow, at 12 o'clock, M. The weapons to be used on the occasion shall be rifles; the parties placed side to side at eighty yards distance from each other; to hold the rifles horizontally at arm's length, downwards; the rifles to be cocked, and triggers set; the words to be, "Gentlemen, are you ready?" After which, neither answering "No," the word shall be, in regular succession, "Fire—one, two, three, four." Neither party shall fire before the word "fire," nor after the word "four." The positions of the parties at the ends of the line to be determined by lot. The second of the party losing the position shall have the giving of the word. The dress to be ordinary winter clothing, and subject to the examination of both parties. Each party may have on the ground, besides his second, a surgeon, and two other friends. The seconds, for execution of their respective trusts, are allowed to have a pair of pistols each on the ground, but no other person shall have any weapon. The rifles to be loaded in the presence of the seconds. Should Mr. Graves not be able to procure

a rifle by the time prescribed, time shall be allowed for that purpose.

Your very obedient servant,

GEO. W. JONES.

Hon. Henry A. Wise.

About nine o'clock, P. M. Mr. Wise replied:
Washington, Feb. 23, 1838.

SIR: The terms arranging the meeting between Mr. Graves and Mr. Cilley, which you presented to me this evening, though unusual and objectionable, are accepted; with the understanding that the rifles are to be loaded with a single ball, and that neither party is to raise his weapon from the downward horizontal position until the word "fire."

I will inform you, sir, by the hour of 11 o'clock, A. M. to-morrow, whether Mr. Graves has been able to procure a rifle, and, consequently, whether he will require a postponement of the time of meeting.

Your very obedient servant,

HENRY A. WISE.

Hon. Geo. W. Jones.

At 8 o'clock, A. M. on the 24th, Mr. Jones left at Mr. Wise's room the following note, to wit:

Washington city, D. C. Feb. 24, 1838.

SIR: I will receive, at Dr. Reilly's, on F street, any communication you may see proper to make me, until 11 o'clock, A. M. to-day.

Respectfully,

Your obedient servant,

GEO. W. JONES.

Hon. H. A. Wise.

Dr. Feilly's, F street,

February 24, 1838, 10 o'clock, A. M.

SIR: I have called at this place, in conformity with your note of this morning, to inform you that Mr. Graves has not as yet been able to procure a rifle and put it in order, and cannot be ready at 12 o'clock, M. to-day. He is desirous, however, to have the meeting to-day, if possible, and I will inform you by half-past 12 o'clock, M. to-day, what time to procure and prepare a weapon he will require.

Very respectfully, &c.

HENRY A. WISE.

Hon. Geo. W. Jones.

Afterwards, Mr. Jones left at Mr. Wise's room the following note, to wit:

Washington, 10½ A. M.

February 24, 1838.

Your note, dated 10 o'clock to-day, is received. In reply, I have the pleasure to inform you that I have in my possession an excellent rifle, in good order, which is at the service of Mr. Graves.

Very respectfully, &c.

GEO. W. JONES.

Hon. H. A. Wise.

Afterwards, Mr. Jones sent to Mr. Wise's room the following note, to wit:

Washington, February 24, 1838, 11 A. M.

SIR: Through the politeness of my friend, Dr. Duncan, I now tender to you, for the use of Mr. Graves, the rifle referred to in my note of 10½ A. M. this morning.

Respectfully, your obedient servant,

GEO. W. JONES.

Hon. H. A. Wise.

And with this note a rifle and powder-flask, and balls, were left at Mr. Wise's room.

The rifle was procured by Mr. Jones, and sent by him to Mr. Wise, in accordance with a previous request of Mr. Wise, or in consequence of a conversation between them. Mr. Jones says it was in strict accordance with the request of Mr. Wise: and Mr. Wise says he had a conversation with Mr. Jones upon the subject, requested Mr. Jones to inform him where one could be obtained, and has no doubt that it was in consequence of this conversation that Mr. Jones sent the rifle, and that he acted with the best motive in sending it.

Mr. Wise having received the last note, called on Mr. Jones, and informed him that Mr. Graves had procured another rifle, and would be ready for the meeting at three o'clock, P. M. The parties met by arrangement on the road to Marlborough, in Maryland. Mr. Cilley was accompanied by his second, Mr. Jones, by Mr. Bynum of North Carolina, and colonel James W. Schaumburg, as his friends, and by doctor Duncan, of Ohio, as his surgeon. Mr. Graves was attended by Mr. Wise, as his second, by Mr. Crittenden, senator from Kentucky, and Mr. Menefee, of Kentucky, as his friends, and by Dr. Foltz, of this city, as his surgeon; and all proceeded thence about 2 o'clock, P. M. to the place of meeting. Mr. Jones and Mr. Wise immediately marked off the ground. The line of fire was at right angles with the rays of the sun. The choice of positions fell by lot to Mr. Wise, and Mr. Jones had the giving of the word. Mr. Wise chose the position at the northwesterly

nd of the line. The distance was about ninety-yards. There was a strong wind falling on the inc of fire at an angle of about forty-five degrees against Mr. Cilley. The position of Mr. Graves was near a wood, partly sheltered by it, and that of Mr. Cilley was on higher ground, and in the open field. The calibre of Mr. Graves' rifle was nearly twice as large as that of Mr. Cilley's, and would receive a ball of about eighty to the pound; while the rifle of Mr. Cilley would receive a ball of about one hundred and thirty-two to the pound. Mr. Calhoun and Mr. Hawes, both members of the house from Kentucky, were at some distance off as spectators. Mr. Wise had two rifles on the ground, one of which, not being loaded, remained by consent in one of the carriages. The hack drivers were on the ground; and two other persons (Grafton Powell and James F. Brown) were present, without the consent of either party or their friends. Shortly after three o'clock, P. M. the parties exchanged shots, according to the terms of meeting. Mr. Cilley fired first, before he had fully elevated his piece; and Mr. Graves fired one or two seconds afterwards. Both missed. Mr. Graves could not have reserved his fire, had he been disposed to do so.

The friends assembled at the request of Mr. Wise, and Mr. Jones inquired of Mr. Wise whether his friend, Mr. Graves, was satisfied? Mr. Wise immediately said: "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor; cannot Mr. Cilley assign some reason for not receiving at Mr. Graves' hands colonel Webb's communication, or make some disclaimer which will relieve Mr. Graves from his position?" Mr. Jones replied: "While the challenge is impending, Mr. Cilley can make no explanations." Mr. Wise said: "The exchange of shots suspends the challenge, and the challenge is suspended for explanation." Mr. Jones, thereupon, went to Mr. Cilley and returned; and after a few words in regard to putting in writing what had been and might be said, Mr. Jones proceeded to say: "I am authorized by my friend, Mr. Cilley, to say, that in declining to receive the note from Mr. Graves, purporting to be from colonel Webb, he meant no disrespect to Mr. Graves, because he entertained for him then, as he now does, the highest respect and the most kind feelings; but that he declined to receive the note, because he chose not to be drawn into any controversy with colonel Webb," or, "he refuses to disclaim disrespect for colonel Webb, because he does not choose to be drawn into an expression of opinion as to him." Both expressions were used in the course of the conversation. After a consultation on each side, Mr. Wise said to Mr. Jones, "This answer leaves Mr. Graves precisely in the position in which he stood when the challenge was sent." From an examination of the evidence, it will be perceived that, although the language made use of by the persons present, in narrating what passed on this occasion, is not the same, there is yet no substantial difference between them. Mr. Cilley re-asserted the ground which he had assumed in the correspondence; that he declined to receive the note of Webb, because he chose to be drawn into no controversy with him; that he refused to disclaim any personal exception to Webb as a gentleman, or man of honor, because he would neither affirm nor deny any thing in regard to his character; and that in declining to receive the demand of explanation, he had intended no disrespect to Mr. Graves. Mr. Cilley even went farther, and declared that he entertained for him the *highest respect and the most kind feelings*. The position of Graves was, therefore, not changed, except so far as the peril of life by Mr. Cilley in defence of his own position, and the subsequent voluntary avowal of the highest respect and the most kind feelings for the individual who had put him in jeopardy, may be supposed to have changed it.

Mr. Crittenden says, that it was now "urged on the part of Mr. Graves, that Mr. Cilley ought to make some such explanation or declaration as had been proposed, for the satisfaction of Mr. Graves; while on the part of Mr. Cilley it was urged that Mr. Graves ought to be satisfied with the exchange of shots, without any such explanation or declaration." All the friends of Mr. Cilley urged that Mr. Graves should now be satisfied, and that the affair should now terminate, without requiring from Mr. Cilley any further concession beyond what he had already made. Doctor Foltz said he "thought the affair should end here; that there was no personal ill feelings between the parties; that they had proved themselves men of honor and courage; and that Mr. Cilley's opinion of colonel Webb could not be changed by the further exchange of shots or the receipt of wounds." Mr. Crittenden was understood, by nearly all present, to concur in these views, though it seems he did not intend

so to be understood, but acquiesced with Mr. Wise and Mr. Menefee in insisting that the fight should go on, unless Mr. Cilley would make the concession which had been demanded. Accordingly the challenge was renewed, and the parties resumed their position, and again exchanged shots in the manner prescribed by the terms of meeting. Mr. Graves fired first, before he had fully elevated his piece; Mr. Cilley fired about two seconds afterwards. They both missed. Mr. Cilley could not have reserved his fire had he been disposed to do so. Mr. Jones, Mr. Bynum, Mr. Schaumburg, doctor Foltz, Mr. Wise, and Mr. Fuller, thought, from the motions and appearance of Mr. Graves, that he was hit. He at once said, "I must have another shot." Mr. Wise says, "he positively, peremptorily, and repeatedly insisted upon another shot."

The seconds and friends again assembled, and the challenge was again withdrawn. Mr. Jones said, "Mr. Wise, my friend, in coming to the ground and exchanging shots with Mr. Graves, has shown to the world that, in declining to receive the note of colonel Webb, he did not do so because he dreaded a controversy. He has shown himself a brave man, and disposed to render satisfaction to Mr. Graves. I do think that he has done so, and that the matter should end here." Mr. Wise replied, in substance: "Mr. Jones, Mr. Cilley has already expressed his respect for Mr. Graves, in the *written correspondence*, and Mr. Graves does not require of Mr. Cilley a certificate of character for colonel Webb; he considers himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, colonel Webb. Mr. Graves only insists that he has not borne the note of a man who is not a man of honor and not a gentleman." The challenge was again renewed, and while the friends were loading the rifles, Mr. Wise and Mr. Jones walked apart, and Mr. Wise asked Mr. Jones "if Mr. Cilley could not assign the reason for declining to receive the note of colonel Webb, that he [Mr. Cilley] did not hold himself accountable to colonel Webb for words spoken in debate?" Mr. Jones replied, that "Mr. Cilley would not assign that reason, because he did not wish to be understood as expressing the opinion whether he was or was not accountable for words spoken in debate." Mr. Wise then asked Mr. Jones whether "Mr. Cilley would not say that, in declining to receive the note of colonel Webb, he meant no disrespect to Mr. Graves, either *directly or indirectly*?" To which Mr. Jones replied affirmatively, adding, "Mr. Cilley entertains the highest respect for Mr. Graves, but declined to receive the note because he chose to be drawn into no controversy with colonel Webb." Mr. Jones says that Mr. Wise took no exception to this answer, but continued to require other concessions, as stated, to be made. Mr. Wise says that in making that proposition he went beyond his instructions; and that the proposition and the response to it were not communicated to Mr. Graves, but were communicated both to Mr. Graves and to Mr. Menefee. Mr. Crittenden says he does not remember to have heard them, nor to have heard of them, during the progress of the contest, and that he does not remember to have given any advice or opinion upon them. Mr. Menefee remembers the proposition and reply, and positively or by acquiescence gave the advice that the reply, *thus qualified*, was but a reiteration, in substance, of the original ground assumed by Mr. Cilley, and held to be inadmissible by Mr. Graves. Mr. Wise had in his possession, on the ground, three written propositions, neither of which was exhibited, nor their substance submitted, in any other manner than as before stated.

Mr. Jones, Mr. Bynum, Mr. Schaumburg, Dr. Duncan, and Dr. Foltz, now objected, in the strongest language, against the further prosecution of the contest, and insisted that it should now cease, and that Mr. Graves should declare himself satisfied. Mr. Crittenden was understood again, by nearly all present, to concur in these views; but it appears, from his testimony, that he acquiesced in the views of Mr. Wise and Mr. Menefee. They insisted that the fight should go on, unless Mr. Cilley would make the concessions which were demanded; either a direct disclaimer of any personal exception to James Watson Webb, as a gentleman and a man of honor, in declining to receive his note, or an indirect disclaimer, by placing the refusal to receive it upon the ground of privilege; both of which Mr. Cilley, in the correspondence and throughout the affair upon the field, had refused to do, and, persisting in it, had *twice* received the fire of his antagonist.

Immediately previous to the last exchange of shots, Mr. Wise said to Mr. Jones, "If this matter is not terminated this shot, and is not settled, I will propose to shorten the distance." To which Mr. Jones replied, "After this shot, without effect, I

will entertain the proposition." Mr. Graves had directed Mr. Wise, if they missed repeatedly, to prevent a prolongation of the affair by proposing closer quarters; in consequence of which, Mr. Wise made the proposition, which would have aggravated the severity of the terms. The rifles being loaded, the parties resumed their stations, and fired the third time, very nearly together. Mr. Cilley was shot through the body. He dropped his rifle, beckoned to one near him, and said to him, "I am shot," put both his hands to his wound, fell, and in two or three minutes expired.

Early in the day on which he fell, an agreement was entered into between James Watson Webb, Daniel Jackson, and William H. Morell, to arm themselves, repair to the room of Mr. Cilley, and force him to fight Webb with pistols on the spot, or to pledge his word of honor to give Webb a meeting before Mr. Graves; and, if Mr. Cilley would do neither, to shatter his right arm. They accordingly took measures to ascertain whether Mr. Cilley was at his lodgings; and finding that he was not, they proceeded, well armed, to Bladensburg, where it was said the duel between Mr. Graves and Mr. Cilley was to take place. Before arriving there, it was agreed between Webb, Jackson, and Morell, that Webb should approach Mr. Cilley, claim the quarrel, insist on fighting him, and assure him that if he aimed his rifle at Mr. Graves, he [Webb] would shoot him [Mr. Cilley] on the spot. It was supposed by them that Mr. Graves or Mr. Wise, or some of the party, would raise a weapon at Webb, whereupon it was agreed that Webb should instantly shoot Mr. Cilley, and that they should then defend themselves in the best way they could. Not finding the parties at Bladensburg, they followed in pursuit to the old magazine, and thence to the shore of the Potomac, near the arsenal, at Greenleaf's point, whence, it being after 3 o'clock, P. M. they returned to the city, to await the result. "It is unnecessary to add," say they, in a statement drawn up by Webb, signed by Jackson and Morell, and published in the New York Courier and Enquirer, "what would have been the course of colonel Webb, if Mr. Graves, instead of Mr. Cilley, had been injured. Suffice it to say, that it was sanctioned by us; and however much we deplored it, we could not doubt but the extraordinary position in which he would have been placed would have warranted the course determined upon." It is difficult to imagine what is here darkly shadowed forth, if it be not that, had Mr. Cilley survived the encounter with Mr. Graves, and had the latter suffered in it, it would then have been the fate of Mr. Cilley to have encountered an assassin.

Such were the material facts and circumstances which attended the death of Mr. Cilley. The committee, entertaining the opinion that the cause of the challenge was the cause of the death of Mr. Cilley, have sought for it where it should be found in the most authentic form, in the correspondence of the parties.

Mr. Cilley declined to receive the note of Mr. Webb, because he "chose to be drawn into no controversy with him." He placed his refusal to receive a demand for explanation of the words spoken by him in debate solely on the ground of his own *voluntary election*, without assigning any other reason. "He chose to be drawn into no controversy" with Webb. He declared, at the same time, that he neither affirmed nor denied any thing in regard to Webb's character, in declining to receive the note. He declared further, that he had before stated, and now repeated, that he intended by the refusal no disrespect to Mr. Graves, and that he had said this *only in reply* to a remark of Mr. Graves, that this course might place him in an unpleasant situation.

Mr. Graves, in his second note, takes but one exception to this first note of Mr. Cilley. "It does not disclaim any exception to him (Webb) personally as a gentleman." He says: "Your note of yesterday, in reply to mine of that date, is inexplicit, unsatisfactory, and insufficient; among other things is this—that, in your declining to receive colonel Webb's communication, it does not disclaim any exception to him, personally, as a gentleman." "I have, therefore," he adds, "to inquire whether you declined to receive his communication on the ground of any personal exception to him as a gentleman or a man of honor? A categorical answer is expected."

Mr. Cilley, in his second note, regrets that his first was unsatisfactory, but cannot admit the *right* of Mr. Graves to propound the question, and, therefore, he declines any further response to it.

It is difficult to conceive that Mr. Graves, upon this correspondence of Mr. Cilley, could have challenged him for *intending disrespect to Mr. Graves*; for any such intention was positively disclaimed,

and, as appears, in a most unexceptionable and courteous manner, in reply to a suggestion of his own, which called for it; or for affirming or denying any thing in regard to the character of Webb, in declining to receive his note; for any such affirmation or denial is also disclaimed, in equally positive terms. Mr. Cilley had declined to receive a call from James Watson Webb, for explanation of words spoken in debate in the house of representatives, and had put his refusal solely on the ground that he chose to be drawn into no controversy with him; but he is pressed further, and interrogated beyond this limit, which he had assigned to himself, and a categorical answer is demanded to the question whether he declined on the ground of any personal exception to Webb as a gentleman or a man of honor. He denies the right to interrogate him in this manner for declining a call, which his right, and duty, as a member of the house of representatives, and the just maintenance of the privileges of that body, required him to decline; and, denying the right to interrogate, he, therefore, refused to submit to answer any further. And it was because he refused to receive the note, and refused to answer any further, that he was challenged by another member of the same body.

This matter is not left open to inference or argument. The cause of the challenge appears in a manner which precludes all doubt. It is still further specified and avowed by Mr. Graves himself, in his own note, which contains the challenge. It is stated clearly, unequivocally, and with the utmost precision, and is assigned expressly, and in form, as the cause for which the challenge is given. "As you have declined accepting a communication which I bore to you from colonel Webb, and as by your note of yesterday you have refused to decline on grounds which would exonerate me from all responsibility growing out of the affair, I am left no other alternative but to ask that satisfaction which is recognised among gentlemen." Mr. Cilley, by his "note of yesterday," had refused to answer the question to which a "categorical answer" had been demanded: that is to say, "whether he declined to receive colonel Webb's communication on the ground of any personal exception to him as a gentleman or man of honor." The ground of challenge, therefore, is, by Mr. Graves himself, expressly stated to be, that Mr. Cilley declined to receive the communication from Webb, and, by his note of February 22d, refused to answer that question, touching the honor of Webb. This was the open and avowed cause, set forth and presented to Mr. Cilley, by which he was guided, and upon which he acted, in a matter involving the utmost extremity of human responsibility. For this cause, and for this alone, he was challenged and fell by the hand of Mr. Graves; unless it be admissible to believe that, after all verbal communication had ceased between him and his antagonist, and the difference had assumed the form exclusively of a written correspondence between them, he was challenged and fell for a cause not set up in that correspondence, not put forth as a ground of complaint, not made known to him or his friends as a matter of grievance, and in regard to which, therefore, it may be believed, he was profoundly ignorant, and had no opportunity afforded him in any way of voluntary satisfaction or explanation.

Nor is there any thing in what subsequently occurred, as disclosed by the joint statement of the seconds, or the testimony of any witness which gives color to a suggestion, that there was, at any time afterwards, a change of the ground of controversy.

No communication whatever, upon the subject of difference, took place between the principals, their respective seconds, or friends, after the challenge was given, before the first exchange of shots. Of course, no change of the ground of controversy could have occurred until after Mr. Cilley had received the fire of his antagonist, and had hazarded his life in defence of the position which he had assumed in the correspondence. After the first exchange of shots, as already shown, Mr. Cilley re-assumed his original position, and Mr. Wise insisted that what was then said by Mr. Jones only placed "the affair upon the original grounds," and left Mr. Graves precisely in the position in which he stood when the challenge was sent. There was, in fact, no change whatever in the position of the parties, except what arose from the circumstance that Mr. Cilley had given to Mr. Graves the satisfaction demanded of an exchange of shots, and from the further circumstance that Mr. Cilley not only repeated the disclaimer that he had meant no disrespect to Mr. Graves, but positively avowed, also, that he entertained for him the highest respect and the most kind feelings.

In this state of the controversy the challenge is renewed, and Mr. Cilley again puts his life in jeopardy. The challenge being once more suspended,

he again insists upon his original position, that he had declined to receive the demand for explanation of the words spoken by him in debate, because he chose to be drawn into no controversy with Webb, and that he would assign no other reason; and while, on the other hand, it was insisted for Mr. Graves that he considered himself bound not only to preserve the respect due to himself, but to defend the honor of his friend, colonel Webb, and that he only insisted "that he had not borne the note of a man who was not a man of honor and not a gentleman," Mr. Cilley replied affirmatively to a proposition submitted on the part of Mr. Graves, that in declining to receive the note, he meant no disrespect to Mr. Graves, either directly or indirectly; and declared that he entertained the highest respect for him, but declined to receive the note, because he chose to be drawn into no controversy with colonel Webb. He excluded, in direct and positive terms, every possibility of disrespect to Mr. Graves, directly or indirectly, and in effect only insisted on his right to decline a demand for explanation of words spoken in debate, because he chose to be drawn into no controversy upon the subject, without assigning any other reason. But he was interrogated for another reason, and another reason was demanded; and for resisting that demand the challenge was again renewed, and he fell a victim in defence of what he conceived to be his rights as an individual, or as a representative of the people in the house of representatives.

The committee were disposed to pursue this inquiry in every form. Not content with tracing the cause of the challenge in the written correspondence, in the assignment of reasons for the challenge under Mr. Graves' own hand, and in the various propositions which were submitted on the field, from the beginning to the end of the contest, they proceeded to put to every witness who was believed to know any thing upon the subject, the direct inquiry, whether "Mr. Graves or his second, at any time before Mr. Cilley fell, communicated to Mr. Cilley, his second, or attendant friends, that a question of veracity between Mr. Graves and Mr. Cilley was a point of difficulty to be adjusted?" Mr. Jones answered, "Certainly not to me, nor to Mr. Cilley, at any time, to my knowledge, either before or during the day the duel was fought. I did not hear of the existence of such a question until the Sunday or Monday after Mr. Cilley was killed." The written correspondence between Mr. Graves and Mr. Cilley does not show the existence of any such question of veracity." Mr. Bynum answered, "I heard no such communication, directly or indirectly, from either Mr. Graves or his second, made or intimated to Mr. Cilley or any of his friends, before he fell." Mr. Schaumburg answered, "I did not understand that there was a 'question of veracity' between the parties, nor was there any conversation on the subject." Dr. Duncan answered, "They never did to my knowledge. I never heard the question of veracity assigned, during Mr. Cilley's life, as the cause of any difficulty." Mr. Pierce answered, "I never held any conversation with Mr. Graves, or his second or attendant friends, in relation to the late fatal duel, nor did I ever hear, until subsequently to the 24th of February last, that any question of veracity between Mr. Graves and Mr. Cilley, was a point of difficulty to be adjusted." Dr. Foltz answered, "They did not." Mr. Wise answered, "I do not know what Mr. Graves may have communicated to Mr. Cilley at any time before he fell, as to a question of veracity between them. I presume they both knew what had passed between them, verbally. I believe that I did state to Mr. Jones, or to other friends of Mr. Cilley, on the ground, that Mr. Graves said Mr. Cilley had assigned to him the reason for declining to receive the note of colonel Webb, that he did not choose to be held accountable for words spoken in debate. I think I so informed Mr. Jones when I asked him if Mr. Cilley could not assign this reason on the ground: but of this I am not positive." Mr. Crittenden answered, "Not that I know of. I know of no communication between any of these parties other than as before stated, so far as I now recollect. Whether those communications involve any such question it is not for me to decide; no such question was made, in terms, that I know of." Mr. Menefee answered, "Mr. Graves had no communication of any kind with Mr. Cilley, his second, or attendant friends, and of course did not communicate to them that such a question was a point of difficulty. Nor did the second of Mr. Graves, as far as I remember, make such a communication, except so far as may be implied from the propositions made by him, in connection with the correspondence, &c. One, at least, of the friends of Mr. Graves, in the presence of his second, made frequent attempts to direct the attention of the second and friends of Mr. Cilley to the difficulty which

was presented by the terms of Mr. Graves' first note (giving his version of what Mr. Cilley had said) and the ground which Mr. Cilley had subsequently assumed. But it was not referred to, in terms, as a question of veracity. It was believed that Mr. Cilley had honorable grounds, which would be satisfactory to Mr. Graves, and at the same time compatible with the truth, which would effect the object, without making directly such a question whilst efforts were pending to accommodate. Whether the views, thus expressed, were communicated to Mr. Cilley, I know not. For the character of what occurred on this point, so far as I participated in it, the committee are referred to my general statement."

Mr. Graves said to Dr. Foltz, on the way to the field, "That he had been the bearer of a note from colonel Webb to Mr. Cilley, inquiring if Mr. Cilley had been correctly reported in the Globe. Mr. Cilley refused to receive the note, and declined giving his reasons, which implicated me, in consequence of which I challenged him, but I have no personal animosity towards him." Mr. Wise said on the field, "Mr. Jones, these gentlemen have come here without animosity towards each other; they are fighting merely upon a point of honor." "These men have nothing against each other; they are merely settling a point of honor."

This concurrent testimony of all, without exception, taken in connection with the written correspondence, the various propositions and answers on the field, and the further fact that Mr. Cilley had not been informed that Mr. Graves had undertaken to repeat to others any verbal communication between them, or that any misapprehension or misunderstanding existed between them on that subject, utterly repels the suggestion, that any question of veracity had arisen, or had been made, or was the cause of the challenge, or of the death of Mr. Cilley. Indeed, any misapprehension on that subject would have given no more just ground of animosity, and least of all of the highly vindictive feelings necessarily aroused by a question of veracity, than the very evident misapprehension which Mr. Graves labored under in regard to some parts of the note of James Watson Webb, of which he was the bearer.

The committee will not, in justice to Mr. Graves, harbor the belief, that there were rankling secretly in his bosom any vindictive or hostile feelings towards Mr. Cilley, growing out of any question of personal veracity, and prompting him to carry on a deadly warfare under another pretext, not only without a direct and explicit disclosure of the real cause of difficulty, such as would have left no misapprehension on the mind of any one, but under circumstances which misled the other party and his friends, and left him, under that false impression, to the forfeit of his life.

The committee have, therefore, come to the conclusion, that the words spoken by Mr. Cilley in debate in the house of representatives, the refusal of Mr. Cilley to receive a demand for explanation of those words, and his refusal to assign any other reason for it, than that he chose to be drawn into no difficulty upon the subject, were the causes which led to the death of Mr. Cilley, under the circumstances which have been substantially detailed.

It remains to inquire whether there has been a breach of the privilege of the house.

It is a breach of the highest constitutional privileges of the house, and of the most sacred rights of the people in the person of their representative, to demand in a hostile manner, an explanation of words spoken in debate; to be the bearer of such a demand; to demand a reason for refusing to receive it, beyond the mere voluntary election of the member interrogated; or to demand, under any circumstances, any reason at all. No member can be questioned in a hostile way, and put to his plea, and yield to it, without subjecting himself to great disadvantages in the estimation of many, and impairing his influence and his usefulness as a member. It is a still more aggravated breach of the privilege of the house, and of the rights of the people in the person of their representative, to challenge a member, and to slay him in combat, for refusing to comply with any such demand. It is the highest offence which can be committed against either house of congress; against the freedom of speech and of debate therein; against the spirit and the substance of that constitutional provision, that for any speech or debate in either house, the member shall not be questioned in any other place, and violates essentially the right of perfect immunity elsewhere for words spoken in debate here, which is essential to the independence of congress, and to the existence of constitutional liberty. And when this offence is committed by a member, it calls for the exercise of the highest powers of the house to purge itself of the evil, to maintain effectually its rights

and privileges, and to preserve inviolate this immunity, which is guaranteed by the constitution, not for the sake of the individual, but for his constituents and the country.

The present case is without any circumstance of extenuation. A member of the house, in a manner most strictly parliamentary, on an occasion most appropriate, in language most decorous and moderate, in defence of the honor of the house against an anonymous and unfounded charge of corruption, and alluded to the published records of former proceedings with perfect truth and accuracy; had in obedience to his duty, declined a hostile demand for explanation in a manner in which the committee can discover no cause of offence; had respectfully with expressions of regret, declined to admit the right to interrogate him further; had disclaimed all disrespect, directly or indirectly, towards his antagonist, and avowed for him the highest respect and the kindest feelings; and, after all this, avowed without hostility, and against the strongest protestations of others, he was required fatally to expose himself to the third discharge of a rifle. On the other hand, Mr. Graves, a member of the house, voluntarily and unnecessarily became the bearer of a demand from another member in attendance, for an explanation of words spoken in debate; he presented it in the house while the house was in session; he demanded a reason for the refusal, beyond the voluntary election of that member to be drawn into no difficulty upon the subject; which being withheld, he then challenged him in this city, and slew him in this vicinity, while congress was in session. Every step of Mr. Graves in this progress, involved him deeper and deeper in a breach of the privileges of the house, until their destruction was consummated in the person of Mr. Cilley. The eye of reason can discover, in the whole course of Mr. Cilley, no offence towards those who pursued him, except that given by alluding to the records of congress, in the faithful and upright discharge of his duty as a member, which, justly, could have given no offence at all. Nor can his death be vindicated or excused by any circumstance whatsoever, not even by that custom, the relic of unenlightened and barbarous ages, which was formerly supposed to be a proof of some degree of physical courage, but is, in fact, a signal monument of the want of the higher attribute of moral courage; which has, in these modern times, degenerated into a game of chances and a scramble for undue advantages; which can furnish no criterion for truth, justice, or honor, and deals out its inflictions of misery most severely upon the unoffending and the helpless; which is deeply deplored by all men, even those who submit to it, and is forbidden, in every stage of it, by all law, human and divine.

It is not necessary, on the present occasion, to go into any consideration of the general power of the house to punish for breach of privilege; or to inquire into the origin and foundation of that power over contempts, which has been asserted by the parliament of Great Britain, from time immemorial, by every legislative body, by every judicial tribunal from the highest to the lowest, and repeatedly, by one or the other house of congress, and has been recognized as existing in the house of representatives by the supreme court of the United States. Whether it be a power necessary to the continued existence of the legislative body, or a power necessary to the free exercise of its legislative functions, it is in either case a necessary power, strictly granted by the constitution, and as fully granted as if it were literally expressed. But in the case of members, the constitution has expressly granted the power to punish for disorderly conduct; and has, also, expressly granted the power, with the concurrence of two-thirds, to expel a member for any cause which two-thirds of the house may deem sufficient.

The committee, therefore, viewing the breach of the rights and privileges of the house, on the part of Mr. Graves, to have been an offence of this high character, against the vital principle of a deliberative assembly and of representative government, feel constrained, by a sense of duty, to present to the house a resolution that he be expelled therefrom.

It has been decided by the house of representatives, on a former occasion, that it was a breach of privilege to send a challenge to a member in attendance, or to be the bearer of such challenge. And it is equally so to act as second to the challenger. In the present instance it appears that Mr. Wise had no knowledge of the demand of explanation which was borne by Mr. Graves, and had never seen that paper until after the fatal catastrophe. But having been early consulted by Mr. Graves upon the first letter of Mr. Cilley, and concurred with him in his views of it, he bore the challenge to Mr. Cilley, and he acted throughout as the se-

cond of the challenger, advising and insisting that the fight should go on, until Mr. Cilley fell. The committee, therefore, deeming him deeply involved, under the circumstances which this case presents, in a breach of the privileges of the house, report a resolution that he deserves the decided censure of the house, and that he be censured accordingly.

Mr. Jones had no knowledge of the affair until the determination of Mr. Cilley had been formed as to the acceptance of the challenge, and the time, mode, weapon, and other preliminaries of the meeting. But he was the bearer of the acceptance, and acted throughout as the second of the challenged party; and it is the opinion of the committee that he was thereby involved in a breach of privilege, and that he be censured therefor.

In regard to the persons, not principal nor seconds, who were present on the field, and expressed their opinions at the request of the parties, without having advised, instigated, or procured the meeting, however they might be implicated in the courts of law, the committee entertain doubts how far they would be involved in a breach of privilege; and, under a strong conviction that the power of the house should be exercised, never in a doubtful case, always with moderation, they content themselves with presenting the facts and circumstances, so far as those persons are concerned, without proposing any action thereon.

The committee entertain no doubt, that James Watson Webb has been guilty of a breach of the privileges of the house; but they also concur unanimously in the opinion, that if there be any real ground to believe that a conspiracy to assassinate actually existed, as set forth in that atrocious paper drawn up by him, signed by Daniel Jackson and William H. Morell, sworn to by the latter, and published in the New York Courier and Enquirer, he be left to the chastisement of the courts of law and of public opinion, and that the house will consult its own dignity and the public interests by bestowing upon him no further notice.

As soon as the report was read, as the clerk was about to read the resolutions with which it concludes,

Mr. Wise asked leave to propound a question to the chairman of the committee, in justice to all the parties concerned.

Mr. Turney inquired if the reading of the whole paper was concluded?

The Chair replied in the negative.

Mr. Turney must then object to arresting it at this stage.

Mr. Wise would remark to the gentleman that the question came in pertinently at that time. It was a single question.

Mr. Turney would withdraw it for that purpose, but he should renew the objection if it arrested the reading of the report for any length of time.

Mr. Wise said it was one of serious import as respected himself as second in that affair, or he should not have interposed at that time. There was a general remark, as would be noticed by the house, in the report of the majority in relation to the general practice of duelling. Speaking of the character of that practice, they speak of it generally as a scramble for undue advantages. I merely wish, said Mr. W. to ask the chairman, to ask all the members of the committee, so that my remark may not be misunderstood by the world, or by any here present or absent, whether the least particle of the least conviction existed in the mind of any one member of that committee, that the least undue, or scramble for undue advantage, was taken, or attempted to be taken, in this fight? Whether the friends of the deceased did not think the fight was perfectly fair, and whether there was any evidence to show there was any undue advantage taken in any way, in any manner, by any of the parties?

Mr. Toucey said I will answer in the most positive manner, as far as I know, that it was not the intention of the committee, in that general remark, to make any application of it to this particular case nor to accuse any one on the field for any scramble for undue advantage, or any thing that would be denominated unfair. Nor was there any evidence of any thing of the kind.

The resolutions with which the report concludes were then read, as follows:

Resolved, That William J. Graves, a member of this house from the state of Kentucky, in bearing to the late Jonathan Cilley, then a member of this house, the demand for explanation of words spoken in debate, demanding his reasons for declining to receive it, and challenging him, and engaging in a late duel with him, which terminated in his death, has been guilty of a breach of the privilege of this house.

And be it further resolved, That the said W. J. G. for said breach of privilege be, and hereby is, expelled from this house.

Resolved, That Henry A. Wise, in bearing a challenge to the late Jonathan Cilley, then a member of this house, and acting as a second to the challenger in the duel, which terminated in the death of Mr. Cilley, has been guilty of a breach of the privileges of this house, and that he deserves the decided censure of this house, and hereby is, censured accordingly.

Resolved, That Geo. W. Jones, in acting as second to the challenged party, the late Jonathan Cilley, then a member of this house, in the duel which terminated in his death, has been guilty of a breach of the privileges of this house, and that he be therefor, and hereby is, censured accordingly by this house.

Mr. Hunter, of Virginia, at this stage, moved an adjournment; lost.

The report, counter-report, of Messrs. Grennell and Kariden was then read through by the clerk, and having been concluded,

Mr. Bronson moved that the house do adjourn; which motion was carried in the negative.

The clerk then proceeded to read the report of Mr. Elmore, another member of the select committee.

[These two reports will be given hereafter.]

As soon as the reading of the above report was concluded—

Mr. Toucey obtained the floor, and, on his motion,

The house adjourned.

Thursday, April 26. The Speaker laid before the house a letter from the secretary of the treasury, transmitting, in reply to the resolution of the 16th instant, statements of the amount received from the sales of public land subject to the making of the Cumberland road, and the amount of unsold land in each state, &c.

Also, a letter from the secretary of the navy, correcting an error in his report of the 16th of March, in obedience to the order of the house of the 19th February, as to the date of the appointment of the members of the scientific corps of the exploring expedition.

Also, a letter from the postmaster general transmitting the information called for by the house on the 16th instant, as to the irregularities and failures of the great western mail between the city of Washington and Wheeling within the last three months, and the causes thereof, as far as known to the department.

Also, the following letter from the postmaster general, in answer to the call of the house of the 16th instant:

Post office department, April 24, 1838.

Hon. J. K. POLK,

Speaker house of representatives:

SIR: In compliance with a resolution adopted by the house of representatives on the 16th instant, I have the honor to inform the house that the number of failures in the arrival at the New York post office, in respect to the express mail between New Orleans and New York, since the first day of January last, appears by the books of the inspection office to have been thirty-four.

These are not total failures, but failures to arrive on the proper day.

Very respectfully, your obedient servant,
AMOS KENDALL.

A number of resolutions, petitions, &c. were presented, and several bills read, on leave, and appropriately referred.

The reading of the documents accompanying the report of the duelling committee, was begun immediately after the presentation of the communications referred to above, and occupied the whole day's sitting.

During the reading, the private secretary of the president of the United States appeared at the bar with a message.

The Chair announced this fact, stating that, pending a privilege question, a message would be received by consent of the house.

Mr. Sawyer, of North Carolina, objected to its reception.

The Chair restated the rule of the house with regard to this point, at the same time remarking that the president of the United States had, at any time, a right to send a message to the house; a right by the constitution, and one to which he had never known an objection to have been made before.

Mr. Sawyer adhered to his objection. He said that he regarded the whole of the proceeding (in regard to the late duel) now pending before the house, as a solemn farce; the sooner it was finished the better, and he was for having every thing else to give way to it, until it were got through with.

The Speaker said it was a grave question; but that if he were to be called on to decide between the orders of the house and the constitutional right of the

executive to approach it with a message, he must decide that the message must be received. He hoped the objection would be withdrawn, however.

The objection was withdrawn, and the message was received.

Mr. Howard rose, and gave notice that before the house should adjourn, he should ask for the reading of this message.

The house adjourned at 4 o'clock, however, without taking any question, or concluding the reading of the evidence.

CHRONICLE.

Important slave case. The district court of the United States, in session at Trenton, judge Baldwin presiding, has been engaged during a week past with a suit brought by Culbreth, of Md. against Griscom and others, inhabitants of Salem, in the state of New Jersey, for rescuing a fugitive slave which the plaintiff had claimed in the vicinity of that town. After a laborious trial, Mr. Southard for the plaintiff and Mr. Frelinghuysen, and others, for the defendants, the jury returned a verdict on Friday of \$1000 damages and costs against the defendants. A motion was made for a new trial, which will be argued at the next term.

[Poulson's Daily Advertiser.]

The Valley Creek bridge on the Columbia railroad, was recently destroyed by fire. It was nearly 800 feet long, and in thirteen days after the fire a new bridge, of the same length, was erected and ready for travel.

A gentleman coming up the river to Pittsburg dropped his wallet overboard containing \$5000 in bank notes. The yawl was launched and the wallet picked up two miles below the place it was dropped. Had it been that amount in Benton's mint drops, it would have gone to the bottom like a lump of sugar in a tea cup.

[N. Y. Star.]

Willis vs. Clifton. Here is a suit in earnest.—Willis wrote a play expressly for the lovely Josephine, and the price was to have been \$1000. The author demanded his money for the play, which Josephine's secretary paid by a note of hand.—When the note was due it was protested for non-payment, and for this cause is the action brought against the pretty actress. She says she won't pay it, and intends to plead "no consideration and no value."

[Boston Post.]

The Bank of Montreal has offered a reward of 1000*l* for the recovery of about 10,000*l* alleged to have been stolen by Wm. Coates, late first teller in the branch of that institution established in Quebec.

The Ohio Journal states, that the express mail to the west is soon to be discontinued.

Mr. Dunham, late cashier of the Lafayette Bank of Boston, has been convicted of perjury.

Swamp lands of North Carolina. Charles B. Shaw, esq. engineer of the literary board of the state of North Carolina, reports that 150,000 acres of valuable swamp lands in the eastern section of the state, may be drained at a cost not exceeding \$70,000. The recovery of these swamp lands will not only purify a large section from the malaria, which has made it a grave to so many, but add immensely to the resources of the state by that rich soil redeemed for cultivation, the profits of much of which it appears are to go the literary fund. Thus will the ploughman's toil subserve the cause of science and learning, and North Carolina be enriched in pecuniary as in intellectual wealth.

Frank Johnson, colored leader of the quondam Philadelphia brass band, is giving concerts before the English nobility at the Argyle rooms, London. His performances are highly spoken of.

Richard K. Frost, the Thompsonian. The case of this gentleman, whose trial on the charge of manslaughter, for killing his patient Tiberius G. French, by lobelia, excited so much attention some months ago, was brought to a conclusion on Monday last in the New York court of general sessions, by the court adjudging him to pay \$150. The fine was paid and Dr. Frost was discharged from custody.

The Northern Bank of Kentucky, under the authority of the act passed by the last legislature, is already issuing notes of one, two, and three dollars. They are signed by the cashier alone. The vignettes are the same as on the larger notes.

Red river raft. New Orleans, April 1st We have been favored with the perusal of a letter from captain Shreve, dated March the 29th at Duby's Bayou. He states that the raft is now cleared away, and the navigation easy and uninterrupted. He ascended the stream through the whole extent of the raft, a distance of 52 miles, in nine hours. There is sufficient depth of water for any steamer that can navigate Red-river. Ten feet is found in the shallowest places—

Loss of steamboat Black Hawk. The steamer Black Hawk, in descending the Red river a few days ago, struck a snag, bilged and sunk. She was laden with cotton, a good portion of which was saved. The vessel is a wreck, being buried in three fathoms water; there is no expectation even of recovering the engine and machinery.

Short passage. The ship Richard Anderson, capt. Lucas, arrived at Liverpool on the 8th March in the remarkably short run of sixteen days from Hampton roads. This fine vessel, it will be recollected, was built in Baltimore for a mercantile house in Petersburg, and is an admirable specimen of naval architecture, both in regard to her strength of construction and rapidity of sailing.

Naval. A letter dated Valparaiso, Dec. 27, from an officer on board the U. S. ship Falmouth, commander McKeever, mentions the safe arrival of that ship at that port, after a passage of fifty three days from Rio Janeiro, eighteen of which were spent in doubling the cape, they having proceeded as far south as lat. 59. The Falmouth off cape Horn picked up a boat containing six men, belonging to an American sealing ship, who had been left on a desolate island for skins, their provisions all gone, on their way to Port Desire, when the timely appearance of the Falmouth relieved them.

Punishment of death. An act of the New Jersey legislature, approved on the 17th February last, distinguishes all murder hereafter committed in that state into three degrees; the first, when the homicide is perpetrated from a premeditated design to effect the death of the person killed, or of any other human being; the second, when the homicide is perpetrated by an act eminently dangerous to others, and evincing a depraved mind regardless of human life, although without premeditated design to kill; and the third, when the homicide is perpetrated by a person engaged in the commission of any felony, without any design to effect death. Every person convicted of murder in the first degree, is to be punished with death, those convicted of the second degree, are to suffer solitary imprisonment for life at hard labor, and to be considered and esteemed civilly dead from the moment sentence is pronounced against them, while those convicted of the third degree, are doomed to imprisonment at hard labor for any term not exceeding twenty years, at the discretion of the court, and according to the nature and aggravation of their offence.

Isaac H. Bronson, esq. of Jefferson county, New York, a member of congress, has been appointed judge of the fifth judicial district of that state.

Consuls. George Dobson has been appointed consul of the republic of Texas for the port of Mobile, in the state of Alabama, and has been recognised as such by the president of the United States.

George A. Trenholm has been appointed vice consul of the kingdom of the Two Sicilies for the port of Charleston, South Carolina, and has been recognised as such by the president of the United States.

The governor of Tennessee has subscribed stock to the amount of \$650,000 in the Cincinnati and Charleston railroad company, in pursuance of the bank and internal improvement act of the late general assembly of that state.

Marine disasters. The New York Journal of Commerce states, on the authority of a friend who has kept an account of disasters at sea, that from the 1st of January, 1837, to the 1st of April, 1838, news was received of the loss of 119 ships, 161 brigs, 270 schooners, most of which, though not all, were American vessels.

The Bank of West Florida has been reorganised, and is about to recommence operations in Apalachicola. The old bills have been called in, and will be paid off at sight. The stock is said to be in the hands of substantial capitalists, who are making arrangements to place the affairs of the bank on the most respectable footing. At a meeting of the stockholders held in Apalachicola, on the 2d instant, the following gentlemen were elected directors for the present year, viz: H. Stevenson, A. G. Semmes, E. Wood, John Locke, John T. Myrick, P. W. Gautier, jr., and A. K. Allison.

Michigan, with only 173,600 inhabitants, already contains fifty-two banks, while in Pennsylvania, one of the oldest states in the union, with a population of 1,500,000, there are but fifty banks.

Black Hawk and his son at a ball. A ball was given at fort Madison, Wisconsin territory, on the 22d February, in honor of the day. The Patriot of that place says, that "general Black Hawk, and Nashe-as-kuik, his eldest son, with their wives, were present on this occasion. The former had on his full court dress. The bride of Black Hawk's first born is said to be a very modest and pretty young woman of the Sauk tribe."

The board of aldermen of the city of St. Louis, have balloted one hundred and forty-five times for a president, without effecting a choice.

Never before done. The Lockport Balance records the feat of a dog which a couple of weeks since went over the falls of Niagara, and came out of the boiling abyss below, landing on terra firma alive, and not much the worse for his terrific adventure.

Canada trials. Fourteen individuals have been tried for high treason at Hamilton, Upper Canada, ten of whom were acquitted. Among the four convicted, was a citizen of the United States.

Sutherland has been sentenced to transportation to Van Dieman's Land.

List of the officers of the U. S. ship Concord at Vera Cruz, 31st March.

Commander—Andrew Fitchburg.
Lieutenants—Thomas B. Ieib, James P. McKinty, John De Camp, Jas. K. Borvie.
Surgeon—Miffin Coulter.
Master—George M. White.
Purser—N. Wilson.
Midshipmen—S. D. Trenchard, Wm. Shields, C. Saunders, Geo. Cooper, W. Polk.

Commander John Percival has been appointed to the command of the U. S. corvette Cyane, now preparing for sea at Boston. [Army and Navy Chron.]

Last of the buffaloes. The Missouri Watchman states that a dead buffalo, on a long tour from the head waters of Missouri, was discovered floating on the river, one day last week, and towed into the mouth of Wier's creek. Numbers were attracted to the spot by the novelty of the spectacle. Like the Indians, whose melancholy fate they had been doomed to share, these exiles of the prairie are strangers in the land which was, but a few short years ago, their undisturbed home. [St. Louis Bulletin.]

From Fort Towson. Little Rock, (Arkansas,) April 11. We learn, by a letter from an officer of the United States army, at fort Towson, that captain De Hart reached that post on the morning of the 31st ultimo, with one hundred and eighty recruits for the companies of the 3d U. S. infantry, stationed at that post. They left New York on the 9th February, and came around by New Orleans, thence up the Mississippi to the mouth of Red river, and up the latter river, through the great raft, (which has just been opened under the superintendence of captain Shreeve,) to their place of destination; having performed the distance, no doubt, in less than half the time that it ever was performed before, by a similar body of men.

The same letter adds, that captain Bonneville would leave, in a day or two, with his company, for Fort Gibson. [Arkansas Gazette.]

Imports and exports of specie. We stated last week the sums in specie recently imported. To-day we give the exact amount of imports and exports for the past week.

There was entered at the custom house the last week,	\$3,062,500
Exports for the same period	8,000
	\$3,054,500
Arrived yesterday in the George Washington, about	1,000,000
Total for the past eight days	\$4,054,500

[N. Y. Eve. Post.]

Touching the present importation of specie from England, the Express of Monday says—

We have no very satisfactory accounts of the ways and means by which the ten millions of specie are raised for the United States, though it is now certain, that the Bank of England has entered heartily into the exportation for the purpose of righting the exchange on New York, which was from 5 to 6 per cent. against England, as well as for the purpose of re-instating trade and confidence in this country, so as once more to create a demand for British manufactures, and thus impart something of activity to the manufacturing towns. Mr. Jaudon, we see it stated, is active in remitting gold and silver to the United States Bank,—and it is also stated, that the directors of the Bank of England have sent orders to their agent here, Mr. Cowell, to purchase first rate bills, and to remit specie to a considerable amount for such an operation. The Bank of England will make a good profit by this business, but it is subjected to severe attacks in many of the British presses for entering upon such a trading character in the precious metals.

Steam-ships for London and Bristol. The British steam-ship Sirius is advertised to sail from New York for London on the 1st day of next month; and the steam-ship Great Western for Bristol on the 7th day of May. Cabin passage in each \$140, including provisions and usual fare of packet-ships.

Sir Andrew Hay, has been appointed governor of Bermuda, with a salary of 6000*l*. per annum. Shiel, the "patriot" has been appointed one of the commissioners of the Greenwich hospital, with a salary of about 1500*l*. a sinecure for life.

NILES' NATIONAL REGISTER.

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WASHINGTON CITY, MAY 5, 1838.

[VOL. LIV.—WHOLE No. 1,388.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

DISTRESSING CALAMITIES. We have published on the last page accounts of two most distressing calamities, involving the loss of more than one hundred lives, by the bursting of the boiler of the steamboat *Moselle*, near Cincinnati, Ohio, and the destruction of a large portion of the city of Charleston, South Carolina, by fire, causing a loss of property estimated at nearly three millions of dollars, and several valuable lives. The particulars are, indeed, most heart-rending, and appeal warmly to our sympathies.

We learn from the Cincinnati Express, that the committee appointed to inquire into the facts concerning the loss of the *Moselle*, state that there were on board nearly two hundred and fifty-five passengers. Of this number, it is known that there are

53 dead,
56 missing,
16 wounded,
103 saved,

238

In addition to the 238 here enumerated, there were seventeen passengers not registered, who are known to have been on board, making up the total of two hundred and fifty-five. The probability is that they are among the dead.

VIRGINIA. The election for members of the legislature has resulted in the choice of a majority of whigs. We cannot, from the accounts before us, state the result correctly; but the latest, seemingly prepared with care, give the whigs 58 members, the friends of the administration 27, and the conservatives 7. The same counties last year elected 37 whigs and 56 friends of the administration. We will give the details in our next.

From the congressional district recently represented by Mr. Patton, we have contradictory reports. One party contends that Mr. Slaughter (w.) has been elected by a majority of 14 votes; the other, that Mr. Lynn Banks (ad.) has succeeded by a majority estimated at 28 votes. The contest has been a close one, and the result cannot be ascertained until the official returns are received. They shall also have a place in the next "REGISTER."

THE ALBANY CHARTER ELECTION was held on Tuesday last, and resulted in an aggregate whig majority of 597 votes.

The average whig majority in the wards is as follows:—

1st ward	217
2d "	41
3d "	196
4th "	83
5th "	60
	597

TREASURY DEPARTMENT, May 1, 1838.

The treasury notes issued up to this date, under the provisions of the act of congress of the 12th of October, 1837, amount to \$9,524,751 47

It appears by the returns made up to the same period, that there has been received for duties and lands, and in payment of debts due to the United States, about

5,175,000 00

This leaves outstanding only \$4,349,751 47
LEVI WOOBBURY,
Secretary of the treasury.

FORGED TREASURY NOTES. A person by the name of John B. Henderson was yesterday arrested by Mr. constable Beck, of this city, and fully committed for trial by justice Morsell for having issued and passed forged treasury notes. In his possession were found several impressions of those notes, some of them filled up and some blank. All the impressions are from the original plates, and are what are usually known as proof impressions, and, of course, must have been stolen from the engravers, (Messrs. Rawdon, Wright and Hatch,) in New York, who have the plates in their possession.

There is reason to believe that he may have passed others of these notes, and, as all found in his possession were of India paper, it is to be hoped

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that none of the forged ones were of the paper used for the genuine notes. If such be the case, it is very easy to detect the counterfeits, as the India paper, on which they are impressed, is rather thinner and softer than that of the genuine, and on being wetted, nearly dissolves, being easily torn, almost with breathing strongly on it, whilst the paper of the genuine notes is of the strongest material. The signatures also, of the forged notes, although well executed, can be readily detected.—The signature of the acting treasurer, Wm. B. Randolph, appears as if written Wm. B. Randolph. That of the register, also, T. L. Smith, appears to be written S. T. Smith.

One of the notes passed by Henderson purported to be for \$4,000, the sum being filled up by the pen on the impression used for the fractional sums between \$50 and \$100. No note of that amount has ever been issued, the issues as yet being only notes of \$1,000, \$500, \$100, \$50, and the fractional issues of sums between \$50 and \$100, the amount and figures being filled up with the pen.

We hasten to give this information, in order to protect the community from being imposed on, in case any of the forged notes should be offered.

[Globe of Tuesday.]

The N. Intelligencer says that "the prisoner, on Friday, 27th ult., presented two papers, purporting to be treasury notes of the U. S., of the value of \$4,000 and \$50, at the Farmers' and Planters' bank of Baltimore, for which he received their notes and a premium. It was soon afterwards ascertained that these notes were forgeries, and the prisoner was traced to this city. He afterwards, before he left Baltimore, exchanged the Baltimore notes for Virginia bank notes."

FROM FLORIDA. From the *Globe of Wednesday night*. We understand reports have been received at the war department, stating that Alligator, one of the most active and warlike of the hostiles, had surrendered at Fort Basinger on the 4th of April. He was found with 88 of his people, among whom was John Cowaya and 27 blacks, to the southwest of Okeechobee. Alligator was to return to his party, and, by means of runners, collect all the scattered Indians, and concentrate them at Peace creek. It is confidently expected that Coachnochee, with a small party, can be prevailed on by Alligator to come in also.

In addition to the above, it is also learned that 45 Indians, 17 of whom are warriors, were recently captured by a detachment of regular troops and Tennessee volunteers, under lieutenant R. Anderson, 3d artillery, and are now at Fort Lauderdale. General Jesup at the last advices, (18th April,) was at Tampa Bay.

MAIL CARRIER MURDERED.—A letter from the postmaster at Tampa, (Florida,) dated Feb. 13, says: "The mail which left here on Tuesday, the 3d inst. is lost. The carrier was brutally murdered about sixteen miles this side of Fort King. He was shot from his horse by Indians, his scalp taken off, his eyes dug out, his ears and nose cut off, and other horrid atrocities and torments inflicted upon him. The horse and mail bags have not since been found."

FRANCE. In relation to the publications below, which have been transferred to the journals of this country, the Intelligencer of Saturday contains the following paragraph:

"We inserted in our yesterday's paper a letter from the Paris correspondent of the New York American, stating that despatches had been received by the French government, from the United States, in relation to the commercial crisis in this country, which they depict in the darkest colors; and adding that the French minister at Washington, and the consul general at New York, concurred in giving the intelligence. We have particular reasons to know, since the appearance of that article in our columns, that this statement is entirely incorrect as far as regards the former, and it is supposed equally so as regards the latter of these functionaries."

It is but an act of justice to the French minister near the United States, and to the French consul at

New York, to confirm the truth of the denial. We understand that by despatches received at the department of state from France, it appears that our minister at Paris has ascertained, by an application to count Mole, that the offensive matters in the letters were forgeries, interpolated for the double purpose of doing injury to the administrations of France and that of the United States. The financial information was sent by the consul at New York without any allusion whatever to this government.

[Globe.]

BANKS, CURRENCY, &c. *Bank dividends.* The following dividends have been declared by institutions of New York.

The bank of the state of New York six per cent. for the year ending the 1st inst, payable on the 10th inst.

The Leather Manufacturer's bank has declared a dividend of eight per cent. for the year ending the 1st of February last, payable on the 7th inst.

The Merchants' Exchange bank, eight per cent., for the year ending December 31st, payable on the 10th inst.

The bank of New York, a dividend of eight per cent. payable on the 10th instant.

The Atlantic bank of Brooklyn has declared a dividend of eight per cent., payable on the 15th inst.

[Times.]

Exchange. For the European packet which left here yesterday, the demand was quite limited for bills on England, and the amount offered being considerable, the rates receded about 1-2 per cent., being for good current bills chiefly, 6 1-4 a 6 3-4 premium; on France, bills were in better request, and 5f. 33 a 5f. 37 1-2 were the rates obtained; but little was done on other places, and mostly at 89 cts. on Holland, 84 7-8 on Hamburg and 77 1-2 cts. No sales of treasury notes were made yesterday, the quotations are 99 5-8 a 99 3-4 cts per dollar.

[Price Current.]

Sales at the New York stock exchange, May 2.

100 shares American Life and Trust Company, Baltimore, 99 1-2.

Treasury notes.—Some sales were made this morning, but not of large amount—fives are noted at 99 3-4 a 99 7-8, and sixes at 99 7-8 a 100.

Money and exchanges at New Orleans bore the following rates on the 26th April.

Eagle dollars	-	7 a 8 per cent. premium.
American gold	-	7 a 8 1-2 "
Spanish doubloons	-	\$17 75 "
Mexican doubloons	-	\$16 75 "
Sovereigns	-	\$5 25 "
City bank notes	-	- standard.
United States Bank	-	4 1-2 a 4 per cent. prem.
Mississippi—river	-	25 a 28 per cent. dis.
Mississippi—Island	-	28 a 30 per cent. dis.
Mississippi—Brandon	-	30 a 32 per cent. dis.
Alabama	-	15 a 16 per cent. dis.
Tennessee	-	15 per cent. dis.
Kentucky	-	1 a 2 per cent. prem.
Illinois	-	1 a 1 1-2 per cent. prem.
Indiana	-	1 a 2 per cent. prem.
Ohio	-	1 a 2 per cent. prem.
Arkansas	-	20 a 25 per cent. dis.
Texas bank notes	-	30 a 35 per cent. dis.
Treasury notes	-	7 a 8 per cent. prem.

Exchange.—Demand continues limited for sterling. We give the rate at 10 a 10 1-2 for good bills. Principal sales at the former quotation. On New York, 60 days sight, 6 1-2 a 7 per cent. premium; 30 days, 7 1-2 a 8 1-2; sight to 10 days, 9 a 11.

Freights.—Demand for vessels of every class continues brisk at the following rates:

Cotton to Liverpool	1 1-4d.
Cotton to Havre	2 1-4 a 2 1-2c.
Cotton to northern ports	1 1-4 a 1 1-2c.
Flour to northern ports	\$1 25c a \$1 50 per bbl.
Tobacco, \$14 a \$15 per hhd.	demanded for northern ports.

The Philadelphia Inquirer of Monday says, it is believed that most of the Philadelphia banks will, in the course of a day or two, pay specie for all demands upon them under a dollar. It is understood that the city councils have determined to call in all their certificates now in circulation of a smaller denomination than one dollar. The loan companies and savings' institutions that are anxious to possess the confidence of the public, will no doubt imitate this laudable example; and thus, in the course of a short time, we shall have silver for all business transactions, where the sum does not exceed a dollar. This is the only true and practicable mode of commencing a permanent resumption of specie payments.

Aggregate statement of the condition of the banks of the state of New York, on the first day of April, 1838, taken from their reports made to the bank commissioners, pursuant to law:—

Resources.	21 N. York city banks.	27 N. river & L. Isl. bks.	47 Country banks.
Discounts,	26,620,701	10,889,439	14,224,659
Loans,	3,107,979	631,632	431,051
Real estate,	978,627	450,852	561,950
Over drafts,	82,484	45,256	88,015
Expenses & personal est.	214,516	68,644	119,480
Bank fund,	403,889	194,403	188,394
Specie,	3,329,298	714,599	803,993
Bank notes,	4,637,553	650,816	403,537
Cash items,	325,372	394,207	174,967
Due from city banks,	4,067,080	1,424,779	2,892,143
" from oth. bks & corp.	4,886,923	313,999	384,025
Other investments,	2,191,244	535,996	151,621
Total resources,	50,745,666	16,274,712	20,423,885
Liabilities.			
Capital stock,	18,111,200	7,065,260	9,155,000
Circulation,	2,322,186	2,334,529	6,300,900
Loans,	698,014	124,413	136,521
Due canal fund,	1,696,908	514,147	632,064
Due state treasurer,		5,524	2,920
Due U. S. treasurer,	34,798	079	42,178
Deposites,	11,457,688	1,618,229	1,365,637
Dividends unpaid,	57,373	15,141	40,266
Due city banks,	3,624,494	614,528	184,145
Due other banks,	6,272,591	2,186,080	317,921
Profits,	4,480,692	1,683,632	2,084,322
Other liabilities,	1,987,732	88,180	112,011
Total liabilities,	50,745,666	16,274,712	20,423,885

Total resources of the ninety-five banks.

Discounts,	-	-	51,734,799
Loans,	-	-	4,170,662
Real estate,	-	-	1,991,429
Over drafts,	-	-	215,755
Expenses and personal estate	-	-	402,640
Bank fund,	-	-	716,686
Specie,	-	-	4,847,890
Bank notes,	-	-	5,721,956
Cash items,	-	-	794,636
Due from city banks,	-	-	8,384,002
Due from other banks,	-	-	5,384,947
Other investments,	-	-	2,878,861
Total resources,			\$87,444,263

Total liabilities.

Capital stock,	-	-	34,351,460
Circulation,	-	-	10,957,615
Loans,	-	-	959,842
Due canal fund,	-	-	2,894,225
Due state treasurer,	-	-	8,444
Due U. S. treasurer,	-	-	77,055
Deposites,	-	-	14,441,554
Dividends unpaid,	-	-	112,780
Due city banks,	-	-	4,423,167
Due other banks,	-	-	8,776,562
Profits,	-	-	8,253,636
Other liabilities,	-	-	2,187,923
Total liabilities,			\$87,444,263

The Albany Argus says a comparative statement of the above report, with previous reports, shows the following results:

	June 1.	March 1.	April 1.
Loans & discounts,	64,391,299	52,288,288	51,734,799
Specie,	2,802,313	4,092,793	4,847,890
Circulation,	14,940,498	11,107,350	10,957,615
Due canal fund,	3,052,538	2,833,231	2,894,225
Due state treasurer,	3,152,950	31,169	8,444
Due U. S. treasurer,	4,143,369	174,996	77,055
" Ind. depositors,	14,516,813	14,375,291	14,441,554
Profits,	6,329,726	8,067,769	8,253,636

The above statement shows a diminution of loans and discounts for the last month of \$353,489; an increase of specie of \$755,097; a diminished circulation of \$149,785; an increase of canal fund deposits of \$61,004; of individual deposits \$66,263; a diminution of the state treasurer's deposits of \$22,725; and of the U. S. deposits \$97,941.

The "Argus" accompanied the publication of governor Marcy's special message, recommending the loan to the banks, with the following remarks:

"This recommendation is made under circumstances of the highest interest and importance. The banks of this state, under a just appreciation of their obligations to the community, and in compliance with the public will and expectation, have announced their determination to resume the payment of specie on the 10th of the next month. In the discharge of this great duty, it is apparent that they will not only in all probability stand alone, but that they will encounter the active hostility of a powerful moneyed institution, and such as it can control. All doubt on this subject is removed by the published letter of Mr. Biddle, by his unblush-

ing avowal of a determination to persist in subjecting the people of this country to the evils of an irredeemable and depreciated currency, and by the undisguised threat, that the vast moneyed power subject to his control, will be brought in, with all the strength of interest, of passion, and of fear that he can combine with it, to arrest the efforts of the sound banking institutions to stand once more before the world in the full discharge of their obligations. The advantages which a successful return to specie payments on the part of the banks of this state would confer upon our great commercial emporium—and its reflection of indelible disgrace upon the arrogant institution, which in contradiction of all its past assumptions, and regardless of every obligation of morality and of sound banking, shrinks from the fulfilment of all its high assurances to the public—leave no room to doubt that that institution will pursue its purpose, with the recklessness of faith and duty, which has, on too many occasions, marked its course of assault upon the best interests of the American people.

Under these circumstances it becomes the duty, not less than the pride of our state, to interpose "the use of its credit and the sanction of its name, to shield its institutions and its citizens from harm;" and in assuming the responsibilities demanded by the occasion, governor Marcy will be cheered, we do not doubt, by the approval of the people, and the unqualified thanks of all the friends of a sound currency. Of the manner in which this executive duty has been discharged, the message speaks for itself in terms that place the measure upon an impregnable basis.

The benign effect of the measure, however, if carried out by the legislature, will be preventive. It will hold out the assurance of an all-sufficient aid, if the emergency shall demand it; and this assurance, teaching the futility of hostile attacks from abroad, and inspiring confidence at home, will, in all probability, render a resort to it unnecessary. So that by its direct application, if need be, or through its influence, it will serve, in the language of the message, "to sustain our state institutions against hostile attacks from whatever quarter they may come, and to enable them to grant such assistance as will invigorate all branches of industry, call forth the energies of the state, and give an onward movement to its business concerns."

Statement of the condition of the Bank of England, 6th March, 1838.

Liabilities.	Assets.
Circulation 18,600,000	Securities 22,792,000
Deposite 11,635,000	Bullion 10,015,000
	30,135,000
	\$2,807,000

They who estimate the gold and silver in this country at \$80,000,000, or \$60,000,000 even, can see that they are wild, if the bullion in the Bank of England be a proper basis for a comparative estimate.

We copy from the Express of Saturday, the following details touching the condition of the banks in the city of New York:

We subjoin the following statement by which it appears that the liabilities of our banks are \$19,856,049

Their specie on hand is \$4,028,769

Other securities 34,579,154

The amount of deposits due individuals is \$11,862,273. A large portion of which belongs to banks out of the city. Our banks are strong in securities, and if other banks paid specie would be doubly fortified. There is, however, a greater difference in the condition of a man who is obliged to pay his own debts, when others do not pay him, than there is when he can receive from those indebted more than he is required to pay. This is to a great extent the position of our banks.

CONDITION OF THE NEW YORK CITY BANKS.

Liabilities of the Banks of the City of New York, April 7, 1838.

Due to banks in other states,	\$2,571,633
Due to banks in this state,	2,541,307
Due to Europe,	492,013
Individual deposits,	11,862,273
Circulation,	2,388,733
Total liabilities,	\$19,856,049

Assets and means of payment, besides real estate and fixtures.

Due from banks in other states,	\$3,449,890
Due from banks in this state,	555,943
Due from Europe,	797,873
Notes of other city banks on hand,	500,769
Notes of banks of the state out of the city,	659,215
Notes of banks out of the city,	115,037
Stocks of this state transmitted to Europe and which will be returned in specie before 10th May,	1,041,696

Specie, 4,028,769

Loans and discounts, 33,275,963

Total assets, \$44,425,203

or nearly \$2 1-2 of means to \$1 of debt.

Debt of banks in each state to and from banks of this city.

Owing by our banks.	Owing to our banks.
Maine, 4,035	Pennsylvania, 1,202,785
New Hampshire, 4,137	Maryland, 278,638
Vermont, 9,611	Dia. of Columbia, 44,786
Massachusetts, 201,442	South Carolina, 126,731
Rhode Island, 26,202	Georgia, 237,116
Connecticut, 198,090	Alabama, 37,482
New Jersey, 215,639	Mississippi, 366,592
Virginia, 255,893	Louisiana, 47,478
North Carolina, 119,370	Missouri, 11,862
Florida, 38,752	Tennessee, 40,516
Kentucky, 19,375	Indiana, 25,909
Illinois, 266,969	Michigan, 23,632
Ohio, 124,168	
Wisconsin, 1,585	
Canada, 71,592	

The committee of banks in the Massachusetts legislature have reported in favor of a suspension of the law which subjects the banks to 24 per cent. on protest of their bills, on condition that the Boston banks pay specie for bills of and under five dollars, and country banks for bills under five dollars.

The associated banks of Boston in the week ending Saturday, April 14th, increased their specie \$4,000, decreased their circulation \$39,000, and their loans \$456,000.

From the Albany Evening Journal of the 15th. vii. THE RELIEF BILL DEFEATED.

We doubt whether, in the annals of executive and legislative profligacy, a parallel can be found for the infamy and corruption which marks the course of the state administration upon the question of relief to the banks and the people, in anticipation of the resumption of specie payments.

Some time since, in view of the crisis which approaches, the bank committee of the assembly reported a bill authorising the banks to issue notes and to subscribe for the state stocks. In these measures there was aid to the banks and relief to the people.

The governor, ever ready to make political capital out of the distresses of the country, sent a special message to the legislature proposing an eight million loan to the banks, for the alleged purpose of sustaining them against the imaginary hostility of Mr. Biddle.

This message was referred in the assembly to a committee whose able and eloquent report, already published, places the whole question in its true light before the people.

In the meantime the assembly passed its bill, which authorized the banks to take the state stocks in the same manner that they received \$2,700,000 under a law of the last legislature. The same bill permitted the country banks to issue once and a half the amount of their capital, a measure of indispensable importance to the people. It further authorized an issue of post notes, a proper measure of protection to the banks and the people in the event of another pecuniary revulsion.

This bill, liberal of relief and protection, and wise and guarded in its provisions was sent to the senate. That body, "true to its instincts," struck out both the post note section, and the section which enlarged the issues of the country banks. The senate then, instead of allowing the banks to subscribe for the state stocks, provided for a loan of those stocks to the banks by the state officers, upon the following abject, degrading, and infamous terms, contained in the 6th section of the bill sent from the senate:—

"Before the commissioners of the canal fund shall loan any portion of the stock authorized to be issued by this act, or the avails thereof, to any such bank or banks, the said commissioners shall be satisfied by proof in writing to be furnished them that such loan is necessary to sustain such bank or banks against the hostile operations of any non-specie paying bank or banks of any other state or country—such proof shall be placed in the comptroller's office.

This vile and corrupt proposition, from a party which has made itself hoarse for an entire year in shouting for "separation" and a "divorce" of the government from the banks, must fill the public mind with amazement! What is this proposition, stripped of its verbage and exposed in its naked deformity to the world? Why it is to place eight millions of dollars in the hands of Messrs. Flag, Dix & Co. as a political corruption fund! It is a foul use of the money of the people, to lure the banks into the service of the regency. It is a prostitution of the treasures of the state. It is a bribe offered to the cupidity and avarice of banks—a bribe, too, upon terms so infamous and degrading, that no bank, not utterly insolvent and abandoned

in circumstances and character, would ever consent to take.

It is scarcely necessary to add that this proposition—a proposition so foul in its design, so corrupting in its tendency, so dishonorable to the banks, so unworthy of the character and dignity of legislation, was promptly and indignantly rejected by the assembly.

The senate, utterly regardless of the common welfare, and intent only upon their grovelling party schemes, adhered to their own corrupt bill.

The house proposed a committee of conference. That committee met. The result of their conference will be found in another column. It will be seen that the committee from the assembly proposed to yield all the provisions of their bill except that one which authorized the banks to take the state stocks; and it will also be seen that the senate's committee refused to take that section without coupling with it their own 6th section, which required the banks to furnish written evidence of their insolvency, and put on the regency collar, before they could receive any portion of the corruption fund.

The assembly adopted the report of its committee and insisted on its non-concurrence with the foul and corrupt proposition of the senate. The senate adhered to its profligate bill, and is left in its infamy.

The question is before the people, to whom their representatives are responsible. The course of each house will be scrutinized. That scrutiny will exhibit on the part of the assembly, an ardent and faithful devotion to the general welfare; while on the part of the senate, nothing will appear but a sordid, base, corrupt adherence to the views and purposes of a sinking, desparate party.

REPORT

IN THE CASE OF SENATOR RUGGLES.

In senate, April 12. Mr. White submitted the following report:

The select committee appointed in pursuance of a resolution adopted on the 21st of February last, by the senate, ask leave to submit the following report, in part discharge of the duties assigned to them:

As soon after their appointment as they conveniently could, to wit, on the 23d of February, the committee met and organized themselves. Their first object was to ascertain what were the duties assigned them by the senate. To do this they had recourse to the resolution under which they had been appointed. That resolution contains nothing on its face which is specific, but refers to a letter written by the honorable John Ruggles, one of the senators from Maine, and addressed to another member of the senate.

By recurring to that letter, it was found that a charge of corruption had been made against Mr. Ruggles, in one of the newspapers published in New York. The resolution and letter, taken in connection, made it the duty of the committee to inquire into the truth of this and other similar charges against the said senator from Maine.

Upon inquiry, the committee ascertained that the substance of this charge consisted in the supposed corrupt conduct of Mr. Ruggles, while a senator of the United States, in endeavoring to acquire an interest for himself for corruptly assisting Henry C. Jones, a citizen of Newark, in the state of New Jersey, to obtain from the patent office of the United States a patent for a lock, and aiding him to procure a contract with the post office department, by which his patent locks and mail pouches or bags to which they might be attached, should be used to secure the mail of the United States in its transportation from one post office to another.

The committee having thus ascertained the specific charge made, directed their chairman to notify Mr. Ruggles that they were ready to receive any written answer he might choose to make thereto. This duty the chairman performed, and a copy of his letter to Mr. Ruggles is herewith presented. Mr. Ruggles furnished to the committee his answer, which is herewith presented.

The committee caused a subpoena to be issued for the said Henry C. Jones and such other persons as they had reason to believe could give any evidence tending to establish the truth of the said charge; and also caused subpoenas to be issued for all such witnesses as Mr. Ruggles alleged could give any useful evidence in his behalf.

The several witnesses thus summoned appeared before the committee, were sworn, carefully examined and cross-examined, their testimony reduced to writing and severally subscribed by them, and the testimony thus procured is herewith presented, in eighteen depositions.

These depositions, and the papers referred to in and attached to them, appeared to the committee to

furnish the only evidence which it was in their power to procure. Mr. Henry C. Jones, with whom this charge appears to have originated, was permitted by the committee to be constantly present at the examination of the several witnesses, and to suggest all such questions as the committee believed had any relation to the matters under investigation.

After all the witnesses had been examined, except general Wall, whom Mr. Ruggles stated would be the last he should call, Mr. Jones informed the committee that he wished to be discharged, that he might return home, where his business required his presence. He was informed that he could be discharged, if such was his wish, but that if he chose to remain, he would be permitted by the committee, after the evidence was closed, to make any additional statement or explanations he might think proper. He, however, preferred being discharged, and, as the committee suppose, went home.

When the taking the testimony of the witnesses was closed, Mr. Ruggles informed the committee he was then willing to submit himself to an examination, on oath, touching any of the matters alleged against him, if the committee wished such an examination. No member of the committee desiring to put any questions, Mr. Ruggles was not sworn. He was informed the committee would receive any observations or defence he might choose to submit to them in writing. He submitted the documents herewith presented, being a synopsis of the evidence, and his remarks upon the merits of the case.

The committee have carefully considered all the evidence produced in relation to the charge which grew out of the transaction between Mr. Ruggles and Mr. Jones, relative to the lock, and the uses to which it was to be applied, and have unanimously come to the conclusion expressed in the following resolution, which they recommend to the senate for adoption:

Resolved, That there is no satisfactory evidence to sustain the charge made by Henry C. Jones against the hon. John Ruggles, and that it is inexpedient for the senate to take any further measures in relation thereto.

From the Globe of Saturday night.

THE UNITED STATES AND MEXICO.

We present below the correspondence between the secretary of state, and the minister plenipotentiary of Mexico, in relation to a proposed reference to an arbiter of the complaints of the United States against the Mexican government.

MR. MARTINEZ TO MR. FORSYTH.

[TRANSLATION.]

Mexican legation, New Orleans, April 7, 1838.

SIR: By the note which I had the honor to address to your department on the 23d of December, 1837, I communicated to you information of the law passed by the general congress of Mexico, on the 20th of May of the same year, fully authorizing the executive to propose the arbitration mentioned in the first article.

His excellency the president, being convinced that this is the most effectual means of terminating at once the evils to which Mexico and the United States are now subjected, and of re-establishing upon solid bases, the relations of friendship and good neighborhood between the two countries, has ordered me to propose it.

Therefore, in virtue of such order, and feeling certain that the United States are animated by the same sentiments with Mexico, I have the honorable satisfaction to address you, and to assure you that my government will with pleasure, and with the utmost good faith, submit to the decision of the power which may be chosen by common accord. It is always disposed to a definitive and formal settlement, by means of which new difficulties between the two nations may be avoided, and the differences which have disturbed their harmony may be eradicated.

If the government of the United States should agree to adopt this arbitration, and should think proper to give assurances that it will continue to take effective measures for the preservation of the most strict neutrality during the Texan war, as well as for preventing, by all possible means, the supply of such aid as may be projected in these states; in such case, I will have the honor, agreeably to my instructions, to name to you, sir, the power to the judgment of which Mexico is ready to submit the decision of the differences now unfortunately subsisting.

There can be no doubt that the president will admit without hesitation, the philanthropic means now proposed for restoring the relations between two nations which should be on friendly terms; or that he will refuse to give the guarantee to which my government is justly entitled, of rigorous neu-

trality with regard to Texas. But, as I have express orders to demand a prompt and categorical answer upon both points, you will permit me, sir, to request, earnestly, that you will immediately submit this note to the president, and that you will entreat him to be so kind as to let me know the result as speedily as possible.

I avail myself of this opportunity to have the honor to repeat to you, sir, the assurances of my most distinguished consideration.

FRANCISCO PIZARRO MARTINEZ.

To the hon. JOHN FORSYTH,
Secretary of state of the United States.

MR. FORSYTH TO MR. MARTINEZ.

Department of state, Washington, April 21, 1838.

SIR: I have had the honor to receive, and have laid before the president, your note of the 7th instant, proposing a reference to a third power of the reclamations of the government of the United States on the Mexican republic. I am directed to acquaint you, in reply, that whatever may be the anxiety of this government, to obtain satisfaction for wrongs inflicted upon its citizens, it appreciates too highly those principles of philanthropy to which you allude, to be desirous of proceeding to extremities when they can be honorably avoided, and without doing injustice to those whose interests it is bound to protect.

Your proposition, which you state is based on the first article of the law of the Mexican congress of the 20th of May, a copy of which was communicated with your note to this department of the 23d of December last, which is in these words: "Se autoriza al Gobierno para que pueda transigir en la reclamaciones que haya hecho, o hiciere el de los Estados Unidos del Norte, y para que en aquellas en que no puedan convenirse, sugite la decision al juicio de una potencia amiga, conveniendole en esto los mismos Estados Unidos," is consequently accepted, and I will be ready to enter with you into the negotiation of a convention upon the basis of that article, for the purpose of arranging the particulars of the arbitration, whenever you shall present yourself clothed with competent powers.

The posture of the relations between the two countries makes it proper that this should be done immediately, as the president will not feel himself authorized to recommend any suspension of the action of congress, to whom this whole subject has been referred, before a convention of arbitration has been concluded between the two governments.

The president has seen, with surprise, that in the absence of any new inducements to change the cardinal policy of this government, assurances appear to be expected of continued neutrality by the United States, in the war between Mexico and Texas. He directs me to refer your government for the security it desires in this respect to those principles of rigid impartiality between foreign powers at war which the United States have always avowed, and which the executive has endeavored to enforce by all the power which the laws confer for that purpose.

I embrace this opportunity to offer to you renewed assurances of my great consideration.

JOHN FORSYTH.

SEÑOR DON FRANCISCO PIZARRO MARTINEZ, &c.

MINORITY REPORT OF THE COMMITTEE OF WAYS AND MEANS.

Mr. Sergeant, from the committee of ways and means, submitted the following report, as the views of the minority of that committee upon the subjects to which it relates.

REPORT.

The minority of the committee of ways and means, dissenting from the report of that committee upon "various memorials relating to the currency and a national bank, and the report of the secretary of the treasury on the finances, recommending further provisions for the collection, safe-keeping, transfer, and disbursement of the public money," submit the following report:

The measure proposed by the committee, in accordance with the views of the executive, contemplates a radical change in the system heretofore in use for the collection, safe-keeping, transfer, and disbursement of the money raised from the people. Its alleged necessity is founded entirely upon the suspension of specie payments by the banks in May last. Its end and object are, professedly, to separate the government from the banks; but, really and substantially, to separate the government from the people; so that the disorder and embarrassment in the currency, which are so disastrously felt in all the branches of industry and business, may be removed from the treasury and the officers of the government, leaving them to operate, without check or relief, and even increasing the intensity of their mis-

chievous operations upon the community; and to provide for a like exemption of the treasury in all the future from any the least liability to the influence of similar contingencies, however severely they may press upon our fellow-citizens.

The ground upon which this unequal and startling proposal is rested by the president in his message to congress at the opening of the special session, is, that the government has nothing to do with the currency and exchanges. Interpreted by the measures, he then recommended, and still persists in recommending, this exclusion of the obligation of duty must be taken with an important limitation.—The government, we are obliged to understand, has nothing to do with currency and exchanges for the people. It is only to provide for itself, and, of course, to provide the best. The people are to provide for themselves, and to get what they can, without any aid from the government. They are to have an inferior currency, and to manage their exchanges as they now do, or worse; with the possible chance, when this new scheme shall have attained maturity, of being able to buy a part from the government.

Before entering further into the examination of this new, and, we must say, extraordinary and portentous scheme, a consideration forces itself irresistibly upon our attention, deeply connected with the most vital principles of our government, and inseparable from a just regard for the welfare of the union. Is it, we are impelled to inquire, consistent with the purposes for which our government is established—is it reconcilable with the terms and spirit of the constitution, to suffer a great link to be thus broken, which connects the interests of the government with those of the people—to destroy the sympathy which, by its means, is established between them, so that a shock to the one is promptly and sensibly felt by the other, and the instinct of selfishness is brought in aid of the suggestions of duty, to quicken them into action? Is it expedient to establish such an "independent treasury," or whatever else it may be denominated, as will make the government independent of the people, and disinclined to aid them in those matters in which its aid is essential and indispensable? If we look into the constitution, we there find a duty enjoined, (for a grant of power is an injunction of duty,) to regulate commerce; and every one acquainted with the history of that instrument knows that the want of such a power was among the chief inducements for assembling the convention which framed it. No man of sound mind can suppose that commerce can be carried on without currency and exchanges, nor that commerce "between the states" can be well regulated by a government which takes no care of currency or exchanges; and deems itself absolved from all obligation to aid in establishing and maintaining them. If we regard the practice under that constitution; if we will receive instruction from the concurrent conduct and opinions of all the statesmen of the United States, from the time of its adoption to the commencement of the last session of congress; if we are willing to be taught by the acts, the thoughts and opinions of fifty years, and abide by the construction they have established, we shall be compelled to reject, as a manifest political heresy, and doctrine which teaches that indifference to these great interests is allowable in the government of the United States, and, still more, any doctrine which inculcates disregard to them as a duty. No! From the establishment of the constitution to the present day, the sympathy between the people and the government has always been regarded and maintained; and the duty it inculcates, and at the same time invigorates, of supporting, by all the means within the limits of the constitution, the medium of circulation, so as to foster commerce and industry, has been acknowledged and obeyed as one of the first, if not the very first and plainest requirement of an American statesman. When the currency became deranged during the war with England, no one doubted that it was the part of the government of the union to provide a remedy. President Madison, whose thorough acquaintance with the constitution, and whose implicit obedience to its dictates, must be conceded by every one who knows any thing of the character of that eminent citizen, of the power he exerted in bringing about the convention, the large share he had in its proceedings, and the distinguished stations he afterwards held—President Madison felt so deeply the reality and importance of this duty, that he yielded to it a scruple he had long entertained about the power of congress, and gave the sanction of his high authority to the establishment of a national bank. The late Bank of the United States was recommended, by the then secretary of the treasury, (Mr. Dallas,) as the remedy for a deranged currency; the bill for its establishment was reported by a committee on the currency; and the chief argument in its behalf was, that it would regulate the currency

accomplished this purpose, it would also be beneficial to the government, was, in those days, believed and accepted as a self-evident consequence, too grateful to be contemned for its simplicity, or to be rejected, because it did not require a dangerous refinement of argument to solicit its adoption. Common sense perceived, at once, that a method of proceeding in which the great interests of the people were first consulted, could not be otherwise than practically conformable to the injunctions of a constitution which bars in its front the declaration that it is established by the people of the United States "in order to form a more perfect union and promote the general welfare;" words which plainly import that all the powers therein conferred were for the benefit of the people, and not for the ease, convenience, or benefit of the government. In a more recent, and, perhaps, it may be termed a more memorable instance, the same object, of improving the currency and the exchanges, was made the ground of action by the government. The removal of the deposits, and the overthrow of the Bank of the United States, were to give us a better currency. The connexion with state banks was justified by the assurance that it would be efficacious to this intent. It is not necessary here to inquire how far this purpose has been achieved. The object now is simply to note the fact, that, throughout the whole period from the removal of the deposits to the close of the year 1836, the currency and the exchanges were uniformly held forth as legitimate objects of the care, concern, and action of the government. In the eventful act of the specie circular, the duty and power of the government guardianship over the affairs of individuals were carried much further, and, in the opinion of the minority of the committee, to a most unwarrantable length, as it professed to be intended to check speculation. Of the same nature, and founded upon the same concession, were the efforts of the executive government to encourage, and even to force, the importation of specie, beyond the natural demands of trade. However mistaken these measures may have been, and whatever untoward effects they may have produced, they still carry with them the acknowledgment of a constitutional duty to care for the currency and exchanges, as well for the people as for the government—or, rather, as it ought to be said, for the people first, and then for the government.

By a singular concurrence, it thus happens that the Bank of the United States has been twice made the witness of the settled construction of the constitution. Its establishment, and its overthrow have both been accompanied by the same assertion of duty and of power, in the particular now under consideration. To be sure, there is a striking distinction between the circumstances of the two periods of assertion. In the first, there was admitted disorder in the currency and exchanges, calling for a remedy. A remedy was accordingly applied, to relieve from palpable and dangerous disease, according to its indications. In the last, the currency and exchanges were in health. Being so, they could not indicate a remedy. Any application, therefore, could only be an experiment; and that, not *in corpore vili*, but upon the whole circulation, trade, industry, and interests of the country. Up to the end of the year 1836, it was alleged that the experiment had succeeded. No one thinks so now.—The proofs to the contrary are unfortunately too numerous and authentic. They are everywhere present; not requiring to be sought after, but obtruding themselves upon us. If it were possible to get back to the position of 1833, effacing all that has since occurred, and restoring all that has been lost, it is believed that one great acclamation would instantly break forth. "As you were," would be its simple but emphatic import.

Upon this new principle, thus for the first time propounded, the new system, by whatever name it may be called, is manifestly founded. Its aim and end are to give to this principle an active existence and a living power in the affairs of our country. If the principle itself be false and destructive, then it must follow that the system which is to give to it organic and enduring life, a capacity for action, and overbearing power, so that it may work by itself, and for itself, is also objectionable in the same degree, and ought to be condemned. Those, for example, who are of opinion that a separation of the government from the people in the concerns of business and money, so that the government may have a currency of gold and silver, and the people only a depreciated paper—that is, one currency for the government, and another and an inferior one for the people—is repugnant to the genius of our institutions, and will be mischievous in its operation upon the public interests, must of course be opposed to every system, to all legislation, and to all machinery provided by legislation, which has in view to create and maintain such a separation. Thus simplified, the

question is easily understood, in the aspect in which it is now presented. Is this portentous novelty worthy to be embodied in the forms and clothed with the powers of law, or is it not? That is the first question. A great question it certainly is; one which ought to be long and deeply pondered by the people before they consent to surrender to the government the control of their interests and welfare, to such an extent as the concession demanded would imply.

This, then, constitutes the first objection to the new scheme proposed. It is to introduce a false and dangerous, and, as the minority of the committee think, very odious principle. They do not mean, at present, to discuss the nature of that principle. Still less do they intend to examine the character of the machinery to be employed, or how it will work upon the interests and welfare of the people. These may be considered hereafter. Their object, now, is to say that all the machinery is avowedly designed to work to one end; and that end is, to give life and energy to a principle which they deem to be false and destructive. Whether it be called a sub-treasury, as it heretofore has been, or be designated by the more significant appellation of an independent treasury, as it now is; whether its authors set it forth with a title importing only a new train of dependents upon the existing treasury, or more boldly and truly proclaim it as an original and independent creation; there can be no doubt that independence is its most striking and cherished attribute in the estimation of those with whom it has originated: independence of the people, and, if we mistake not its nature, independence by elevation above them.—This, it is confidently believed, is an insuperable objection, and, as such, the minority submit it.

Another, and, in the opinion of the committee, most decisive objection to the measure, at the present time, is, that the people of the United States, who are deeply interested in its fate, have not had an opportunity allowed them to act upon it. If the argument of the president in his message at the beginning of this session of congress be correct, they have not even been allowed an opportunity effectually to deliberate or to express an opinion. In his judgment, as there expressed, it would seem that the will of the people cannot be so pronounced as to be entitled to respectful attention, unless it be by "an election held for the federal government." He proceeds to say that but one such election has been held; and, to weaken or to destroy the force of the conclusion universally believed to be deducible from its issue, he adds, that "the early day at which it [the election] took place, deprived the measure under consideration of much of the support it might otherwise have derived from the result." Local elections, he intimates, may have been influenced mainly by local interest, to use his own language, "far deeper and more immediate than the fiscal plans of the national treasury." In particular, he suggests that their interests in banks "may have exercised a far greater influence over the result," than a question in the administration of the general government; "more remote and far less important in its bearing upon that interest."

In this summary it will be seen, is comprehended every authentic mode of expressing the opinions or will of the people, by organic, constitutional means; and each and every of them is evidently, not to say studiously, disparaged, in a manner calculated, if not intended, to destroy its claim to attention or respect. The minority of the committee by no means concur in the view thus taken by the president of the demonstrations of the public opinion and the public will. To the common apprehension, they have been plain and significant, beyond doubt or question, and every where received as such. The same understanding still continues, and there is a daily accumulation of evidence to prove that it is correct.

The minority of the committee might have doubted the propriety of entering into this inquiry, and still more of proceeding further in it, but for the example offered by the president in his message. Fortified by that authority, and instructed by him, from the careful attention he has bestowed upon this point, and the space he has allowed to it in such a paper, that, in his opinion, these demonstrations are of great value, if their force be not counteracted by the objections he has made to them, we deem it right to dwell a moment longer on the subject. We hold it to be certain that, in forming their opinions and expressing their will, the people had a due regard to their interests. We hold it to be equally certain that this was a lawful and constitutional regard, which cannot justly expose them or their decisions to reproach or disparagement, nor lessen their claim to respect. We are satisfied, also, and we have never heard it doubted, that at the time of the elections alluded to, they felt and believed that their interests had already been injuriously affected

by the acts of the general government; and that this specific project of a sub-treasury, then recently for the first time propounded, if carried into an act, would work their ruin. Their attention was, therefore, closely drawn to this deeply interesting plan, with unusual anxiety. The elections turned upon it. Every other question was absorbed by it. Whole states, including the greatest state in the Union, were almost simultaneously revolutionized, (no other term will express the meaning,) with a rapidity, and to an extent, and with a harmony of purpose, which disclosed, beyond a doubt, the agency of a great and general cause, far surpassing in power, and actually overcoming, all local causes, and even breaking down the habitual combinations of party. A common feeling of danger from this very measure; a determined opposition to it, as threatening destruction to their interests and rights, and tending unduly to aggrandize the executive, by the union in his hands of the purse and the sword; a clear and deep objection to the theory of a currency of gold and silver for the government, and of depreciated paper for the people; a sure foreboding that a government bank, administered by the government officers, would ultimately grow out of this scheme, however it might now be hid under the humble drapery of a few sub-treasuries, with safes and vaults; a conviction that the system of credits, under which they had prospered, was aimed at—these, with a sense of insecurity, and other like feelings and convictions, raised that spirit which pervaded whole states, and sent their free citizens, in irresistible masses, to the first ballot-boxes that were open to them, there to make known their will. If they could then have elected representatives in congress, no one can doubt how this house would now have been constituted on the question of a sub-treasury.

In point of fact it is certainly true, as stated by the president, that "for one state only has an election been held for the federal government." The demonstration in that state was coincident and concurrent with that of the states before referred to. Supposing, as seems to be admitted, that such an election is a correct exposition of the views of the state as to federal acts, and is the unquestionable result of a general cause, then it must be obvious that such coincidence and concurrence become a new and powerful proof of the interpretation of the elections in the other states. How far the force of that election is weakened, if at all, by the suggestion, that "the early day at which it took place deprived the measure under consideration of much of the support it might otherwise have derived from the result"—meaning, it is supposed, that if the people had thought longer they would have voted differently—it is not, perhaps, easy to say. On one side there is a fact, and on the other an hypothesis. If the latter can outweigh the former, then there can, in no case, be a certain conclusion; for, in every case, ingenuity may devise an hypothesis to raise a doubt. The election in question was more than two months after the sub-treasury message to congress at its special session. Whether the judgment of the people of that state is so matured as to be worthy of reliance at the end of such a period, or how much longer they require to attain a maturity to be relied upon, are questions which, for obvious reasons, it is not desirable to discuss, and which, therefore, are passed over. Their will requires no time to ripen; it is mature, and exacts obedience whenever it is lawfully expressed.

But were it admitted that all that is said in the message is correct, still the fact remains, and would be even strengthened by the admission, that the people of the United States have not been allowed an opportunity to act upon this question. By action, is meant election to congress; an election which will give them an opportunity, constitutionally and effectually, to express their will, and to have that will obeyed. As yet, they have had no such opportunity; and if this act be passed, they may not have one. Let us see if this allegation be not true to the letter.

The measure in question was first propounded in the message already referred to, in the month of September last. Before that time, it may be admitted that, among the projects which were afloat in an atmosphere disturbed and darkened by severe distress, something of the sort was dimly discerned.—But it was not heeded; it passed as the scheme of some visionary, not entitled to notice. In so regarding it, there may have been error; possibly, its value ought to have been more highly appreciated, and the dignity of its source better understood. Still the fact undoubtedly is, that, until its announcement by the president, the public mind was never seriously turned to it; and from that time to this, the people, except in a single state, have had no elections "for the federal government." If it be true, as seems to be indistinctly intimated, that it is only through such elections the opinions of the people can be so con-

veyed as to be entitled to respect, (which is by no means admitted,) then it will follow that they have not since had the power even to express their opinions.

If this were a matter in which the people had no very obvious and direct interest, so that its decision one way or the other would not be perceptibly felt by them, such a course of proceeding would be like that which is followed in the ordinary measures of government. But such are not the characteristics of this measure. The alarm it has caused, the anxiety it has produced, the loud and determined opposition it has encountered—among classes, too, who do not generally take part in political contests; the earthquake force with which it has shivered party alliances, setting free individual opinion and feeling, and making them paramount to every other consideration; all these are proofs that the people feel, believe, and know, that their interests are deeply involved. And surely they are not wrong. Surely it must be conceded that such a change in the currency and circulation (to say nothing of its other evils) must come home to every individual, as if the air they breathed were withheld or were loaded with pestilence, or the waters were dried up or poisoned. Starvation is the poor man's lot, if he cannot be employed and paid. Employed and paid he cannot be, if trade and industry be palsied or paralyzed; and so they will be (as unhappily, we too well know from experience) if the circulation be withdrawn, or forced into unnatural distribution, or driven into cavities where it contributes nothing to general health and vigor. A rapid increase is eventually dangerous. A rapid diminution works at once violently and destructively. Property and produce fall, money rises, debtors are ruined, enterprise is checked, business and industry are prostrated, and labor is without employment. Capitalists, and those who have fixed salaries, are the only gainers—the latter especially. If money be doubled in value, their income is doubled. But, to effect this, taxes also are doubled; the same amount expressing twice the value. The creditor receives two-fold; but the debtor pays two-fold. An estate that was mortgaged for half its worth, will not pay the mortgage. Stocks, accumulated from the produce of labor, will not pay the cost of production. Where, then, the circulation is confessedly redundant, no one can deny that it is worthy of the care and concern of a wise government, and, above all, of a republican government, to aid in guarding against the violence of reduction, and the extensive derangement, ruin, and misery, it would occasion. This can be done by a cordial co-operation between the government and the business of the country; and it cannot otherwise be done. The government has an interest in the circulation, by reason of the large revenue it now collects and disburses. The people have an interest in it, by reason of its connexion with their business. These interests are common, and they ought to be one. They are still more intimately and kindly connected. The government has an interest in the circulation of the people; because it is essential to the general welfare, which is an interest of patriotism; and because it is necessary to enable them to pay their dues, which is a treasury interest. The government has a power over the circulation, by the large amount which comes under its control. What it rejects, must be depreciated. What it receives, is thereby increased in value. Its own inconvertible paper, even its dishonored paper, (protested treasury drafts,) is maintained by this single circumstance. The people, individually or in the aggregate, have no such power. Hence the necessity of co-operation, sincere and cordial co-operation, on the part of the government, for the sake of the people as well as for the sake of the government. There must be a common circulation, in sufficient abundance for both, or things will not go well with either. As long as the door of the treasury is the limit between two distinct currencies, there will inevitably be disorder and embarrassment.

In this community of interest, it must be evident that the people, though they have the least power, have by far the largest stake. Their business, and the circulation it requires, in the aggregate, are infinitely beyond those of the treasury. But this is not all. The government itself is theirs, and the treasury is theirs. Both are established for their benefit, and support by their contributions, from the products of their property and their industry. Such being the incontrovertible construction of the constitution, it would be very strange, indeed, if the interests and welfare of the people, the encouragement and support of their lawful pursuits, could, by any perversion whatever, be deemed subordinate or secondary. How much more inadmissible is it to suggest that they are to be quite disregarded, and that the government and the treasury are only to take care of themselves! Such a proposal would at any time be unconstitutional and unsocial. What,

then, is to be thought of it, when it is still further aggravated by the fact, that the proposition thus to dissolve the fellowship of long standing between the people and the government, in the concern of circulation and currency, is made when calamity and distress are every where among the people, inviting sympathy and calling for exertion, on the part of the government, to administer relief? What is this, but to say that it was only a sunshine connexion? When the storm comes, there is a shelter for the government, but the people must abide its peltings. Such a proposition, at such a time, is susceptible of but one further aggravation; and that is not wanting. It is brought forward and urged to a decision, before the people can act upon it by their elections. As they have so deep an interest in the question, a due respect for their rights demands that a decision should not be precipitated till their opinions can be authoritatively expressed, so as to enforce obedience.

Perhaps it may be urged, in reply to this course of remarks, that if the people are dissatisfied with the measure, they can hereafter rid themselves of it. In an ordinary case, such a reply would not, perhaps, be without some weight. But the minority of the committee are of opinion that the measure in question is of no ordinary description. They have already referred to its probable (as they think, certain) effects upon the interests and concerns of the people, as giving to it an extraordinary character. They might insist, also upon the change it is destined to effect in the relation between the people and their government, by aggrandizing the latter, and clothing it with new power and patronage, at the expense and to the detriment of the former, as entitling it to the same distinction. Whatever, indeed, they have hitherto submitted, or may hereafter submit, will be found to concur to the same end; that is, to establish that what is now termed "an independent treasury" ought not to be set up in the land, until the people's assent is first fairly obtained.—Desirous as they are to avoid recurring to topics which may seem in any degree, to revive the irritation of past conflicts, they are, nevertheless, obliged, in justice to the subject, to say, that all the measures of the executive government for the last four or five years, touching the currency and circulation, have been in advance of the people, or contrary to their opinions and wishes. More distinctly—they hope inoffensively—they would be understood to mean that, if the people had been previously consulted, they would have been (and where they were consulted, they actually were) opposed to those measures. Both houses of congress passed a law to re-charter the Bank of the United States. The president vetoed it. Here, the executive annulled the act of the people's representatives. The deposits were removed. This was the act of the executive alone. A connexion was formed with state banks, and the public treasure confided to them, under the sole authority of the executive. A new function was next assumed by the treasury, of directing the management of the banks; telling them when they were to grant facilities, and when they were to strengthen themselves with gold and silver; both of which have proved disastrous to the banks and to the country. Then came the specie circular, professing to have for its object to check speculation in public lands, since confessed to have been inadequate to its purpose; but, unhappily, too sufficient in producing public mischiefs, which were not intended. A bill passed both houses which repealed the circular. That bill was not returned by the president, and the circular still remains in force. Along with these measures came an increase of state banks, an increase of loans, an increase of circulation, and a general expansion of their business. And after them, came the general disorder in our commerce and currency; and, finally, the suspension of specie payments by the banks in May, 1837 which still continues. Whether these acts of the government did or did not produce, or aid in producing, the catastrophe, (and the minority of the committee firmly believe they did,) has been matter of controversy. It is quite certain that, during the whole period, the executive power of the government was actively, and in a most unusual manner, bearing upon, disturbing, and agitating the business and circulation of the country, with a view to produce some results: it was not meant to be inoperative.—Such a power, applied with great energy to a subject so sensitive and delicate as credit and currency, could not be unproductive. If it did not work to the end intended, it would be sure to work to some other end. It might fail to accomplish what was desired, but it could not fail to leave traces where it had passed. What, then, are the monuments of its existence, if they be not the wreck and ruin we have witnessed? Where is the work, if this be not?

It is quite certain, too, that every step in the proceeding, the consequences were predicted exactly as

they have occurred. These predictions were unheeded; but now they serve to lead those who have seen the issue, to the causes which have produced it, and to confirm the conclusion drawn from the retrospect. Looking forward, and looking back, it is the same line of events; and the judgment upon them, from both points of view, is the same.

But let it be taken for debateable whether these have been the results, in part or in whole, of the measures of the government: no one, it is believed, has ever been extravagant enough to assert that, as far as concerns currency and circulation, and a wholesome state of business, those measures have done any good. They have not checked, nor had any tendency to check, the growth of disorder, nor to retard the approach of disaster and distress. The utmost efforts to defend them has not gone beyond the denial that they had caused the disorder and distress. A very large portion of our fellow-citizens sincerely believe that they have been the sole cause, a much larger portion are convinced that they have contributed to these effects. All would be satisfied, and a vast number of our fellow-citizens most ardently desire that no more such experiments should be made.

In this state of things, the plan of an independent treasury is propounded, and pressed to a decision before the people can have an opportunity to act upon it. Is it substantially true, that it is equally in their power after its adoption as before? Let the experience of the past years answer. When a measure has been once adopted, the question of overthrowing it is a very different one from that of its adoption. In the latter case, it is a simple question of the merits of the plan; in the former, it is complicated, connecting itself with many considerations entirely alien, but in their nature powerful to counteract the free course of opinion. There are many obvious reasons for not being more particular; nor is it needful, for they will be readily perceived by every one who has attended to the working of party, or witnessed what has occurred within the last five or six years. Avoiding such topics, however, there is one consideration of a general nature, and, therefore, free from the objections just alluded to, upon which it seems proper to make a remark. When a measure has been adopted, and is found to work badly, one would suppose that it would be laid aside and abandoned. But, no; its want of efficiency is ascribed, not to its own inherent weakness or error, as it ought to be, but to something else which has disturbed its action. Instead of being abandoned, it only gives rise to some new project, equally promising, and equally destined to fail. Thus the past, from which wisdom would seek instruction, is never considered. The present and the immediate future are made to occupy and to agitate the mind, without repose or rest for thought. And so, no doubt, or even worse, would it be with this independent treasury, if unhappily, it should ever become a law. Should it fail to answer a good purpose, (as it assuredly would) it would be said that its basis was too narrow; and then would follow a scheme for enlarging its machinery and increasing its magnificence and expense—more officers, more offices, more safes and vaults, more salaries. Should it be found that the gold and silver imprisoned in these vaults, or supposed to be so, did not supply a currency, the remedy would be an issue, or rather an increase of the issue, of inconvertible government paper. Should exchange be deficient, exchange operations, on a greater scale than was required for the transactions of government, would be the ready contrivance to supply the deficiency. Should the hoards accumulate in the accounts, (for the reality of accumulation would be past finding out) or should there be reason to apprehend that, like the pension agents, the sub-independent treasurers were making profits for themselves and their friends out of the public money, it would be quite natural to say that it would be better to lend the money out at interest, or to buy stock, (as has already been proposed by the secretary of the treasury) or either, as might be most profitable. Thus, the humble chrysalis, an independent treasury, this golden grub of the earth, would pass into a mighty government bank, and even something more; it would be a money-dealer and a stock-jobber, in addition, far beyond what it has ever been deemed wise to permit any bank to be; and so it would continue, expanding and glittering, until some such pressure as the vicissitudes of the world occasionally bring forth, should bury it under heaps of its own irredeemable paper.

In every stage of this progress, speculation and delinquency would be the concomitants of the system, as surely, and to a much greater degree, than they have been in the little sub-independent treasuries of the post office, which afford the only example (a faint and feeble one, indeed) of the operation of the plan.

Besides all that has already been urged upon this point, it must be perceived that the independent

treasury, if established, has a dangerous capacity to strengthen itself, and thus to weaken and overcome resistance—not to conciliate public opinion by a manifestation of its usefulness, which would be innocent; but to establish an independent power, formidable from the first by its organization and means, and tending, unavoidably, to become daily more powerful. That power would be wielded entirely by the executive, without control, and subservient to his views. The mere patronage would be dangerous, and even appalling; for no one can tell to what extent it will finally be carried. But the spirit of such a corps, and the weapons placed in its hands, are far more to be dreaded. It will be able both to seduce and to intimidate, by its command over the money of the public; to corrupt and to overawe, and thus to fortify itself in its position, so as to defy all resistance. What prospect will there be of overthrowing it, when once thus established? Its spirit may be discerned already. A newly appointed collector of the port of Philadelphia, who has been in office at Washington for several years, within a fortnight after his appointment, is the first signer of a call for a meeting in favor of the independent treasury. The custom-house officers must obey his summons. Other officers of the government, dependent upon the executive, will do the same thing, from official sympathy, or because it is a service they cannot refuse. The voice of such a meeting will, of course, be in harmony with the voice of the executive. How can it be otherwise, when they are dependent upon his pleasure? Thus will something be manufactured, to be called "public opinion," and sent here to support the executive. If such be the influence now, in the prospect only of official power and independence, what will it be when they shall be realized and consolidated by a connection extending throughout the whole United States? If the problem were to make an independent executive—that is, an executive independent of the people and of congress—we do not see how it could be better solved than by the method proposed.

But, besides all this, does it not require the same concurrence to repeal a law as to enact one? May not the senate, or the house of representatives, or the president, prevent its repeal; whereas all must unite to effect its passage? The passage of the law, therefore, would make a most serious change. The representatives sent here by the people to undo what had been done, would be unable to execute their will. The senate could defeat their purpose, or the president alone could veto it.

These, and many other considerations, seem to the minority of the committee to constitute decisive objections to present action upon a matter of such great moment. They do not perceive how it can be just or right, by a sudden movement, to place the executive in a position of advantage over the people, and by the same act to enfeeble, if not entirely to take away their power to dislodge him.

A further objection to this plan, partly embraced in what has already been said, is, that it proposes nothing for the relief of the people. But this is by no means the whole of its obnoxious character. It goes much further; for it proposes measures which will unavoidably increase their embarrassments, and make them perpetual. Assuming, for the present, that the suspension of specie payments, assumed by the president, the secretary of the treasury, and the majority of the committee, is the great evil in our affairs, then the resumption of specie payments is the point to be attained to bring back order. No one will question that this is desirable, nay, indispensable.

The whole circulation of the United States, as well for the business of individuals as for the concerns of the treasury, consisted, at the time of the suspension, of state bank paper. There was no other medium; that was the only money in use. The small amount of coin employed for change, scarcely deserved to be considered. In the larger concerns of trade, gold and silver, while they formed the standard of value, were no further required in circulation than to liquidate balances. Being costly and inconvenient, the employment of them, even for this limited end, was reduced as low as possible, not by any concert or contrivance, or deliberate design, but by the very nature of the thing, always tending to simplicity and economy in the operations of commerce. The use of gold and silver, it must be remembered, is not for the liquidation only of domestic balances, it performs the same ultimate function in settling balances between different nations, so as to enter into the general circulation.

Up to the month of May last, the United States were able to pay their foreign balances. The banks in the United States were able to pay their balances. Thus, bank paper maintained an equality with gold and silver at home; and the circulation, consisting of bank paper, maintained itself, in comparison with the circulation of other countries, at the same level

as if the currency had been entirely of gold and silver.

The circulation, it may be further remarked is also aided by credits in various forms, (not being a currency, properly so called, but performing some of its functions, and by exchanges) which superseded the necessity of actually transmitting bank paper or coin from place to place. These credits and exchanges rest upon the same ultimate basis, namely, the ability to liquidate balances.

The whole of this machinery, it will be seen, is contrived and employed to circulate exchangeable commodities, the product of the soil and industry, which constitute the real wealth of the nation, as they do of individuals. It is true, also, that, upon this foundation of exchangeable values, the whole of it rests for support. Our wealth, in trade with a foreign nation is made up of what we have to sell, and they desire to buy, and are able to pay for. If the whole exports of the United States were of cotton, and its price a fixed one, the quantity we had to sell, at any given time, would determine the amount we were able to buy; and if we exceeded that limit, we must contract a debt for the excess. But as the quantity and the price are both liable to fluctuations, calculations made upon them may fail, and anticipation of their sales by borrowing (one of the allowable modes of credit) may cause embarrassment and loss. Credit, however, if continued under these circumstances, in confidence of final security, will mitigate or finally prevent the mischief. It is when, in this state of things, credit, from any cause, suddenly gives way, or when, by giving way, it produces this state of things, that the whole extremity of disaster is brought about, and for a time is uncontrollable. Its first importunate demand is for gold and silver, in a tone unusually peremptory, and in extraordinary quantities. These metals fly readily to the invitations of trade; they flow gently when they are left free to obey their own law; but they shrink from the hand of force, and hide themselves from its enactments. Such a demand, therefore, when it is sufficient to weaken confidence, causes gold and silver to disappear, and, from the fear of a vacuum which they abhor, they absolutely make a vacuum.

That the suspension of specie payments by the banks was owing to some such cause, no one can question. Indeed, it is susceptible of proof, as a matter of fact. When the drain came upon the banks, which obliged them to stop the issue of specie, according to the repeated statements of the secretary of the treasury, gold and silver was more abundant in the United States than at any former period. They had been continually increasing for several years, under the influence of a policy designed to encourage their importation, which, it was boasted, had fulfilled its purpose. The same high authority assured us that the banks were not imprudent; they had observed a due proportion between their specie and their liabilities—rather better, indeed, than before, and judging from former experience, sufficient to enable them to discharge their balances; they had extended themselves, but only according to the extension of the specie basis.

Avoiding a recurrence to the primary causes of the suspension of specie payments by the banks, and omitting for the present to refer to the action of the government, it seems to the minority of the committee to be very easy to discern the immediate agency which disturbed and disordered our circulation. While the United States were receiving specie, England was parting with it. Finally, the Bank of England discovered that her stock of gold was rapidly being diminished to an alarming extent, and, for her own protection from a continuance of the drain, sought to discover, and of course, to stop, the channel through which it was made. It was found to have been opened by means of credits of the United States upon England, ordered to be remitted in gold. The fact, as stated by the secretary of the treasury, is, that the stock of gold in the United States had, within a short time, been increased fifteen millions of dollars—the greater part of it, beyond a doubt, coming from England, and much of it (how much cannot probably be ascertained) borrowed; that is, obtained by means of credits. The Bank of England, to stop this drain, frowned upon and discredited the bills drawn in the United States upon credits. They could no longer be discounted. Hence, the revulsion; the failure of some of the American houses (as they were termed) in England, and the excessive pressure upon all of them; the dishonor and return of bills, with all their consequences; and the sudden demand for a large balance, not expected to be called for. Exchange rose, specie became a better remittance, and specie began to rush out.

At the same time our great staple fell in England. The secretary of the treasury computes the loss to the United States upon the half of the crop then undisposed of at no less a sum than twenty millions of

dollars. He computes the commercial debt from the United States at thirty millions of dollars. If these estimates be correct, then the cotton, had it not fallen, would have paid two-thirds of the debt; and the balance, reduced to ten millions of dollars, would not have been sufficient to cause any very serious embarrassment. It further appears from the statements of the secretary of the treasury (especially from his report in December, 1836,) that while we were getting in debt to England, we were importing specie, and that the amount added to our stock of gold and silver was more than the amount of the debt just mentioned. It follows, that the gold and silver must be considered, to that amount, as having been bought upon credit and not paid for. Coming into the banks, nevertheless, with nothing upon them to show this infirmity, it would be dealt with as any other money in its vaults, and deemed to justify an expansion of credit.

Such is a brief, but, in the opinion of the minority of the committee, an accurate sketch of the times immediately preceding the suspension, in which are to be sought its causes. They do not concur with the secretary of the treasury in the suggestion that the over-production of cotton was among them. It could not have operated so suddenly and violently. But there is now evidence to the contrary; the production has gone on increasing since, and the demand in England has kept pace with the increase. There is no reason to fear that a scarcity of this great staple will become desirable.

But, whatever may have been the cause of the suspension, the fact unquestionably is, that as before we had a circulation of bank paper, with only coin for change and for the liquidation of balances, so after the suspension we had nothing but bank paper. If the whole of the bank paper had been withdrawn or discredited, there would have been no circulation at all. If it were now to be withdrawn or discredited, there would be no circulation. But the people of the United States were not so blind as to reduce themselves to this condition. They believed that these institutions, though unable to pay specie, or unwilling to adopt harsh and ruinous measures towards their debtors, to the injury of the community, were solvent and secure. With the few exceptions of some banks too much pampered by the government, they have justified the public confidence. The people of the United States, therefore, did not discredit the banks. At the same time, they desire the resumption of specie payments as soon as it may be reasonably practicable. It is a just desire. Their permanent interests require it. But can this great object be accomplished as soon and as well as it ought to be, without the co-operation of the government? Can it be accomplished in the face of government measures bearing to the contrary? Are not the measures of the government, and, especially, is not this measure, of that description? Let us for a moment examine.

The message of the president of the United States, at the special session in September, presented four principal measures for the consideration of congress. One was, to withhold the fourth instalment of the deposits from the states; another, an issue of government paper denominated treasury notes, to the amount of ten millions of dollars; the third, was the sub-treasury; and the last, was a bankrupt law for the banks.

The aim of the last of these measures was direct enough, and as fatal as direct. If the suspension of specie payments was to be an act of bankruptcy, (and the banks had done no other act to be complained of,) then the whole banks of the United States would have been liable to be brought under the power of commissioners of the United States. The capitals of these banks are between three and four hundred millions of dollars. In some instances, they are owned wholly by states. In many others, the states are large shareholders. The debts and credits of these banks are beyond the amount of their capitals—probably twice as much. Here, then, would be three or four hundred millions of property of the states and their citizens, and double that amount of debts and credits, exposed to be placed in commission to wind up their affairs. When bankruptcy began, banking would instantly cease. There would be no circulation. Banks have their evils; but who can measure the extent of the calamity that such a system of bankruptcy would produce, if fairly carried out? The commissions would only strike the banks, but the bankruptcy would be universal; no one could hope to escape. Such a recommendation, it will be seen, could give no relief to the people, and no aid to the banks. There was nothing in it to help forward the resumption of specie payments, but the contrary. Fortunately, it received no countenance from either house of congress, and has not been renewed.

The act for withholding the fourth instalment from the states, was a measure purely for the relief of the government, and adverse to the states and the banks. In the distressed condition of the country, this money would have been useful to both. Especially, it would have gone into the state banks, and helped them in their struggle, which would have been beneficial to the citizens. Even modified, as it finally was, it gave no relief to the states or the people, but disappointed the hopes of both.

The issue of treasury notes (to say no more of it) swelled the stream of inconvertible paper, and increased the confusion of various paper, of unequal and fluctuating value, already too great. By employing it in the purchase of specie, or even by offering it, the demand for that article was increased, its value raised, and the tendency it might otherwise have had to return to the circulation was counteracted. The operation does not entirely terminate here. Being receivable in dues to the government, and bank paper excluded, it so far tended to depreciate bank paper. There has been a contest between them. Specie has been above both, but they have fluctuated in comparison with each other; bank paper in New York generally having the preference. However necessary this issue of treasury notes may have been for the government, it has given no help towards the resumption of specie payments. Thus, there has been more than a want of co-operation on the part of the government towards this desirable result.

The remaining measure was the sub-treasury bill, now again presented, and the immediate occasion of the present report. This is by far the most important of all; for while the other measures are, in their nature, temporary and occasional, this is intended to be permanent and systematic. Being at the same time new, and without example in our former history, it must necessarily be a departure from all the former usages of our government, and all the former habits of the people. It is, therefore, entitled to the most serious consideration, before it is adopted; and in what they have further to say, the minority of the committee will confine themselves to this great topic, not incidentally only, as offering no relief to the people, but substantially, in its principal features and probable operation. And with this view, they proceed to inquire, in the first place, what is the ostensible aim and purpose of this measure? and, in the next place, what are the means and machinery by which the purpose is to be achieved.

To the first of these questions the answer seems to be, that the ostensible purpose is to establish an independent treasury, where nothing shall be received in payment, but gold and silver.

If such a scheme be at all practicable, (as it never yet has been found to be,) it must work in one or two ways: either the whole currency of the country, for all the purposes of circulation, must be of the same description—that is, of gold and silver, without any other medium; or, there must be one currency for business, and another for the treasury; or, as it is commonly expressed, one currency for the people, and another for the government.

The first, namely, an entirely metallic currency, for all the purposes of circulation, has been over and over again demonstrated to be impossible. In this country it never existed, unless it were during the very short and gloomy period which followed the overthrow of the government paper, remembered by the name of "continental money," which ought forever to make the people distrustful of the government paper. All the provinces before the revolution, and all the states from that time till the adoption of the constitution, had a credit system of some sort or other; most commonly it was state paper, not resting altogether upon the faith of the state, but upon the security of individuals, to whom the credit of the state was loaned. The bills of credit in Pennsylvania, which came into use at an early day, and were issued upon the very ground that the supply of gold and silver was not adequate to the wants of society, were thus loaned out to individuals, who gave mortgages, or other satisfactory security, to the government. These issues were, from time to time, increased. The wisest and best men have borne testimony to the value of these credits, as conducive to the support and encouragement of industry. They have agreed that credit, in some form, was indispensable; and even that this plan, objectionable as it was, and liable to abuses, was better than the restriction to gold and silver. The two principal characteristics of this plan, in Pennsylvania cannot escape attention. The credits were lent to individuals for the purpose of circulation—that is, for the wants of society, and not for the wants of the government, though it is true that they were receivable in the payment of public dues; and they were lent, upon individual security, in such amounts only as individuals could give satisfac-

factory security for. In these two points they were identical with bank credits, which are secured (besides the bank capital) upon the property of the borrowers. But the principle just mentioned, which formed some check upon issues, and made them a representative of real value, was not everywhere adopted, nor, where adopted, was it adhered to. Such paper was made a lawful tender. Abuses existed and increased, as always has been, and always will be, the case with government paper; but credit was not on that account abandoned, nor the credit system less prized. Congress, in the year 1781, chartered the Bank of North America, which had been established in the preceding year by a few patriotic citizens: that bank afterwards accepted a charter from the state of Pennsylvania. Three other state banks were established, and in existence, before the constitution of the United States was made. The system of government paper was, therefore, condemned and abandoned; but the credit system was cherished and preserved by means of banks, used both by the government and the people.

Under these circumstances, the states relinquished the power to issue bills of credit. They were prohibited by the constitution from issuing bills of credit, or making any thing but gold and silver a tender in payment; but the United States were not expressly prohibited from doing either. One of these powers (issuing treasury notes) they have twice exercised, and it is now in active exercise, with a certainty of some extension. This session of congress is not to go by without an authority to issue new treasury notes, or to re-issue the old ones, or both; the other (of making their paper a lawful tender) they have never employed. As was strongly remarked by Mr. Dallas, when secretary of the treasury, "the extremity of that day cannot be anticipated," when this expedient will be resorted to. But, while they have abstained from making their paper a tender between individuals, such has not, in substance, been the case in all instances with the public creditor. As he cannot sue the government, he has been obliged to take treasury notes, because he could get nothing better.

In giving up the power to issue bills of credit, no one can believe that the states intended to destroy the credit system, or to leave it without the control or guardianship which might be necessary to prevent it from destroying itself. Having nationalized the concerns of commerce, by giving the whole power over it to congress, and having also conferred upon congress a power to raise a revenue directly from the citizens, including a power to levy contributions upon commerce, both of which are intimately and inseparably connected with currency and circulation, it would have been unnatural and unreasonable to suppose that these were to be left to take care of themselves, without any care or concern on the part of the government. Still more unreasonable and unnatural would it be to hold that this government was at all times bound, or even at liberty, to insist upon a currency exclusively of gold and silver, when such a currency was notoriously insufficient to supply the wants of the people, and when it was notorious, too, that the people must have, and would have, a more abundant circulation than metal could furnish.

The duty of congress, in this respect, is still more strikingly evident from the consideration that it is not within the power of the respective states. They cannot regulate or control the currency beyond their respective limits, nor make it uniform, nor provide for the supply of it in sufficient abundance, without excess. Congress can.

But to pursue the remarks upon the construction of the constitution. As soon as the government was organized, a connection was formed by the treasury with the people, by means of banks, for the mutual convenience of both. The first secretary, in his letter of the 22d September, 1789, directed the collectors to receive payment of duties in notes of the banks of North America and New York. In his circular of the 14th October, 1789, he directs them to exchange whatever specie they had received, or might receive, for notes of the same banks. In his letter of the 20th November, 1789, he directs the collectors in Massachusetts to receive the notes of the Boston bank as well as of the two banks just named. The reason given in this letter for the direction, deserves to be particularly noted. It was to avoid drawing specie out of the state. "It is not," as has been well said, "the inconvenience, and trouble, and hazard of making remittances in the precious metals that constitute its principal difficulty; it is because extracting specie from any city where a bank exists, diminishes the circulating capital of the place to many times the amount extracted." This may not appear to be a fiscal reason, as some would now understand the word. And yet it is a good fiscal reason; for it conduces to the advantage of the trea-

suary, by promoting the welfare of the people. The tributary is better able to pay his tribute.

In 1791, the first Bank of the United States was established, and continued for twenty years. Its paper was a currency, both for the people and the government. When the charter of that bank expired, state bank paper performed the same office. In 1814 the state banks suspended specie payments; their paper continued to be the currency. In 1816 the late Bank of the United States was established. In 1833-'34, the fiscal agency of that bank was determined by the government, the deposits were removed, and a connection was formed with state banks as agents. In May, 1837, (the charter of the Bank of the United States having expired in March, 1836,) the state banks suspended specie payments. Their paper has since been the only currency of the people, and in part, at least, of the government; for though the government has professed to receive nothing but gold and silver, yet it has certainly made payments (to what extent cannot be known) in bank credits, and bank paper, as well as in treasury notes, and protested treasury drafts.

Thus, the whole history of our country, except the very earliest period, is a history of credit and of paper currency, and, along with them, a progressive prosperity and improvement, beyond former example. If, in any highly commercial and civilized nation, it be practicable, at this day, to conduct its affairs well without their aid, (which, it is believed, no reasonable man will affirm,) yet it must be admitted that a sudden or rapid abandonment of them in this nation, and the attempt to substitute gold and silver, and nothing but gold and silver, in circulation, to destroy banks and bank paper, by commissions of bankruptcy or otherwise, would bring on a scene of distress and destruction which would fill the land with anguish. This, surely, cannot be meant.

But if this be not what is intended, then we are driven upon the other alternative; that is to say, that there is to be one currency for the government, of gold and silver, and another, of depreciated paper, for the people. There is no middle course. Such a scheme, rigorously and exactly executed, the minority of the committee believe to be entirely impracticable. Relaxations of it, there would unavoidably be, as there are at the present time, when, as already stated, payments to the creditors of the public are not invariably made in gold and silver. But they would be arbitrary, and according to the will and pleasure of the government officers, they would be unequal and unjust, and they would unavoidably lead to corruption. Examination and detection they would defy; for who can now pretend to ascertain or know whether the gold and silver already received by the government has been paid out in gold and silver, and whether a profit has not been made of it? If a creditor has been paid, no matter how, his receipt is a credit to the officer against an equal nominal amount of gold and silver. Is it unjust or unreasonable to entertain a suspicion that such things may be done? There have been delinquent postmasters; there have been robberies in post offices by persons in the employment of the department. Within a few days past, it has been publicly stated by a member on the floor of the house of representatives, that a certain custom-house officer was in the habit of taking receipts from laborers for more than he paid, and obtaining from the government the whole amount expressed upon the face of these false vouchers. Facts and charges like these are an admonition not to furnish temptations to roguery.

But it is believed, also, to be impracticable; because sooner or later, the people will take the matter into their own hands, and right themselves. They would not submit to the injurious distinction, and they ought not to submit to it, having the power to apply a corrective by election; more especially when they perceive that the distinction exists only because the government will not exert its unquestionable constitutional power, and restore the currency for the people as well as for the government.

* Rigorously executed, however, or relaxed, how has it operated? how does it now operate? and what is to be its future operation? The banks are endeavoring to resume specie payments, to make their notes equal to gold and silver. It is for the interest of the country that they should do so, as promptly as it can be done with safety. It is equally the interest of the country that they should not be precipitate; for, to resume after a suspension, is always a delicate operation, which, if hastily or unskillfully performed, may cause much pain and suffering. Above all, it is important, when they do resume, that they should not be in danger of being again obliged to suspend. The co-operation of the government would enable them to resume. But the government does not co-operate. It does worse. Its attitude is absolutely hostile to the banks, and hos-

tile to the nation. It makes an extraordinary demand for specie, withdraws and withholds it from the general circulation, imparts to it the character of merchandise, and raises its value above the value of bank notes, which is precisely equivalent to depreciating that description of paper. In addition, the government proposes that even should bank paper, in the face of these adverse circumstances, regain an equality with gold and silver, still it shall not be received into the treasury, except for a very limited period, and in decreasing quantities, but be permanently and forever discredited. In this state of things, can there be any assurance that the banks, if they should resume the payment of specie, would be able to maintain it? The doubt (not to speak more strongly) of the issue of such an experiment, must operate most injuriously against the operation of a sound currency. The co-operation of the government, in case of resumption, would enable them to maintain specie payments. But, with the antagonist power of an independent treasury, able to command a large amount of specie, and to withdraw it from general circulation, to prevent it from going into the banks, and to force it out, it appears to the minority of the committee impossible to understand how the banks could re-establish, or, if re-established, could preserve the specie basis.

Should such be the working of the independent treasury, or hard money scheme, as it unavoidably must be, that one of two things will happen: an indefinite suspension by the banks, or a sudden and violent contraction of the circulation. The first of these is entirely inadmissible. An unlimited issue of bank paper, unrestricted by the obligation to keep it equal to specie, and to convert it upon demand into coin, would flood the country with depreciated and depreciating notes, and entail upon it all the evils of a currency constantly tending downwards, and becoming more and more debased, until it should be sunk in value as finally to perish from weakness. This, the laws of the state could perhaps prevent, and probably would prevent.

The other, (a sudden and violent contraction,) as has been already remarked, would be attended with the most grievous consequences. Little is hazarded in saying that it could not, and would not, be borne. But, between this evil and the one just mentioned, (of indefinite suspension,) there is an important distinction. State laws, administered by state courts, may perhaps control the latter. Banks are amenable to the laws, and may be compelled to fulfil their contracts. If their be a forbearance towards them, as there has been for some months past, it must be owing to a general sense of the necessity and justice of their course, and an equally general conviction that the interests of the community require that it should not be disturbed. The law has not lost its virtue or its vigor; but those for whom it was made think fit, each for himself, to waive its application, as he has a right to do.

The evil of a sudden contraction, and an insufficient circulation, caused by a measure of the federal government, on the contrary, is one which the state legislation cannot remedy or relieve. It is beyond the reach of the power of the state legislatures. Congress alone has power in the matter. The legislative authority of the union can repeal the measure; but can it heal the wounds which in the mean time have been inflicted, or repair the damage which has been suffered? Assuredly not. The mischief done must remain. And, besides, the acknowledgment of mischief working error is one hard to make, and likely to encounter a strenuous resistance, protracting and increasing the public agony. Should the resistance be overcome, the sum of the work is much misery and loss, of public and private sacrifice, for no good purpose.

Another expedient would probably be suggested, for public, like private malady, begets restlessness and an inclination to resort to strange remedies: that is to say, the issue of government paper to supply the circulation. Such a paper, as has been remarked before, is inconvertible. The government cannot be compelled to redeem it. For this reason, it cannot be equal to gold and silver, nor in any respect the representative of those metals. Whatever it may promise on its face, it will be depreciated in the beginning, and, according to the quantity issued, will be more and more depreciated. Besides, if it be supplied in quantities equal to the demand for circulation, it will entirely banish specie, not retaining even the quantity which the banks are obliged to keep for their security, because the government would not be liable to demands for payment, as the banks are. There is a strong temptation, too, to over issues, and nothing to restrain them, as the experience of all governments has shown. It is a covert mode of contracting debt, which eludes public observation; and on that account, as well as the facility with which it is managed, is extremely seductive. A resort to it

ought never, in the opinion of the minority of the committee, to be allowed, but in cases of strong and overruling necessity. The more open method of borrowing, whereby it is plainly made known that a debt is contracted, and the amount of such debt is at all times ascertainable by congress and the people, is far preferable to an issue of government paper, whether treasury notes, or in any other form, which are a debt in disguise. The one inculcates economy; the other leads to extravagance; as any expenditure can be easily provided for, by a new emission of notes, or a re-issue of those which have been redeemed. At the special session of congress, not long ago than October last, authority was given to issue ten millions of dollars; a further authority is already asked for. One of the arguments in its favor was, that the notes would aid the circulation—a purpose which, by no means, recommends them; for the circulation of government paper, based only on government credit, and having no other limit but the extent of that credit, has everywhere had the same disastrous history. Such a lesson as it furnishes, in the opinion of the minority of the committee, ought to teach us to beware of the beginning of a plan so seductive and dangerous. There is no check upon it; there is an unavoidable tendency in it to excess. Depreciation accompanies it from the outset; a desperate recklessness is generated in its progress; rapid and great fluctuations are its inseparable incidents; and, finally, any new element of disorder supervening, (such as all governments are exposed to,) the public credit fails, and the paper becomes worthless in the hands where it may happen to be. Thus it was with the continental money; that was government paper, based upon the resources of the country, and importing, upon its face, a binding obligation to pay. It became a circulation; yet, in about three years, it ran its whole career, and perished. Who would be willing to run even the smallest risk of re-enacting the scene of continental money?

But why should this view be further insisted upon? It is universally admitted to be correct. Governments, it is true, have not everywhere abandoned the issue of paper. Nor have they everywhere abandoned other practices manifestly destructive to the countries whose interests are in their power. In the east, an energetic individual, in a subordinate and dependent province, is, at this time, making for himself a kingdom and a name. His reputation is already widely spread, and he is enjoying the homage paid to fortune. But how is this effected? According to the statement of travellers, he recruits his armies by forcing all the males of the country to bear arms, and his treasury by exactions which have no reference to the ability of the people to pay. Population is dwindling; the cultivation of the earth is failing from the want of labor, and the insecurity of its fruits; miserable poverty and desolation are extending their gloomy dominion; and a deeper barbarism than prevailed before, will be the final accomplishment of a barbarian, but high-sounding, ambition. The government, in this instance, is separated from the people. The government takes care of itself, and the people are to take care of themselves. The maxim is a bad one. Its application everywhere will be the same in kind, though it may not be in the same degree.

The means and machinery by which the purpose of the executive is proposed to be accomplished, are, in the mind of the minority of the committee, not less objectionable. The whole of the treasure of the United States is to be placed in the custody of officers appointed by the executive, and removable at his pleasure. This is, in the first place, a great scheme of patronage and of power, however it may be intended. If there be any who think that these are not already great enough, they will, of course, on that account, favor the project. Those, on the contrary, who are of opinion that the patronage is already sufficient, if corruptly employed, to interfere with the freedom of the elections, and to endanger the balance of the constitution, will be opposed to the establishment of a new corps of officers, spread over the country in numbers which cannot be defined, with new powers, and especially with the money power, in their hands. Still more will they be opposed to it, when they reflect upon the peculiarly corrupting nature of this power. It is represented that they will be few in number. So they will be at first; but what limit can be assigned for their increase? Besides, whether few or many, the whole power will be lodged with them; and the fewer there are of them, the greater will be each one's portion of that power.

If the plan be rigorously and exactly executed, the surplus in the treasury, to be entirely of gold and silver, will be locked up from circulation. The people will have no benefit from it. They

will be injured by it, to the whole extent of the cost of accumulating and keeping such an amount of inactive capital. The expense will be a dead loss, to be borne by them.

But will the treasure be safe? This is another and a very great question. The minority of the committee are fully convinced that it will not. Our own experience, a portion of which has been already alluded to, corroborates this conviction. Other instances might be vouched. A melancholically example occurred within a few years past in one of the states, where a character of established integrity sunk under the strength of the temptation of such a trust as is here proposed. No one can seriously believe that there is security where there is an actual touch of money, with only a distant and contingent accountability. Vaults and safes are no protection against him who has the key. The Dutch are an honest and a frugal people, and, withal, very exact and careful. Yet the gold and silver escaped from the vaults of the bank of Amsterdam, where they had been placed by individuals, to be restored upon demand. Though called a bank, that institution had no function but to safely keep the money intrusted to its charge, and to return it when called for; and that function it did not fulfil. That confidence for a long time maintained the credit of its receipts. That confidence was found to have been misplaced, and the resort has since been to a bank of discount and deposit. No method of security or accountability, in short, has hitherto been devised, which has been found effectual and adequate in such a case; and, as the nature of man is not materially changed, no such method can be relied upon. Is any new accountability proposed, of better promise? An occasional examination is to be made by certain other executive officers. As against the executive, in the aggregate, this is obviously no security at all. It is the executive examining itself. There is no undue jealousy indulged in believing that it would be illusory. Nor can much faith be had in a plan whereby one officer becomes the examiner of the conduct of another officer. If there be not a mutual sympathy, inclining to indulgence, nor a natural confidence, quite inconsistent with a strict scrutiny, yet an artful man will always be able, knowing when and by whom the examination is to be made, so to prepare for it, as to elude its force or soften its rigor. In these remarks there is no harsh imputation of extraordinary turpitude. Self-deception is quite as common, if not much more so, than the practice of deceit upon others. Men begin with deceiving themselves, and then are driven to falsehood and concealment; persuaded all the time that they mean no harm, and that things will come right in the end. In almost all cases of delinquencies in trusts, it will be found that the earliest steps are taken under this sort of delusion. If they are taken with impunity, they lead to others, ending at last in the consummation of wrong not intended; and, only when it is too late, exhibiting the depravity of the first deviation. The scheme now proposed, is full of this kind of temptation; and where is to be found an assurance that it will not work the ordinary results? The losses, it is believed, must be great; the injury to morals not less, and, as a consequence, a rapid degeneracy from the high standard hitherto maintained in the money concerns of the government.

These are some of the objections to the plan of an independent treasury; and, without going into others, which would extend this paper to an inconvenient length, the minority of the committee deem them amply sufficient, if duly considered, to condemn it.

What, then, they would ask, are the urgent motives for its adoption? What are the evils to be avoided? What are the benefits that are promised? Why must the country be precipitated upon a measure to which it has not assented, but has manifested a strong aversion? Why are the people to be outmaneuvered by the government, and a strong position gained against them, from which they may for a long time be disobeyed and defied?

The most extraordinary of all the seeming arguments used in its favor, is, that it is already in operation. Accident does sometimes mock the wit of man by producing or disclosing contrivances which human ingenuity would have been slow to invent, or perhaps would never have invented. It is the part of wisdom to appropriate and employ them, when they thus present themselves. But the proof of their title to be espoused is, not that they are the offspring of accident, but they are adapted to a good useful purpose. It is precisely here that the argument fails. It is true that experiments, intended for a different effect, have terminated in throwing the currency and circulation into disorder, and that, in the confusion, the treasury has found

itself where it now is. Is that condition one which recommends itself, by its adaptation to the wants of the people, or by any capacity to give relief? If it be, let it be adopted. If not, let it be rejected.—This is a plain, and, fortunately, an easy test. As this state of the fiscal concerns of the government has existed since May last, there has been time enough for it to manifest its healing virtue, and there has been disease enough to employ all its power to relieve. What relief, then, has it administered? Will any considerate man venture to say that the separation of the government from the people in the time of their distress, and the resort to a hard-money system by the treasury, has done good? Will he call that a happy accident which has led to these effects? To the minority of the committee it appears that opposite conclusion would be much nearer the truth. The position taken by the treasury (whether excusable or not upon the ground of a necessary obedience to law, which they are not disposed to discuss) was such as to aggravate the disorder, and so continues. Had the treasury come nearer to the people, and co-operated with them, instead of raising the value of coin, as has been done, there would have been a better prospect of the resumption of specie payments and of the restoration of credit. While it stands out, and more particularly while it is a buyer of specie, and in open hostility with the banks, no one can see how a resumption is to take place, unless it be by a contraction of issues and withdrawal of bank paper, ruinous to business and to all who are engaged in it; nor how a resumption is to be maintained, if it should take place. What advantage can possibly accrue from legalizing and perpetuating such a system? Had the executive government confined its request to a sanction by congress of the past, such a request might have deserved consideration. But it is too much to ask the adoption, as a system, of what has been any thing but beneficent in its operation.

In speaking of a resumption of specie payments by the banks as a thing to be earnestly desired, the minority of the committee wish to be understood to mean a real and bona fide resumption, and not one that is merely colorable. If a bank issue no paper, or pay the checks upon it in notes of other banks which do not pay specie, such a bank is not a specie-paying bank to any good intent, nor does it contribute towards the restoration of the currency. To illustrate this matter, let us take the instance of the Bank of Washington, commonly understood to be a specie-paying bank, and recognised as such by the government. When a member of congress gets a check upon that bank for his pay, does he receive gold and silver? No. Does he receive treasury notes? No. Does he even receive notes of the Washington Bank? No, he does not. The Washington Bank pays him, in whole or in part, with the notes of the Bank of the Metropolis, or the Patriotic Bank, confessedly non-specie-paying banks.—How is he better off, then, than if he had received a check, in the first instance, upon one of those banks? or what beneficial distinction is there in reality between these banks? It may be that the Bank of Washington charges the treasury with the whole nominal amount paid, as so much specie; in which case, that bank makes a gain of the difference between the value of the specie and of the depreciated paper; but the creditor loses it. He pays just as much as it would cost him to deal with a broker. As far as he is concerned, the only difference is this: a specie-paying bank is one which does not pay specie; a non-specie-paying bank is one which does not profess to pay specie: that is the whole distinction. The extension of such a scheme throughout all the operations of the government, would, upon a much broader scale, come to the same result. The debtor would be required to pay specie; the creditor would be obliged to take what he could get. The profit would fall to the lot of some intermediate person—a bank, or an individual; and what would be gained by the unjust sacrifice? Would it tend to restore the currency? Not at all, but the very reverse. What the country stands in need of, and the treasury too, is a general restoration; one weight and one measure for all; so that every man may have his due without being obliged to pay for it. The plan of an independent treasury is opposed to this; it will not permit a resumption to take place, nor to be maintained if it should.

If it should be said, that what is stated of the Washington Bank occurs but partially, or in some instances, and is owing to particular circumstances, the answer (if true) would only raise a new objection. This very partiality, this inequality in dealing with creditors, is *per se* an evil, and is an aggravation of all other evils. Besides, if there be a profit to be made from such casualties, (as there will be) does not every one perceive that this profit

will be an inducement to multiply them? Spread the scheme over the whole United States, and at every station plant along with it this motive for irregularity, partiality, and abuse; and it is impossible to avoid believing that the growth will everywhere be the same. The administrators of the revenue will have an interest in keeping up the disorder in the currency, as a source of profit; and they will have the power of promoting their interest. Their harvest would be from disorder. Restore the currency—that is, the general currency—and there is no such motive.

The minority of the committee feel that they have already transcended the limits of discussion. The subject is one of great scope and of vast importance, and admits of much more to be said; but, having already occupied so much time, they will hasten to a conclusion, only noticing two or three of the most prominent arguments advanced in behalf of the "independent treasury."

The first and the greatest argument, repeated in every variety of form by the president, by the secretary of the treasury, and by the committee of ways and means, is, that there has been an undue multiplication of state banks, an undue increase of bank capital and bank issues, a redundant circulation, and, as a consequence, unlimited speculation, terminating in commercial revulsions, and exposing us to violent fluctuations.

In this general statement there are two parts, entitled to separate consideration. The first of them, namely, the undue increase of banks, of bank capital and bank issues, is one the minority of the committee are not inclined, as a matter of fact, to discuss. Let it be conceded, for the sake of the argument, that the statement is correct; then comes the inquiry, (which is most material.) Is this an inherent vice of the banking system, which cannot, by any constitutional means, be checked or restrained; or has it been occasioned by withholding or withdrawing a practicable regulation, and, at the same time, administering undue stimulants?

If the answer be that it is an inherent and inseparable vice of the banking system, which can neither be controlled nor regulated, it seems to countenance the conclusion, that the cure is in the destruction of the banks. But, however positively this conclusion may by some have been adopted as a ground of recommendation and action, the public mind has always resisted it, and never more decidedly and unanimously than at this moment. It was perceived at once, that the final question, involving so much misery, was happily not yet reached. There was a prior one to be considered: namely, whether, even with this inherent evil tendency, (if such there be,) the banking system is not better than any thing yet proposed in its place? Banks and banking have been much discussed and considered, and so has been the scheme of a hard money currency and an independent treasury. The people have not inclined to give up the former, nor to espouse the latter.

But it is very material further to consider, whether the excesses of state banks have not been occasioned by acts of the government destroying or refusing an adequate regulation, and, simultaneously, applying stimulants. As long as there remains a doubt upon this question, the time has not arrived for considering the dreadful alternative of destroying the state banks. There is much more than doubt. Within the last four or five years, a very great change has been wrought by the executive, of a nature to remove all check and control, and at the same time to stimulate; a plethora (be it admitted) has ensued. The bones, and the muscle, and the nerves, and the sinews, are there, but the vessels are overloaded; and the circulation, first quickened into unwholesome activity, is obstructed, or bursts from its proper channels. The cause is sufficient for the effect, and the effect is such as the cause would produce: sound philosophy would teach us that they are connected.

But, further; it is now nearly fifty years since the government went into operation under the present constitution. During forty years there was a national bank; between the first and the last bank, there was an interval of about five years; and since the last of them ceased to be employed by the government, there have passed less than five years. During the whole term of forty years, there was no suspension of specie payments: in each of the periods of five years there was; and in each of these periods the suspension followed in about three years. Here is a striking fact, throwing the light of experience upon our money affairs, to establish that there is a practicable and attainable regulation, which never has failed, and which never has been dispensed with, even for a short period, without a failure ensuing.

The report of the majority assumes, with confidence, that if the Bank of the United States ha

been continued as the agent of the government, and exposed to the same trial as the deposit banks were, the shock to commerce would have been more violent, and the suspension of specie payments would have occurred at an earlier period. There would be great difficulty in discussing a question as to what would or would not have happened in a given state of things, which has not existed. It is, at best, but conjecture; and the minority of the committee can only answer it by the fact, that a suspension never did take place during the existence of such an agent. But the hypothesis of the majority, to which the minority by no means agree, does not present the true question. We are not now to inquire whether the Bank of the United States, if brought into the circumstances which obliged the state banks to suspend in May, 1837, could have avoided the catastrophe. The correct inquiry, and the material one to be answered, is, whether that state of circumstances could have occurred if the agency of the Bank of the United States had been continued without interruption. No one can believe that the history of the event is concentrated in the day or the month when it occurred, so that we need look no further. There was a long train of preparatory occurrences, a mixing of the ingredients, a combination of the elements, before the final explosion; and at last the spark fell, as if by accident, but really, though undesignedly, generated in the process.—Now, it must be very evident, in the first place, that if the agency of the Bank of the United States had been continued, the laboratory itself, in which the preparation was made, would never have had a being; neither would the materials. In that case, the deposits would have remained where they were, and would not have gone into the deposit banks.—There would have been no inducement unreasonably to multiply state banks, or to increase their loans and issues; and if a tendency to such things had appeared, it would have been effectually but kindly checked by a strong and friendly hand. There would have been no occasion for the treasury to direct the banks to give facilities, or to strengthen themselves, or otherwise to interfere with them.—There would have been no such accumulation of public treasure in the state banks as was afterwards found there. There would have been no such transfer, as it may be admitted, by the way of managing it by the treasury, produced very great disturbance. There would have been no undue efforts to bring coin into the country, and make it the basis of a still further increase of circulation. If, from expansion by the banks, there grew up (as has been alleged) over-trading, over-action, over-importation, and over-production of cotton, as its natural fruits—in a word, a scene of wild speculation—it must be clear that, if this expansion had not taken place, these consequences would not have ensued. But, further; if the root of this expansion itself had not been planted, and nourished, too, by the government, there would have been none of its mischievous growth. It may be said, in addition, that there would have been no such speculation in public lands as to call forth a specie circular to check it. There would then have been none of those preparatory steps which finally led to the suspension; and is it not reasonable to believe that there would have been no suspension? A strong institution, well administered, with its finger upon the pulse of currency and exchanges, foreign and domestic, would have discerned the approach of danger, and guarded against it. The great crisis in England, in 1825, was thus averted from the United States. The exertions, at that time, of the president of the bank, have been several times referred to, as evidence of the imminent peril the institution was in, with an intimation that a little more pressure, and the bank must have yielded. This is not doing justice either to the bank or its president. They did turn off the fury of the storm from the United States, and, therefore, their measures were sufficient for the purpose. That they had not others, and stronger ones, in reserve, if the occasion had called for them, is an inference that is quite gratuitous, and seems to be unjust. The president had scarcely been long enough in command of the fine vessel intrusted to his care, even to understand her trim, and still less to know all the shoals, and currents, and storms of the difficult navigation through which he was to conduct her. And yet, with a gallantry and mastery worthy of all admiration, he not only carried her safely through, but, with her, the whole fleet of state institutions. Not a spar was sprung, nor a rope-yarn strained. The crisis of 1836-'7, if the minority of the committee be right, could not have occurred, if the measures already referred to had not been adopted; and it is therefore impossible to answer whether the late Bank of the United States, in its former strength, could have lived through it. There is a remark, however, in the report of the majority, which throws some light upon the question. The hope of a resumption

of specie payments, if not destroyed, is, in their estimation, weakened by the unavoidable want of harmony among the state banks. This is no new remark. Great efforts were made by the treasury, in the former suspension, to bring the banks to a common concerted action; but they were made in vain. The necessary unity could only be effected by the establishment of the Bank of the United States, and the concurrent operation of the government and the bank. Is not the same want of harmony perceptible in other exigencies requiring the union of counsel and of action?

The remaining part of the proposition we have been considering deserves also some attention. It supposes that the banking system unavoidably leads to speculation, to fluctuations, and to violent revulsions. This sounds very plausibly, but, when closely examined, will be found to have little weight.—To begin with the first of these magic words—magic, in the hold they take upon the feelings—is it in the power of the government, let it be asked, to prevent speculation, except by the exercise of an authority incompatible with individual freedom? Every man must be the judge in his own concerns, and will be so, in spite of all governmental exertions to restrain him, as the fate of the specie circular proves. After he is twenty-one years of age, it is his privilege to ruin himself, if he will, and to injure others, if they think fit to trust him. He may be advised and counselled, but he cannot be controlled. He has a right to speculate, if he so incline. To enterprise there is no restraint, but rather encouragement; and unfortunate enterprise is usually called speculation. There is a further very serious difficulty in the matter. The spring of enterprise and speculation is not within the knowledge, and not within the power, of governments. If it were, would they venture to lay their hands upon it? Many a poor inventor spends his last dollar at the patent office, to buy a patent which will not save him from starving; yet who ever thought of discouraging inventive ingenuity? Every lawful employment of the human faculties is of the same nature, and, pursued with the same view, tending to excess, from the influence of feelings, which are, nevertheless, the necessary spur to exertion. Take them away, and industry is at an end.

Again, as far as rash speculation is supposed to be owing to a redundant circulation, has government the power, or ought it to have the power, to check it? In other words, if the problem be, what amount of circulation is necessary to carry on the business of society, and to give suitable encouragement to enterprise and industry, without beguiling rash speculation, is government able to solve it, or ought government to be intrusted with its solution? It is just as easy to decide upon the distribution—how much is required for a state, a county, a town, or an individual.

But much is said about revulsions and fluctuations, as being aggravated, if not entirely caused, by the banking system, or credit system. This is a hasty and erroneous conclusion. A currency of gold and silver will no more protect against over-trading, speculation, failures, fluctuations, and revulsions, than a circulation of paper or credit. Let the south sea scheme and the Mississippi scheme be recollected—the one in a nation where there was no bank, and the other in a nation where a bank had been but recently established—and the allegation just made must be at once assented to. So with respect to individual failures; there were instances which, in amount and extent, quite equal, if they do not surpass, any in more modern times. In Canton, too, where the currency is silver, and there is no bank, the failure of a Hong merchant has been no unusual thing.

As to fluctuations in price, they were far greater in former times, when there was nothing deserving the name of commerce, no credit, and a currency entirely of gold and silver, than they now are. And they were infinitely more distressing; for they fell directly, and with all their weight, upon the necessities of life. From a table compiled by Mr. Jacob, in his "inquiry into the production and consumption of the precious metals," it appears that the variations in England were such as to produce intense suffering. In the 12th century, the price of wheat varied from 2s. a quarter (money of that time) to 18s. 2d. In the 18th century, it varied from 1s. 6d. in 1213, to 1l. 4s. in 1237. In 1258 it rose to 2l; "a great famine," Jacob says, "when many people were starved." It 1270 it rose to 4l. 16s.; "a famine," it is added, "when provisions were so scarce that parents did eat their own children," and sometimes was sold at 6l. 8s. In 1285 it was down to 1s. 6d.; and in 1289 to 1s. 4d., to 1s., and to 8d. In 1317 it was at 2l 4s. before harvest, and after harvest at 14s. In 1557, before harvest, the price was 2l. 13s. 4d., and after harvest 5s. Mr. Jacob very well remarks, that "the instances of the variation in prices which are

recorded in former times, will excite surprise in those readers who have not paid attention to the subject, and ought to make us all grateful to that providence which has brought us into life in a period much less exposed to suffering than that in which our forefathers lived."

As commerce and credit have grown, the comforts of mankind have been, in the same proportion, increased. Crime and disorder have diminished, and the condition of all classes of society has been improved, but especially of the laboring classes. And hence, also, the average duration of life is greater than it was, by some years. A summary comparison, collected from various authors, may be found in McCulloch's statistics of the British empire.

To suppose, then, that credit is an evil, and to suppose that a currency entirely of gold and silver will be security against fluctuations, is a great mistake. To propose to legislate and to act upon such a supposition, is to advise a retrograde movement towards barbarism and its hideous calamities. It cannot be necessary to argue against it. We ought rather to feel grateful, as Mr. Jacob suggests, that we have come into life in so good a period, and endeavor to preserve the blessings of civilization, commerce, and credit.

The minority think there are some inaccuracies in details in the majority report, especially as to the comparison of domestic exchanges in 1825 and 1837, and the alleged losses of the government by the agency of the banks, which they intended particularly to notice. But they have already been carried to a length beyond what they intended, and feel it necessary to come to a close. As to the first of these points, they will content themselves with annexing a table made up from the best authorities they could find. As to the other, (the \$1,254,424 lost by state banks,) it may suffice to remark, that the loss (whatever it was) was incurred before the late Bank of the United States came into existence.

In conclusion, the minority of the committee have only to add that they are opposed to the whole scheme of a sub-treasury, or independent treasury, whichever name it may be called by, as fraught, in their best judgment, with incalculable mischief to the free institutions of our country, and the prosperity of the people.

JOHN SERGEANT.
JOHN POPE.

I do not concur in all the views expressed in the above report; but I concur, generally, in opinion with the other members of the minority of the committee; and I concur entirely with them, that the proposed measure of an independent treasury is fraught with incalculable mischief to the free institutions of our country, and the prosperity of the people.

ABRAHAM RENCHER.

Rates of exchange between New York and the following named places.

BOSTON.			
January,	1825 1837	-	par.
February,	1825 1837	-	par to 1-4 discount.
March,	1825 1837	-	par.
April,	1825 1837	-	par to 1-4 "
May,	1825 1837	-	par to 1-2 "
June,	1825 1837	-	par to 1-4 "
July,	1825 1837	-	par to 1-2 "
August,	1825 1837	-	par.
September,	1825 1837	-	par to 3-4 "
October,	1825 1837	-	par.
November,	1825 1837	-	par to 1 "
December,	1825 1837	-	par.

PHILADELPHIA.			
January,	1825 1837	-	par to 1-4 discount.
February,	1825 1837	-	par to 1-4 "
March,	1825 1837	-	par to 1-4 "
April,	1825 1837	-	par to 1-4 "
May,	1825 1837	-	par to 1-4 "
June,	1825 1837	-	par to 1-4 "
July,	1825 1837	-	par to 1-4 "
August,	1825 1837	-	par to 1-4 "
September,	1825 1837	-	par to 1-4 "

October,	1825	-	par to 1-4 discount.
	1837	-	1 to 1 1-2 "
November,	1825	-	par to 1-4 "
	1837	-	1 1-4 to 1 3-4 "
December,	1825	-	1-4 to 1-2 "
	1837	-	1 1-2 to 2 1-2 "

BALTIMORE.

January,	1825	-	par to 1-2 discount.
	1837	-	1-4 to 1-2 "
February,	1825	-	par to 1-2 "
	1837	-	par to 1-2 "
March,	1825	-	1-4 to 1-2 "
	1837	-	par to 1-2 "
April,	1825	-	1-4 to 1-2 "
	1837	-	par to 1-2 "
May,	1825	-	1-4 to 1-2 "
	1837	-	par to 1-2 "
June,	1825	-	1-4 to 1-2 "
	1837	-	1-2 to 1 "
July,	1825	-	1-4 to 1-2 "
	1837	-	1-2 to 1 "
August,	1825	-	1-4 to 1-2 "
	1837	-	1-4 to 1-2 "
September,	1825	-	3-4 to 2 "
	1837	-	3-4 to 2 "
October,	1825	-	1-4 to 1-2 "
	1837	-	1 to 2 "
November,	1825	-	1-4 to 1-2 "
	1837	-	1 1-4 to 2 "
December,	1825	-	1-2 to 3-4 "
	1837	-	1 3-4 to 2 "

CHARLESTON.

January,	1825	-	2 1-2 to 3 discount.
	1837	-	3-4 to 1 1-2 "
February,	1825	-	2 1-2 to 3 "
	1837	-	3-4 to 1 1-4 "
March,	1825	-	2 1-2 to 3 "
	1837	-	1 to 1 1-2 "
April,	1825	-	4 to 5 "
	1837	-	1 to 1 1-2 "
May,	1825	-	4 to 5 "
	1837	-	1 1-4 to 2 "
June,	1825	-	4 to 5 "
	1837	-	1 1-2 to 2 "
July,	1825	-	4 to 5 "
	1837	-	1 1-2 to 2 1-4 "
August,	1825	-	4 to 5 "
	1837	-	1 1-2 to 3 "
September,	1825	-	4 to 5 "
	1837	-	2 to 3 "
October,	1825	-	2 1-2 to 4 1-2 "
	1837	-	1 1-2 to 2 1-2 "
November,	1825	-	2 1-2 to 4 1-2 "
	1837	-	1 to 2 1-2 "
December,	1825	-	2 to 2 1-2 "
	1837	-	2 to 2 1-2 "

SAVANNAH.

January,	1825	-	2 1-2 to 3 discount.
	1837	-	1 1-4 to 3 1-2 "
February,	1825	-	2 1-2 to 3 "
	1837	-	1 1-2 to 3 "
March,	1825	-	2 1-2 to 3 "
	1837	-	2 1-2 to 3 "
April,	1825	-	2 1-2 to 3 "
	1837	-	4 to 5 "
May,	1825	-	2 to 3 "
	1837	-	4 to 5 "
June,	1825	-	2 1-2 to 3 1-2 "
	1837	-	4 to 5 "
July,	1825	-	2 1-2 to 3 1-2 "
	1837	-	4 to 5 "
August,	1825	-	3 to 3 1-2 "
	1837	-	4 to 5 "
September,	1825	-	3 to 3 1-2 "
	1837	-	4 to 5 "
October,	1825	-	3 to 3 1-2 "
	1837	-	2 1-2 to 5 "
November,	1825	-	3 to 3 1-2 "
	1837	-	2 1-2 to 3 "
December,	1825	-	2 1-2 to 3 1-2 "
	1837	-	2 1-4 to 3 "

NEW ORLEANS.

January,	1825	-	3 to 4 discount.
	1837	-	par to 1-4 premium.
February,	1825	-	3 to 4 discount.
	1837	-	par to 1-4 premium.
March,	1825	-	3 to 4 discount.
	1837	-	par to 1-2 "
April,	1825	-	5 to 7 "
	1837	-	1-2 to 1 "
May,	1825	-	5 to 7 "
	1837	-	3-4 to 2 "
June,	1825	-	7 to 10 "
	1837	-	1 1-2 to 2 "
July,	1825	-	11 to 12 "
	1837	-	2 to 2 1-2 "
August,	1825	-	10 "
	1837	-	2 to 2 1-2 "
September,	1825	-	6 to 10 "
	1837	-	2 to 2 1-2 "
October,	1825	-	3 to 6 "
	1837	-	2 to 2 1-2 "
November,	1825	-	3 to 4 "
	1837	-	2 to 3 "
December,	1825	-	2 to 3 "
	1837	-	2 to 3 "

Rates of exchange at New York, on the following places.

ON BOSTON.			
January,	1826	1-4 to 1-2 per cent. discount.	
January,	1838	1 1-2 to 2 1-4 "	
February,	1826	par to 1-2 "	
February,	1838	1 1-2 to 2 1-4 "	
March,	1826	1-2 "	
March 1 to 14,	1838	3-4 to 2 "	
April,	1826	1-2 "	
May,	1826	1-2 "	
June,	1826	1-2 "	
July,	1826	1-2 "	
August,	1826	1-2 "	
September,	1826	1-2 "	
October,	1826	1-2 "	
November,	1826	1-2 "	
December,	1826	1-2 "	
1826—the "list" for December, 1826, is wanting.			

ON PHILADELPHIA.			
January,	1826	1-4 to 1-2 per cent. discount.	
January,	1838	1 1-4 to 2 "	
February,	1826	1-4 to 1-2 "	
February,	1838	1 1-2 to 2 1-4 "	
March,	1826	1-4 to 1-2 "	
March 1 to 14,	1838	2 to 2 1-4 "	
April,	1826	1-4 to 1-2 "	
May,	1826	1-4 to 1-2 "	
June,	1826	1-4 to 1-2 "	
July,	1826	1-4 to 1-2 "	
August,	1826	1-4 to 1-2 "	
September,	1826	1-4 to 1-2 "	
October,	1826	1-4 to 1-2 "	
November,	1826	1-4 to 1-2 "	
December,	1826	1-4 to 1-2 "	
1826—the "list" for December, 1826, is wanting.			

ON BALTIMORE.			
January,	1826	1-4 to 3-4 per cent. discount.	
January,	1838	1 3-4 to 2 3-4 "	
February,	1826	1-2 to 3-4 "	
February,	1838	1 3-4 to 2 1-2 "	
March,	1826	1-2 to 3-4 "	
March 1 to 14,	1838	2 to 3 "	
April,	1826	1-2 to 3-4 "	
May,	1826	1-2 to 3-4 "	
June,	1826	1-2 to 3-4 "	
July,	1826	1-2 to 1 "	
August,	1826	1-2 to 1 "	
September,	1826	1-2 to 1 "	
October,	1826	1-2 to 1 "	
November,	1826	1-2 to 1 "	
December,	1826	1-2 to 1 "	
1826—the "list" for December, 1826, is wanting.			

ON CHARLESTON.			
January,	1826	1 to 2 per cent. discount.	
January,	1838	2 to 2 1-2 "	
February,	1826	1 to 2 "	
February,	1838	3 to 3 1-2 "	
March,	1826	1 to 2 "	
March 1 to 14,	1838	3 to 3 1-2 "	
April,	1826	1 to 2 1-2 "	
May,	1826	2 to 2 1-2 "	
June,	1826	2 to 2 1-2 "	
July,	1826	2 to 3 "	
August,	1826	2 to 3 "	
September,	1826	1 1-2 to 3 "	
October,	1826	1 1-2 to 3 1-2 "	
November,	1826	1 to 2 "	
December,	1826	1 to 2 "	
1826—the "list" for December, 1826, is wanting.			

ON SAVANNAH.			
January,	1826	2 1-2 to 3 per cent. discount.	
January,	1838	2 1-4 to 3 1-4 "	
February,	1826	2 1-2 to 3 "	
February,	1838	3 to 3 1-2 "	
March,	1826	2 1-2 to 3 "	
March 1 to 14,	1838	3 to 9 "	
April,	1826	2 1-2 to 3 "	
May,	1826	3 to 4 "	
June,	1826	3 to 4 "	
July,	1826	3 1-2 to 4 "	
August,	1826	3 1-2 to 4 "	
September,	1826	2 1-2 to 4 "	
October,	1826	2 1-2 to 3 1-2 "	
November,	1826	2 1-2 to 3 1-2 "	
December,	1826	2 1-2 to 3 1-2 "	
1826—the "list" for December, 1826, is wanting.			

ON MOBILE.			
January,	1826	not reported.	
January,	1838	5 1-2 to 7 per cent. discount.	
February,	1826	not reported.	
February,	1838	7 1-2 to 10 per cent. discount.	
March,	1826	not reported.	
March 1 to 14,	1838	12 to 14 per cent. discount.	
April,	1826	not reported.	
May,	1826	not reported.	
June,	1826	not reported.	
July,	1826	not reported.	
August,	1826	not reported.	
September,	1826	not reported.	
October,	1826	not reported.	
November,	1826	not reported.	
December,	1826	not reported.	
1826—the "list" for December, 1826, is wanting.			

ON NEW ORLEANS.			
January,	1826	2 to 3 per cent. discount.	
January,	1838	2 to 3 1-2 "	

February,	1826	2 to 3 discount.
February,	1838	3 1-2 to 5 "
March,	1826	2 to 3 "
March 1 to 14,	1838	4 to 6 "
April,	1826	2 to 3 "
May,	1826	2 to 3 "
June,	1826	2 to 3 "
July,	1826	2 to 3 "
August,	1826	2 to 3 "
September,	1826	2 to 3 "
October,	1826	2 to 3 "
November,	1826	1 to 2 "
December,	1826	1 to 2 "
is wanting.		

ON CINCINNATI.

January,	1826	not reported.
January,	1838	5 per cent. discount.
February,	1826	not reported.
February,	1838	5 per cent. discount.
March,	1826	not reported.
March 1 to 14,	1838	6 per cent. discount.
April,	1826	not reported.
May,	1826	not reported.
June,	1826	not reported.
July,	1826	not reported.
August,	1826	not reported.
September,	1826	not reported.
October,	1826	not reported.
November,	1826	not reported.
December,	1826	not reported.
1826—the "list" for December, 1826, is wanting.		

The above are derived from the "Shipping and Commercial List and New York Prices Current," published twice a week at New York.

The rates given above are the highest and the lowest in each month. The greatest fluctuation in any one month, is in the rates of March, 1838, on Savannah; thus: March 3d, 3 per cent. discount; March 7th, 5 per cent. discount; March 10th, 7 1-2 per cent. discount; March 14th, 9 per cent. discount.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

April 28. Mr. Clay, of Ala., presented a remonstrance signed by a delegation of Cherokee and Choctaw Indians from the west of the Mississippi, against the establishment of a territorial government west of the Mississippi, for which a bill now in progress in the senate provides, which bill, Mr. Clay gave notice, he should move, when it should come up, to lay on the table at least till the next session of congress.

The remonstrance having been read, a debate ensued between Messrs. Tipton, Clay, of Alabama, White, and Sevier; after which it was laid on the table and ordered to be printed.

[The remonstrance and debate shall have a place hereafter.]

The following, among other business of minor importance was next disposed of.

On motion of Mr. Wright, the committee on finance were discharged from the further consideration of the senate resolution in relation to a general remission of duties on railroad iron.

Also, of two memorials from the chamber of commerce in New York, in favor of a warehousing system, inasmuch as the plan proposed by that chamber did not accord with the views of the committee.

Also, of a senate resolution, in regard to repaying to merchants of Mobile the extravagant fees paid by them for renewing their duty bonds, the committee believing that they could not recommend the passage of a law on this subject, unless it should be general.

On motion of Mr. Williams, the committee on naval affairs were instructed to inquire into the expediency of repealing or modifying the act of March, 1837, in relation to the navy pension fund.

Mr. Benton, from the committee on military affairs, reported a bill to pay certain volunteers of Missouri. Read, and ordered to a second reading.

The senate resumed the consideration of the bill to establish a board of commissioners to hear and examine claims against the United States.

The discussion, mainly on the general merits of the bill, was continued by Messrs. Prentiss, Bayard, Linn, Hubbard, Tipton, and Buchanan, in favor of it; and by Messrs. Norvell, Calhoun, Wright, and Morris, in opposition.

On motion of Mr. Bayard, the bill was amended so as to require the commissioners to reside at the seat of government, and also to give them authority to punish contempt to preserve order in their sittings.

Mr. Tipton moved to reduce the salary of each commissioner from \$3,000 to \$2,500, which was briefly debated and negatived, as follows:

YEAS—Messrs. Brown, Clay, of Ken., Lumpkin, Norvell, Prentiss, Sevier, Smith, of Conn., Smith, of Indiana, Swift, Tipton, White, Young

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Calhoun, Clay, of Alabama, Clayton, Cuthbert, Hubbard, King, Linn, Lyon, Merrick, Morris, Nicholas, Niles, Rives, Roane, Robinson, Spence, Trotter, Williams, Wright—23.

On the suggestion, or motion of Mr. Wright, an apparent inconsistency in the bill was so altered as to make the provision authorizing the summoning of witnesses general, instead of its being contingent on the application of claimants.

Two or three other small amendments were made to make the parts of the bill correspond with preceding amendments.

Mr. Benton moved to amend the bill by requiring that no member of congress, or delegate of a territory, should appear before the board as agent, attorney, or advocate, in presenting any claim, nor act as such in any way whatever.

On motion of Mr. Sevier, all persons holding office under the government were added; and the amendment, so amended, was agreed to.

Mr. Ruggles moved that no case should be referred to this board which had already been favorably reported on in congress. Negatived.

After a few remarks by Mr. Morris, against the bill, and by Mr. Hubbard in favor, it was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Bayard, Buchanan, Clay, of Alabama, Clayton, Crittenden, Cuthbert, Fulton, Hubbard, King, Linn, Lyon, Merrick, Nicholas, Niles, Pierce, Prentiss, Rives, Roane, Robinson, Spence, Swift, Tipton, Williams—23.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Kentucky, Lumpkin, Morris, Norvell, Ruggles, Sevier, Smith, of Connecticut, Smith, of Indiana, White, Wright, Young—15.

Mr. White, chairman of the special committee on the case of Mr. Ruggles, made a supplemental report, relating to charges made against him by an individual (a Dr. Graham) in North Carolina. The report was read, from which it appeared that the accuser was confined in North Carolina for debt, and unable, therefore, to obey the summons of the committee.

A resolution was appended to the report, discharging the committee from the farther consideration of all matters of investigation on which they had not been before reported.

Mr. White said he should not move for the printing of the report, as he deemed it improper, or inexpedient under the circumstances.

The resolution was agreed to without dissent.

The senate then adjourned.

April 27. After the presentation of a number of petitions, &c. the bill to establish a board of commissioners to hear and examine claims against the United States, was read a third time, passed, and sent to the other house for concurrence.

On motion of Mr. White, the senate took up the bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas, [to establish an Indian territorial government.]

Mr. White said he should not make any additional remarks to those he made yesterday, unless the bill should be opposed; but in that case he should feel himself called on to say something more. The administration had recommended this measure in strong terms, and he hoped it would be finally acted on now, as the session was far advanced. He would now hear with pleasure any objection that might be advanced against it.

Mr. Clay, of Alabama, said he had not yet examined the bill as fully as he desired, and he hoped the senate would consent to let it lie till to-morrow.

Mr. White said he was naturally disposed to comply with this request, but he did not feel that it was properly a matter for his discretion. Mr. W. went into a brief history of the events which had at last led to this measure, and he urged it as one of great importance, both for the benefit of the Indians, several tribes of whom were urgent that it should be carried into effect; and also for the protection of the white people in the neighborhood of those Indians. If the senate thought proper to postpone it till to-morrow he should now make no further objections.

Mr. Norvell said he hoped never to see the day when an Indian or a negro would be admitted on the floor of congress. He therefore moved to strike from the bill the provision for a delegate from the proposed Indian territory.

Mr. Linn said he thought the senator had mistaken the nature of that provision; the delegate would not be entitled to a seat in congress.

Mr. Norvell said he understood it; but this would be the entering wedge to something more.

Mr. Linn remarked that it was one great object of the bill to make the Indians think the privilege offered by the bill a matter of consequence. It was really the most effectual measure that could be de-

vised for the protection of Missouri, Arkansas, and Wisconsin, against any hostility on the part of these Indians; and it was also the best if not the only measure to civilize the Indians, and save them from destruction. Mr. L. thought it would be an important incidental benefit of the bill to give the Indians the hope of honorable office; it would hold out to ambitious men the inducement to elevate their characters, and would, in some measure, take the place of their warlike propensities. Represented here by a delegate or agent would also be a means of holding them the more strongly to the United States. In confirmation of these views, Mr. Linn read a portion of the memorial on this subject from the legislature of Missouri. Mr. L. also urged, that these Indians had now got to the jumping-off place, and now, if ever, was the time to save them.

Mr. Lumpkin gave a succinct history of the progress of events and proceedings touching the relations of the Indians and the United States, and he urged with much earnestness the adoption of the measure proposed.

Mr. Clay, of Alabama, said he had now looked at the bill, and he was happy to perceive that, in regard to the obnoxious point, it was peculiarly guarded, so that the remonstrants had no right to object to it. Mr. C. here read from the bill the provision that it should not be binding on any Indians, unless they consented to it by their tribe in council, or by their delegates. Mr. C. was not aware of any other objection to the bill. As to the objection of the senator from Michigan, Mr. C. differed from him, and argued that it was better in point, both of economy and of attaining the requisite information, to have a single delegate instead of the delegations, whose expenses were now usually borne by the government. The expectation of having such a delegate had also been heretofore held out by the government to the Indian tribes.

Mr. Norvell now modified his amendment, so as to strike out "delegate" to receive the same pay as members of congress; and insert agent, and also to strike out that portion of the bill (the preamble) which assigns as reasons for the passage of the bill that it would tend to civilize and otherwise benefit the Indians, and bind them more closely to the government and the country.

Mr. Allen spoke at considerable length in favor of this amendment, and against the whole bill, especially as a measure designed and calculated to raise up and strengthen a people who are our natural enemies, and thus to work mischief to ourselves, and still more to our descendants.

Mr. White advocated the bill at considerable length as a measure salutary and highly important.

Mr. Smith, of Ia., also spoke at length in favor of the bill, and in reply to Mr. Allen.

Mr. Swift briefly urged the propriety of retaining the name of *delegate*, inasmuch as the difference was only in name, and the government had stipulated with the Indians for a delegate; and he also thought it better to leave the compensation to be fixed hereafter.

Mr. Davis spoke in favor of the bill, and urged the propriety and obligation resting on us of treating the Indians with courtesy, liberality, and humanity.

Mr. Niles spoke in opposition to the bill, and earnestly advocated the principle of letting the Indians alone to take care of themselves, affording them only protection.

Mr. Norvell's amendment was lost as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Hubbard, King, Morris, Niles, Norvell, Pierce, Smith, of Conn., Trotter, Wright, Young—16.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Linn, Lumpkin, Lyon, Monton, Nicholas, Prentiss, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith, of Indiana, Spence, Swift, Tipton, White, Williams—24.

Mr. Hubbard renewed a portion of Mr. Norvell's motion, namely, to strike out the preamble assigning the reasons for passing the bill. Negatived without a division.

On motion of Mr. Sevier, the name of "Ncoshoh" was given to the proposed territory.

Mr. Linn spoke in reply to Mr. Allen, and strongly in favor of the bill.

Mr. Crittenden moved to provide for a compensation of \$2 a day to the members of the Indian councils, in addition to their expenses; and he spoke briefly in favor of the bill.

After a sharp opposition from Mr. Niles, and a suggestion by Mr. White, that it might disaffect the neighboring Indians, this amendment was withdrawn.

Mr. King moved to amend the bill by setting apart all the country east of the Rocky mountains, north of Missouri river, and north and west of the

state of Missouri, as Indian territory, to be secured to them forever.

After a few remarks by Messrs. King and Sevier, in favor of this amendment, and by Messrs. Tipton and Linn, adverse to it, without taking any question, the senate adjourned till Monday.

April 30. Mr. Clay, of Kentucky, rose and said he had received and had been requested to present a petition signed by a number of benevolent individuals, and printed by them, petitions similar to which, and signed by a vast number, had been received by the other house, praying that, in the adjustment of our difficulties with Mexico, an amicable arbitration might be employed.

The petition also recommended earnestly the propriety of the establishment of an international congress; or tribunal for the settlement of the difficulties which arise between nations, thus avoiding the calamities of war. The petitioners had for a long time held this object in view, and had addressed several legislative bodies on the subject; and Mr. C. understood that the respectable Massachusetts legislature had given countenance and encouragement to the object.

Mr. C. was glad to find by the morning papers that one of the objects of these petitioners, namely, the reference of our difficulties with Mexico to an arbitration, had been lately accomplished. With respect to the other and greater and more comprehensive object of the petitioners, all must admire and share in the philanthropy which suggested such a measure, and must wish it to be finally accomplished, if it be practicable. The petitioners were desirous that this country should take the initiative in adopting it; and whether it should be done or not, all must do justice to the motives of the petitioners; and Mr. C. had no doubt that a great portion of the difficulties between nations might be found capable of a satisfactory adjustment without a resort to war.

The improvements in the use of steam, by bringing together nations that were distant from each other, by means of railroads and other intercommunications, would soon render it impossible that one nation should go to war with another without injuring the business, and detracting from the prosperity of all; this at no distant period would lessen if not entirely prevent the recurrence of war. But whether it was possible or not that such a tribunal as was now asked for should be established, remained yet to be seen. It had been suggested or proposed by some philosophers, among whom was our own Franklin, and also by some enlightened monarchs: Henry the fourth of France suggested the same idea; and at all events the senate would concur with Mr. C. in sharing in the feelings and approving the motives with which this proposition was presented.

On motion of Mr. Clay, the memorial was laid on the table, and ordered to be printed.

Mr. Clay said, while he was up, he wished to make an inquiry of the chairman of the committee on finance. Mr. C. said he had no doubt of the concurrence of the honorable chairman of that committee that we had now arrived at a very important moment in the monetary affairs of the country. Some of the banks in Boston and New York had resumed specie payments, and others would probably follow this good example in the course of a few days; and Mr. C. hoped that it would be generally done, at least as far as the banks were able; though he was aware that some of them were not prepared. Mr. C. wished, therefore, to ascertain of the chairman of the committee of finance whether there was before that committee, or whether the executive had any intention to bring forward any measure of any description other than that which now lay on the table in the other house, with a view to aid, strengthen, and encourage the banks in the resumption and continuance of specie payments. If there was no intention in the committee or the executive branch of the government to do any thing on this subject, thus leaving the banks to go on unaided in this operation, it might be the duty of others to suggest some measure for this desirable purpose.

Mr. Wright said there was nothing on the subject before the committee which had not been referred to them by the senate, and of that there was nothing on which they had not already reported. As to what the executive was doing, or intended to do, Mr. W. was as ignorant as the senator from Kentucky, and he had nothing to say on that subject.

Mr. Clay said, that being the state of the case, that, as far as the honorable chairman knew on the subject, neither the committee on finance nor the executive design to bring forward any measure, he would now offer the following joint resolution:

"Resolved by the senate and house of representatives of the United States in congress assembled, That no discrimination shall be made as to the currency or medium of payment in the several branches of the

public revenue, or in debts or dues to the government; and that, until otherwise ordered by congress, the notes of sound banks which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the secretary of the treasury, shall be received in payment of the revenue and of debts and dues to the government, and shall be subsequently disbursed, in a course of public expenditure, to all public creditors who are willing to receive them."

Mr. Grundy said he wished to draw the attention of the senator from Kentucky to a single point, namely, whether the resolution ought not to be restricted in its operation to banks in the vicinity of the places where the revenue was to be received.

Mr. Clay said he did not enter into details in drawing the resolution; this point would come up when they should consider it. But if the senator had more fully attended to the reading of the resolution, he would have seen that it provided that the notes were not required by it to be received without limitation, but under such suitable regulations as should be published and promulgated by the secretary of the treasury. This discretion in the secretary of the treasury would be amply sufficient to meet all cases; but this subject would of course come up when they should consider the resolution.

Mr. Grundy was understood to say that he had merely desired to call the attention of the senator to this point, that he might consider whether the resolution should not be so worded as to give the secretary of the treasury express power on this point.

The resolution was now read, and ordered to a second reading.

Mr. Davis presented a petition from citizens of Candor, New York, in which they expressed their belief that the late treaty with the Cherokee Indians was unauthorized, and that it would be oppressive for the government to enforce it. Laid on the table.

Mr. Wall presented a remonstrance from 134 men and 77 women against the admission of any new state into the union. Also, from 130 men and 84 women, against slavery and the slave trade in the District of Columbia. Motions to receive, severally laid on the table.

Mr. Wright presented a petition against slavery and the slave trade in the District of Columbia, from citizens of Litchfield, N. Y. Motion to receive laid on the table.

Mr. King presented a petition from Joshua Kennedy; and Mr. Rives from another individual. Referred.

On motion of Mr. Prentiss, the committee on public lands was discharged from the further consideration of the petition of the trustees of Allegheny college, Pennsylvania, praying for the grant of a township of land; the petition of the trustees of the Kentucky Baptist Education society, praying for a grant of land to each of the colleges in the United States; and the petition of the corporation of South Hanover college, Indiana, praying for the donation of a tract of land in aid of that institution.

The senate took up the bill to grant to the states and incorporated companies engaged in the construction of roads and canals the right of way through the public lands of the United States.

Mr. Lyon moved to amend the bill by giving states and companies the pre-emption right to the sections of the public lands through which their roads and canals might run, at \$1 25 per acre.

After a sharp opposition to this amendment by Messrs. Davis, Linn, King, Tipton, and Clay, of Alabama, chiefly on the ground of its embarrassing a very important measure, it was withdrawn by the mover. Mr. King moved to allow a width of 200 feet for the roads, &c. authorized by the bill. Mr. Davis said experience at the north had shown that 80 feet was amply sufficient, and if more were allowed, it would remain covered with brush and rubbish, and disfigure, rather than add any ornament to the country. Mr. King stated that some southern trees were 80 feet below the limbs, and that therefore the fall of a single tree across a road of that width might obstruct it entirely. The width of 200 feet was agreed to.

On motion of Mr. Linn, the provisions of the bill were extended to companies incorporated by the territories, as well as by the states.

The bill was then ordered to be engrossed for a third reading.

The senate resumed the consideration of the bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas.

The question being on Mr. King's amendment. To set apart as Indian territory, to be secured to them forever, all the public lands to which the Indian title had not already been extinguished, east of

the Rocky mountains, north of Missouri river, north and west of the state of Missouri, and west of the Mississippi river—

Mr. Lumpkin spoke at length in opposition to the amendment.

Mr. King expressed his regret at the prospect that the amendment would not prevail, and argued at some length in its favor, chiefly on the ground of maintaining a suitable balance between the north and the south.

The debate (to be given hereafter) was continued by Messrs. Sevier, Calhoun, and King, in favor of the amendment, and by Messrs. Tipton, Linn, Swift, Davis, Southard, Young, and White, in opposition to the amendment, and in favor of the bill.

The objection to the amendment most insisted on was that it would embarrass and weaken a general measure of very great importance.

The amendment was negatived as follows:

YEAS—Messrs. Calhoun, Clay, of Alabama, Fulton, King, Merrick, Mouton, Nicholas, Preston, Roane, Sevier, Spence—11.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, Morris, Niles, Norvell, Pierce, Rives, Robbins, Robinson, Ruggles, Smith, of Connecticut, Smith, of Indiana, Southard, Swift, Tallmadge, Tipton, Wall, White, Williams, Wright, Young—33.

After some remarks by Mr. Calhoun, expressive of much doubt in regard to this measure, and of a preference that it should be postponed to the next session, and by Messrs. Lumpkin and White in favor of its immediate adoption,

The bill was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Clay, of Alabama, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Merrick, Morris, Mouton, Nicholas, Pierce, Preston, Rives, Roane, Robbins, Robinson, Sevier, Smith, of Connecticut, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Wall, White, Williams, Wright, Young,—38.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Niles, Norvell—6.

Mr. Clay, of Kentucky, expressed his desire that, by the unanimous consent of the senate, the resolution introduced by him this morning, for the reception of bank notes in payment of revenue, should be made the special order for day after to-morrow. Mr. Wright and Mr. King objecting, this object was not attained.

The senate adjourned.

May 1. But little business was transacted in the senate to-day, that body having adjourned at an early hour.

May 2. After the reception of some petitions and resolutions, (to be noticed hereafter,) and passing the bills ordered to a third reading on Monday, the senate took up, on his motion, Mr. Clay's currency resolution.

The resolution having been read a second time, Mr. Wright moved that it be referred to the committee on finance. This motion led to an animated debate, which lasted till 4 o'clock. The reference was advocated by Messrs. Wright, Calhoun, Benton, Niles, Buchanan, and King, on the ground of usage in regard to all propositions of importance originating with individual members, and also for the purpose of ascertaining how far it might or might not conflict with existing laws, &c.; and it was opposed by Messrs. Clay, Davis, Preston, and Tipton, on the ground that the resolution, being free from details, did not require a reference; that the reference proposed was to a committee hostile to the resolution; that it would produce delay; and that the object, as disclosed by the debate, was only to give the committee an opportunity to make an argument against it in the shape of a report, &c. &c. [The debate will be given hereafter.] The question on the reference being at length taken, was carried in the affirmative by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Trotter, Wall, Williams, Wright, Young—28.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis, Knight, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—19.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Friday, April 27. A message was received from the president of the United States, in partial compliance with a resolution of the house of the 21st

ultimo, transmitting copies of all correspondence between the government of the United States and the government of Mexico, and of all instructions given to our minister at the court of Mexico, since the late Mexican treaty.

A communication was received from the commissioner of public buildings, in obedience to a resolution of the house, transmitting copies of all the contracts made by him in the year, 1837, with the names of the applicants for said contracts, and the amount of their respective bids.

Also, a communication from the postmaster general, transmitting the information called for by the house on the 16th instant, in relation to a claim against Samuel B. Crockett, late postmaster at Frankfort, Ky., and Anthony Crockett and F. P. Blair, his sureties.

Mr. Sergeant presented resolutions of the corporation of Philadelphia, requesting the delegation of the state of Pennsylvania in congress to aid in obtaining the passage of a law to establish a dry-dock at the navy yard, Philadelphia.

The reports of the committee upon the late duel, being the unfinished business was resumed, and the clerk proceeded in the reading of the testimony taken before, and reported by, the select committee.

After the testimony had been read,

Mr. Wise asked to have the journal of the committee (being a part of the report) read, which was ordered; and the journal was accordingly read by the clerk.

The reading was concluded at half past 2 o'clock.

The reading of the reports, evidence, and journal, having been completed, the debate on the pending motion to print and to postpone was resumed by Mr. Toucey, and continued by Messrs. Grennell, Rariden, Elmore, Wise, Graves, Johnson, of Maryland, and Robertson, who had not concluded his remarks, when, on motion of Mr. Menefee, (to whom he gave way,) the house adjourned.

Saturday, April 28. Mr. Robinson, a member elect from Maine, appeared, was sworn, and took his seat.

Mr. Evans and Mr. Noyes presented certain documents from the government of the state of Maine, in relation to the north eastern boundary; which were referred to the committee on foreign affairs.

The senate's bill, establishing a board of commissioners to examine and establish claims against the United States, was read twice, and referred to the committee of claims.

The house then proceeded to the unfinished business, being the consideration of the reports from the duel committee and the question being on the motion of Mr. Toucey, chairman of the select committee to postpone the consideration of the report for two weeks, and, in the mean while, to print it, with the amendment moved by Mr. Robertson, to refer it to a committee of privileges, to report the proper course for the house to pursue,

Mr. Robertson resumed his speech in opposition to the postponement and printing, and in support of the proposition he had moved.

He was succeeded by Mr. Stanley, of North Carolina, on the same side of the question. He opposed the postponement, and advocated Mr. Adams' plan of recommitment of the report, with instructions to state only the facts of the case.

Mr. Naylor, spoke earnestly in condemnation of the course of the committee, as having transcended their powers and violated the constitution, and being worthy of the censure of the house.

Mr. Bronson replied, and vindicated the committee's course.

Mr. Toucey wished to have a correction made in the journal of the committee: and, while up, responded to some of the remarks of Mr. Stanley.

Mr. Wise warmly remonstrated against the least alteration of the committee's journal or report, as it nearly concerned his reputation, and might not be changed in a letter or a point.

Mr. Stanley rejoined with some severity to the remarks of Mr. Toucey.

Mr. Boon made some remarks, saying, among other things, that the Pottowattomie psalm book might as well be quoted to him as Jefferson's manual, when it was against all truth and justice.

Mr. W. Cost Johnson went at large into an examination of the committee's report, on which he passed very decided censure. During his speech several explanatory statements and brief replies were made by Mr. Toucey and Mr. Grantland, and he was several times checked by the chair for touching on the merits of the report.

Mr. Cambreleng made an appeal to both sides of the house on the delay of the public business, which he said must be sacrificed if this trial should proceed.

Mr. Menefee commenced a speech of much animation, warmly remonstrating against the idea of after having collected testimony, and published

to the world, the members implicated were to be denied a fair and open trial by the house. He had proceeded some time, when he yielded to a motion of Mr. Bell for an adjournment.

On this motion Mr. Cushman demanded the yeas and nays; and the motion was negative: Yeas 76, nays 96. Mr. Mallory then moved a call of the house; and on this motion Mr. Jenifer demanded the yeas and nays; which were ordered; whereupon, Mr. Potts renewed the motion to adjourn; which prevailing, the house adjourned about half-past three o'clock.

Monday, April 30. John P. Kennedy, member elect from Maryland, was announced by his colleague, Mr. Jenifer, appeared, was sworn, and took his seat.

By leave several petitions were presented, and the following resolutions offered and adopted:

On motion of Mr. Glascock,

Resolved, That the committee on accounts be instructed to inquire into the expediency of vesting the appointment of librarian in this house, and of uniting the office with that of keeper of public documents.

On motion of Mr. Russell,

Resolved, That the president of the United States be requested to communicate to this house copies of all correspondence and communications which have passed between this and any foreign government, and the officers or agents thereof, relating to the introduction of foreign paupers into the United States; also, what steps, if any, have been taken to prevent the introduction of such paupers into the United States; provided such communications are not incompatible with the interest of the United States.

Messrs. Hunter, of Ohio, Prentiss, of New York, Davee, and Johnson, of Louisiana, successively asked leave to present resolutions and petitions. Refused.

Messrs. Birdsall and Maury had leave to present memorials.

Mr. Calhoun, of Massachusetts, made an effort to take up, as in committee of the whole, the bill to prevent the explosion of steam-boilers.

Mr. Cambreleng objected.

The motion to suspend the rules for the purpose (requiring a vote of two-thirds) was lost.

The reports on the duel subject.

This subject, being the special order, came up, and was further discussed by Mr. Meneffe.

As soon as Mr. M. had finished his remarks, Mr. Pickens rose, and said he had voted for the resolution of Mr. Fairfield, under which this investigation had proceeded, as a matter of courtesy to the mover, who was the friend and classmate of the deceased; and he should do the same on the request of any gentleman. But, considering the pressing state of public affairs, the important questions impending over this house, the extent to which this discussion has been and may be carried, and his own decided opposition to any resolutions of censure or expulsion, he should move to lay the whole subject on the table, nor should any solicitations, from any quarter, induce him to withdraw his proposition. And on this motion Mr. P. demanded the yeas and nays.

Mr. Graves rose, and expressed the earnest hope that the member from South Carolina would not thus interpose to prevent his being heard on this question before it was disposed of.

Mr. Wise followed with the same request, appealing to the friendship of Mr. Pickens, and to his justice as a member of that house, to withdraw his motion. Mr. Pickens said he was very sorry that he could not comply with these requests. He would do it with much pleasure, but he could not, conscientiously.

The Yeas and nays were then ordered. Mr. Cushing asked a call of the house; which was ordered unanimously. The call proceeded, and 197 members were ascertained to be present.

Mr. Legare moved to suspend further proceedings under the call. Ordered. Mr. Garland, of La., asked if, provided this motion prevail, the reports, &c. would appear among the printed documents, or on the printed journal of the house? The Speaker responded in the negative. Mr. M. Morris desired to know whether the senate bill referred to that committee would be included in this motion? The Speaker responded in the negative. Messrs. Robinson, of Maine, and Kennedy, of Maryland, (new members,) were, upon request, excused from voting on this question. Mr. Elmore asked leave to be excused also. Refused. Mr. Jones, of Wisconsin, begged the gentleman from South Carolina to withdraw his motion. Mr. Wise said it would be useless to lay this question on the table. He should demand it, as his privilege, to be tried at the bar upon this accusation. The mo-

tion of Mr. Pickens was lost by the following vote: yeas 28, nays 187.

The debate was resumed, and was still going on at a late hour; which we shall notice hereafter.

Tuesday, May 1. The Speaker laid before the house a communication from the secretary of war, transmitting information in obedience to the resolution of the 16th inst. relating to the selection of sites for military posts on the western frontier of Arkansas and Missouri.

Mr. Cambreleng presented a communication from the secretary of the treasury, stating the condition of the treasury on the 30th ult. by which it appears that the amount of available means was about 900,000 dollars, being, as Mr. C. stated, about 600,000 less than the amount stated in a previous communication from the secretary, of the 28d ult. Mr. C.'s object in submitting the communication, was to show the house the urgent necessity of a speedy action on the financial measure which had been reported by the committee of ways and means. The reduction of the revenue was owing exclusively to the premature redemption of the treasury notes authorized to be issued under the act of October last.

The following is a copy of the communication: *Treasury Department, April 30, 1838.*

I transmit for the information of the committee of ways and means, the enclosed statement, marked A., showing the condition of the treasury on this day, as to its available resources.

I remain, very respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

The Hon. C. C. Cambreleng,

C. C. ways and means, house of rep's.

A.

Amount of treasury notes issued up to April 28th, inclusive, per treasurer's statement	\$9,423,959 31
Will probably be issued 30 April	135,000 00

	9,558,959 31
	\$10,000,000 00

Not issued on the 1st of May, '38,	441,040 69
about	-

Treasury notes received for duties, lands, and in payment of debts due to the United States, per returns received at this office up to the 30th April, '38, about	\$5,150,000 00
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Other funds available and subject to draft, (deducting \$400,000 in the mint, \$390,000 treasury funds,) about (less than)	\$600,000 00
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A number of resolutions of enquiry were offered, after which the house resumed the unfinished business of yesterday, being the consideration of a motion to recommit the consideration of the report of the select committee on the late duel, with instructions to report only the facts of the case, and discharging them from the consideration of the question of a breach of privilege, and from the various petitions in relation to the subject.

The immediate question was on a motion of Mr. Duncan to amend the instructions by striking out the words "a paper purporting to be the," [report of the committee,] which he considered as reflecting on the committee.

Mr. Adams, (who had moved the instructions,) after some explanations justifying the use of those words, consented to withdraw them, and modified his motion accordingly. Mr. Reed complained of misrepresentation in the papers as though he had opposed the inquiry at the outset, though he had voted for it, and deprecating a similar misrepresentation of his vote in the present case as evincing a desire to suppress the testimony, which he disclaimed, and, on the contrary, avowed his desire that it should all appear, but at the proper time. Mr. Mercer demanded that the question on the instructions be divided, so as to take it first on the first part of them separately. He was in favor of the first part of the instructions, but opposed to the latter. Mr. Fletcher, of Vermont, moved an amendment to the instructions, which he withdrew on explanations from the chair.

After sundry questions and replies in relation to questions of order, and the effect of the instructions, Mr. Thomas expressed his hope that the house would clearly indicate its wish as to what the committee should do before it sent the report back, and, as a test of the opinion of the house on this head, moved to strike out the latter part of the instructions, which propose to discharge the committee from the question of a breach of privilege, &c. Mr. Elmore, expressed great satisfaction at this motion, as tending to relieve his mind from embarrassment. Mr. Petrikin demanded the yeas and nays on the motion, and they were ordered. Mr. Adams opposed the motion, as tending rather to

perplex the committee than to relieve it from embarrassment. Mr. May moved an adjournment, (on account of the thinness of the house.) On this motion, Mr. Whittlesey of Ohio, demanded the yeas nays. Mr. Rives suggested that, if the house should adjourn, the amendments, instructions, &c. might be printed, so that the house might more clearly understand them. The question was taken on adjournment, and decided in the negative: Yeas 7, nays 156. The question was then taken on the motion of Mr. Thomas to strike out the latter part of the instructions, and decided by yeas and nays as follows: Yeas 96, nays 68.

So the house refused, in effect, to discharge the committee from further proceedings on the question of privilege. Mr. Rariden now moved an amendment, by way of substitute for Mr. Adams' proposition of amendment, that the committee re-arrange their journal, so as to show, in a connected series, the questions put, the answers given, and what questions were rejected. On this motion Mr. Toucey demanded the yeas and nays.

Mr. Rariden consented to withdraw this amendment for the present, in order to offer it at a subsequent stage, after the question of recommitment should have been settled.

Mr. Mercer suggested to Mr. Rariden to amend his motion, when made, by adding to the instructions that the committee report a bill to prevent duelling in the District of Columbia.

Mr. Elmore stated that the senate bill on that subject had been considered in the committee, and amendments proposed to it, and was ready to be reported. Mr. Toucey said he had the bill on his table for the purpose of reporting it when in order. Mr. Adams commented with severity on the irregularity of the committee's proceedings, in not noticing this bill on their journal; which was the principal thing prayed for in the greater part of the memorials referred to them. Mr. A. then accepted Mr. Rariden's motion instructing the committee to re-arrange their journal, &c., with the addition proposed by Mr. Mercer, to instruct the committee to report a bill against duelling as a modification of his own motion. The question now, therefore, was on adopting this instruction.

Mr. Toucey defended the committee. Their journal applied only to the investigation of the causes and circumstances of the duel. This bill was a separate matter, and there was no propriety in mentioning it upon their journal. Mr. Elmore explained what the committee had done in relation to the senate's bill. Mr. Legare expressed his regret that Mr. Adams should have accepted the suggestion of Mr. Mercer; it only went to complicate the question, and to propose a measure which must be practically inefficient in suppressing the evil it aimed at. Mr. Thomas opposed the instructions as modified.

Mr. Bell then addressed the house, and was desirous of entering on the general subject of the regularity of the proceedings of the committee, and the power of the house in the premises; but, after many explanations touching the question of order, the chair persisted in the opinion that it was not in order in the debate on the motion for instructions, to go into those questions; and Mr. B. reserved his remarks for a future stage of debate.

Mr. Chambers spoke at length in support of the instructions, and in the course of his remarks glanced, with no little severity, at the manner in which evidence had been taken in the committee. The house, however, being nearly empty, (owing, as was understood, to the horse races on the neighboring course,) he moved an adjournment. He withdrew the motion, however, at the request of

Mr. Sherrod Williams, who moved a reconsideration of the vote by which the house had rejected the latter branch of Mr. Adams' instructions, discharging the committee from the consideration of the question of breach of privilege, and from the memorials on the subject of the duel.

Mr. Boon suggesting that there was no quorum present: After some confusion, the chair counted the house, and reported that 105 members only were within the bar.

There being, therefore, no quorum—

Mr. Adams moved a call of the house. He observed that as the religious services of the day were probably nearly over, the house might expect those who had been attending upon them soon to return to the public business.

Mr. Chambers moved an adjournment.

On this motion Mr. Adams demanded the yeas and nays; which, being ordered, resulted as follows—Yeas 60, nays 68. A quorum thus appearing to be present—

Mr. Adams withdrew his motion; but, understanding that the question on reconsideration must be taken immediately, he renewed it. Mr. McKennan moved an adjournment; but withdrew the mo-

on request of Mr. Toucey, who, by unanimous consent of the house, reported the senate's bill for the suppression of duelling within the District of Columbia, with amendments, and it was referred to committee of the whole on the state of the union, and ordered to be printed. Mr. Cambreleng addressed the house, making some inquiries about the motion to reconsider; when Mr. McKennan renewed his motion to adjourn. Mr. Adams demanded the yeas and nays. Mr. McKennan withdrew his motion. Mr. Yell proposed that the present subject should be postponed until to-morrow; and that the house, meanwhile, take up the army bill. Mr. Graham moved an adjournment.

Mr. Yell demanded the yeas and nays; which were thereupon taken, and resulted in the affirmative—Yeas 78, nays 56. So the house, at three o'clock, adjourned.

Wednesday, May 2. By leave, Messrs. Petrikin and Williams, of New Hampshire, presented each a petition, which was, in each case, referred.

The unfinished business was then resumed. The question was that raised by Mr. S. Williams yesterday, to reconsider the vote whereby the instructions moved by Mr. Adams were, on motion of Mr. Thomas, stricken out from the motion to recommit.

Mr. Connor, of North Carolina, moved a call of the house. Ordered. One hundred and forty members answered to their names. The names of the absentees were then called; one hundred and seventy-five members were found to be present. A motion was then made to suspend further proceedings under the call. Mr. Wiss hoped a full bench of judges would be had before deciding this question.

The motion to suspend was lost. The doors were closed, and the names of the absentees were called over.

The members following were excused, for reasons given by gentlemen present:

Messrs. Bruyn, Buchanan, Bynum, Chaney, Evans, Fillmore, Grennell, Clowney, Garland, of Virginia, Jackson, of New York, Lincoln, Marvin, Mason, of Ohio, Maxwell, Palmer, S. W. Morris, Philips, Plummer, Potter, Rives, Sheffer, Snepior, Snyder, Toland, Thompson, Vail, Turney, J. L. Williams, and Whittlesey, of Con.

Pending the call, Mr. Davies, of Pennsylvania, moved to suspend all further proceedings.

Mr. Cushman demanded the yeas and nays. Referred.

The motion of Mr. Davies was lost, and the call of absentees was proceeded in, and was nearly finished, when Mr. Reed moved to excuse all the absentees, as every kind of excuse seemed to be accepted. A successful motion was then made to suspend the call, and one hundred and eighty members were found to be present. The yeas and nays were ordered on the motion to reconsider.

Mr. Tillinghast said he was opposed to the reconsideration. He believed the vote, striking out the second branch of the instructions, was given without misapprehension as to the effect. He was not himself under any misapprehension. He believed the second branch of the instruction to have been unnecessary, inasmuch as the object which appeared to be intended by it was fully attained by the first branch, which instructs the committee to report the evidence, journal, &c. only. A report, according to and under this instruction, will be a full performance of the duty originally imposed upon the committee as well in relation to the inquiry whether there has been a breach of privileges as to other facts. When they have taken and reported the evidence respecting a breach of privilege, according to the instructions of the house, they will have fulfilled the duty of inquiry as to that. But he also thought that the second branch, if retained, would be inconsistent with the real intention of the house. A part of the evidence which the house intends to instruct the committee to report would be evidence taken with a view to the inquiry as to breach of privilege. By discharging the committee from that branch of the inquiry, the authority for taking and reporting such evidence, and the foundation on which it rested, would be removed. He was against impairing the original resolutions appointing the committee. Therefore he had voted for striking out the second branch of them, and was against a reconsideration.

Mr. Mercer took the ground that the committee were *functi officio* now that they had reported on all the points referred to them; and would be bound only by any further instructions that might be given them.

Mr. Pope thought not. The report of the committee had not been yet received; and it was proposed to return their report to them. The original resolutions would therefore be in full force unless altered or rescinded.

Mr. McKennan said that it was his intention, when in order to present an amendment to the proposition of the gentleman from Massachusetts, which he hoped would challenge the approbation of a large majority of the house, and would put a termination to this protracted discussion. He asked that it might be read for information. It was as follows:

1. *Resolved*, That the report of the committee raised by the resolution of the 28th February, 1838, and the evidence and other papers which accompany said report, be recommitted to the committee with instructions to report nothing more than the evidence by them taken, and such part of the journal as will show the evidence which may have been offered by any party and excluded by the committee.

2. *Resolved*, That in consideration that this house has not heretofore proceeded against any one concerned in the numerous duels which have occurred on account of words spoken in debate, it may not appear just to pursue the parties implicated in this instance, until notice shall be given that this house designs to maintain its privileges in like cases; and that the omission in this instance to enforce the undoubted rights and duties of this house may not hereafter be considered as a precedent, it is hereby declared that the challenge of a member of this house for words spoken in debate is a violation of its privileges; and whenever hereafter any such breach of privilege shall be brought to the notice of the house by one of its members, it will, in the judgment of this house, be its duty to punish such offence.

3. *Resolved*, That the committee be discharged from the further consideration of the resolution and memorials to them referred, except as ordered by the first resolution.

Mr. Adams, obtained the floor before the proposition was offered; and, after he closed his remarks, Mr. McKennan said that in giving notice of the amendment he wished to offer he had hoped that the house would be able to meet on some middle ground, and put an end to this unpleasant affair in a satisfactory manner without further discussion, and without doing injustice. He had not the slightest wish to embarrass the proceeding, or to widen the door of discussion. The subject on the preliminary question had been, he thought, discussed long enough in all conscience, and he did not want to protract it. The gentleman from Massachusetts, and others, seemed to think that his proposition, if offered, would open the subject to debate in all its bearings, and its widest range; and, as it was not his wish to embarrass or to delay the action of the house, he would not, at this time, persist in offering his amendment.

The question then recurred upon the motion of Mr. Adams to recommit the report with instructions. The debate was continued by Messrs. Adams, Thomas, and Boon, (whose observations will be given hereafter.) Mr. Murray moved to lay the whole subject on the table. Mr. Polts demanded the yeas and nays; which were ordered; and the motion to lay on the table was *negatived* by the following vote: Yeas 47, nays 124. The question then recurred on Mr. Sherrod Williams' motion to reconsider the vote on striking out part of the proposed instructions; and the debate was further continued by Mr. Elmore, (whose remarks will be given hereafter.) The question on the motion to reconsider was decided as follows: Yeas 82, nays 90.

So, the house refused to reconsider; and the question recurred upon striking out the other part of the instructions, viz. to arrange the journal, and to report without comments or arguments. Which proposition was *negatived* by the following vote: Yeas 82, nays 93. The question recurred upon the motion to recommit with instructions. Mr. Fletcher, of Vt., renewed his motion of yesterday, as an amendment, with regard to the reference of the petitions and memorials on the subject of the late duel to the select committee; and on this he asked the yeas and nays. Ordered. Mr. F. moved an amendment, referring, also, to the committee all the petitions upon the subject of the late duel, with instructions to report thereon. Mr. Slade moved an amendment to this amendment, which did not prevail. After some remarks in favor of his amendment, and in opposition thereto, by Messrs. Adams and Slade, the amendment was decided as follows—Yeas 89, nays 86. So the amendment of Mr. Fletcher was adopted. Mr. Loomis moved an amendment, the effect of which is to give to the committee instructions to report arguments and comments on the breach of privilege. This motion was discussed by Messrs. Loomis, Naylor, and Legare. Mr. Fairfield called for and obtained the yeas and nays on the amendment.—Mr. Legare, alluding to the thinness of the house, and the attempt now made to reverse its former action, in the known absence of many of its members, moved an adjournment. Mr. Cambreleng demanded the yeas and nays, which were ordered; and the house refused to adjourn, (at 4 o'clock,) by a vote of 88 yeas to 97 nays.

Mr. Reed moved to amend Mr. L.'s amendment so far as to instruct the committee to report specially, if any member shall prove to be involved, without proceeding against him. This proposition was debated by Mr. Reed, and then Mr. Mallory, moved an adjournment. Mr. Grant demanded the yeas and nays, which were ordered; and the house refused to adjourn, (at half past 4 o'clock,) by a vote of 88 yeas to 88 nays. The chair voted in the negative. Mr. Sherrod Williams moved a call of the house; and on that motion,

Mr. Williams, of North Carolina, moved the yeas and nays; which were ordered.

Mr. Russell moved that the house adjourn; and on that motion,

Mr. Hoffman demanded the yeas and nays, which were ordered; and the house refused to adjourn, (at 5 o'clock,) by a vote of 88 yeas to 97 nays.

The vote upon the motion of Mr. Sherrod Williams, that there be a call of the house, was decided in the negative, by a vote of 74 yeas to 99 nays. Mr. Mitchell moved that the house adjourn; which motion (at 20 minutes past 5 o'clock) prevailed.

And the house adjourned.

Thursday, May 3. Mr. Bell asked leave to move that, when the house adjourn to-day it adjourn to Monday, and stated that that space of time would be required to cleanse the hall, take up the carpets, and put the house upon the usual summer establishment.

Objection being made, he moved a suspension of the rules to allow him to make this motion.

Mr. Montgomery demanded the yeas and nays; but the house refused to order them, and the rules were suspended by a vote of more than the necessary two-thirds of the members present.

The motion for an adjournment over having been made, Mr. Cambreleng said he was reluctant to oppose it, and would not do so if it should be passed with the express understanding that the house on Monday would take up the public business.

Mr. Wise gave notice to all the house that he would consent to no such pledge, express or implied; and if the house passed from the consideration of the business immediately before it for any purpose whatever, it would be without his consent.

The adjournment over to Monday was agreed to.

Mr. Bell then moved that the house adjourn, but withdrew his motion at the request of

The Speaker who laid before the house the following executive communications:

To the house of representatives of the United States:

I herewith transmit to the house of representatives a report from the secretary of state, in answer to that part of their resolution of the 19th ultimo requesting the communication of all correspondence with any foreign government in regard to the title or occupation of the territory of the United States beyond the Rocky mountains.

M. VAN BUREN.

Washington, April 30, 1838.

Mr. Cushing moved that the consideration of this message be postponed until this day week, and that it be printed. Agreed to.

To the house of representatives of the United States:

I transmit herewith a report and accompanying documents from the acting secretary of war, which contains the information required by the resolution of the 16th ult., respecting the officers of the corps of engineers, the works upon which they were engaged during the last year, and the other matters embraced in the resolution.

M. VAN BUREN.

Washington, May 1, 1838.

This message was laid on the table.

To the house of representatives of the United States:

The report of the secretary of state, transmitted by me to the house of representatives, in compliance with their resolution of the 16th ultimo, respecting an attack alleged to have been made by a Mexican armed vessel upon an American steamboat, having stated that no information on the subject had at that time reached the department, I now transmit another report from the same officer, communicating a copy of a note from the Mexican minister, with an accompanying document, in reference to the act alluded to, which have been received at the department since the date of the former report.

M. VAN BUREN.

Washington, May 2, 1838.

MR. MARTINEZ TO MR. FORSYTH.

[TRANSLATION.]

To the hon. JOHN FORSYTH,

Secretary of the state of the United States.

Mexican Legation, New Orleans, April 20, 1838.

SIR: Whilst the notices of an insult pretended to have been committed against the flag of the United States in the waters of Texas, by the Mexican brig of war Inturbide, were confined to the public newspapers, and I had no documents by means of

which I could repel the calumny, I abstained from addressing you on the subject. But as, according to the papers, the attention of the honorable chamber of senators of the congress of the union has been directed towards the charges published against Mexico, by the passengers of the steamboat Columbia, and I am in possession of an official statement from the commander of the said brig, relating to the occurrence with the said boat, I have the honor to send you, sir, the annexed extract from that document, with the hope that you will submit it to the notice of his excellency the president. The captain of the Columbia, and the captain of the Iturbide, as will be here seen, provoked the attack to which this note refers, and the former should, therefore, be responsible for the result, whatever it may be.

Permit me, sir, to repeat to you the assurance of my distinguished consideration.

FRANCISCO PIZARRO MARTINEZ.

[Translation of the enclosure.]

Extract from the official communication of the commander of the Mexican brig of war Iturbide, respecting her encounter with the steamboat Columbia:

To the COMMANDANT GENERAL

of the Mexican squadron.

Brig Iturbide, under sail in lat. 29 deg. 6 min., long. 83 deg. 48 min. west of Cadiz, 5 o'clock in the afternoon of this day, March 24, 1838.

At the moment when you, sir, announced, by your signals, that you saw sails in the third quarter, I made out the vessel to be a steamboat, coming from the north; and I discovered that she was not the same to which we had given chase this morning, and which was, apparently on her way to Brazoria, as this boat has two chimneys, and the other only one. As soon as you gave the signal for chase with all speed, and without our closing, (*? sin sujecion a formacion.*) I endeavored, by a press of sail, to cut her off, steering southeast, clearing away to be ready for action, and taking the other precautions; but, on seeing that she was bearing down on my starboard bow, I ordered all my men to take their proper fire and cutting arms, to be ready for an attempt to board. While we were thus sailing towards each other, as you saw, our distance was necessarily becoming less; and seeing that her stern flag was that of the United States, I hoisted mine with a pendant, and fired a gun without ball. I clewed up my mainsail, in order that she should stop her engine for me to examine her; but this was not done; and as, on the contrary, her movements towards me were very suspicious, I ordered another gun to be fired, with ball, in a direction very wide of the steamboat; which was done as a notice for her to stop. Instead of doing so, however, she continued on her course, as if with a view of getting past me to leeward. When I got within speaking distance, I hailed her three times, with a trumpet, and she did not deign to give any reply to either call. On the fourth call, an individual answered, loading me with abuse, and telling me, that if I wanted to see his papers, I should come on board his boat. All this was spoken without the speaking-trumpet; and, although he was called on to stop, in order that his papers and his boat should be visited, he did not do so; but, on the other hand, continued to insult my political insignia by the grossest obscenities and language.

In consequence of these proceedings, I fired two cannon, and three muskets, not aimed at the steamer, for the purpose of intimidating her, but that she should do as required. She, however, took no notice of it, but continued on her way, letting off her steam, which was very high, so near me that the ashes and some warm water fell on board my vessel.—God and liberty!

This message was referred to the committee on foreign affairs.

The Speaker also laid before the house a letter from the secretary of war, transmitting a report from the second auditor of accounts of persons charged with the disbursement of money, goods, &c. for the benefit of the Indians for the year ending September 30, 1837. Laid on the table.

The bill from the senate, to provide for the security and protection of the emigrant and other Indians west of the states of Arkansas and Missouri, was read twice, and referred to the committee on Indian affairs.

The bill from the senate, to grant to the state and incorporated companies engaged in the construction of roads and canals the right of way through the public lands of the United States, was twice read, and referred to the committee on public lands.

Mr. J. Q. Adams, from the committee on manufactures, to which was referred the bill from the senate to refund to the Georgia railroad and banking company certain duties paid upon railroad iron,

reported the bill to the house without amendment. It was then committed to the committee of the whole on the state of the union.

Mr. J. L. Williams presented a petition.

Mr. Bell then renewed his motion; the house refused the yeas and nays, and it was carried, whereupon, the house adjourned to Monday.

AWFUL FIRE IN CHARLESTON!

OFFICE OF THE AUGUSTA CHRONICLE, }
April 28, 6 o'clock, P. M. }

We learn with the deepest regret, by passengers from Charleston, who arrived here this evening by the Carolina railroad, that the city of Charleston has been visited by one of the most awful and destructive fires that has ever visited any city in the United States. One third of the city was laid in ashes at the departure of the cars this morning at six o'clock, and the fire was raging as if it would consume at least one-third more.

The fire broke out last night at a quarter past eight o'clock, in a paint store, on the western side of King street, corner of Beresford street. The wind blowing strongly from the southwest, blew the flames diagonally across King street, and at the time of the departure of the cars the whole section of the city above Beresford street, up to society street, and east of King street, to the bay, was burnt down or burning. From Beresford to Society are four streets—from King street to the bay about as many, or perhaps more. The fire had also extended four or five blocks west of King street, and was still progressing with terrific rapidity up that street in the direction of Boundary street, when the cars left. Our informant believes it impossible to calculate what will be the ultimate extent of the fire, as it seemed in no way checked at 6 o'clock this morning.

Among the buildings consumed are a number of churches, the new theatre, the splendid new hotel recently erected, and the whole market, except the fish market. Nearly all the large merchants, in the centre of business, on King street, were burnt out, among them, Parish, Wiley & Co., G. H. Kelsey & Co., Boream & Co., and all in that neighborhood, and the large storehouse of Miller, Ripley, & Co. on the corner of King and Society streets, was catching the flames when our informant left. The Merchants' hotel, formerly Miot's, had not caught, but it was believed to be impossible to save it. At Norris' hotel, still higher up King street, and on the west side, they had removed all the furniture and bedding, in almost certain anticipation of being burnt out.

A large number of houses had been blown up, to no purpose. All the powder in the city was exhausted, and all the water in the pumps: the people, wearied with a whole night's incessant and unavailing toil, found themselves, this morning, able to make but a feeble resistance to the still raging and devouring flames. A number of persons had been killed by the blowing up of houses and throwing furniture into the streets. The steamboat Neptune, lying in the bay, caught on fire, but it was fortunately extinguished.

The trunks directed to this office and to the constitutionalist office, from the newspaper offices in Charleston, failed to come this evening, as we presume no papers were printed there last night; and as the regular mail was closed last night before the fire broke out, no other information has been received here than that from passengers, which is necessarily limited as to particulars.

This is indeed a mournful catastrophe! A flourishing city laid in ashes, her people burnt out of home and substance, and millions of property destroyed in a single night! The insurance companies of Charleston, we learn, are of small capitals, and will every one, no doubt, be ruined, and still be unable to make good but a small portion of the losses. Hundreds of families must be utterly ruined by this general calamity. Years cannot make Charleston what she was.

P. S. Since the above was written, we have been shown a letter from Charleston, closed a little before 4 o'clock this morning, and brought up by a passenger, which confirms all the important facts stated above. It also states that the rigging of many of the vessels lying at the wharves had been burnt.

LATER. It appears from slips received from the offices of the Charleston Courier and Patriot, which fortunately escaped destruction, that the fire began about nine o'clock on the night of Friday, April 27th, and was not checked until about noon on the next day, having raged with great fury for fifteen hours.

The number of houses burnt is stated in these slips (which come down to 5 o'clock on Saturday) at one thousand. We add a few of the particulars

from the necessarily hurried statements which they contain:

"The whole area, with the exception of a few houses from St. Philip street to the waters of Cooper river, bounded by Hasell and Society streets, is swept through, as by an avalanche, leaving nothing but bare and blackened chimneys.

"The fire was arrested in all quarters about 12 o'clock M. having burnt for 15 hours unremittingly."

From the Cincinnati Whig—Extra.

Wednesday night, 8 o'clock, }

April 25th, 1833. }

AWFUL STEAMBOAT ACCIDENT.

It becomes again our painful duty to record one of the most awful and destructive occurrences known in the terrible and fatal catalogue of steamboat disasters.

This afternoon about six o'clock, the new and elegant steamboat Moselle, captain Perkin, left the wharf of this city—full of passengers—for Louisville and St. Louis, with a view of taking a family on board at Fulton, about a mile and a half above the quay, proceeded up the river, and made fast to a lumber raft for that purpose. Here the family was taken on board, and during the whole time of the detention, the captain was holding on to all the steam that he could create, with an intention of showing off to the best advantage the great speed of the boat as she passed down the whole length of the city. The Moselle was a new brag boat, and had recently made several exceedingly quick trips to and from this place.

Soon as the family were taken on board from the raft, the boat shoved off, and at the very moment her wheels made the first revolution, her boilers burst with a most awful and astounding noise equal to the most violent clap of thunder. The explosion was destructive and heart-rending in the extreme, as we are assured by a gentleman, who was sitting on his horse on the shore, waiting to see the boat start. Heads, limbs, bodies and blood, was seen flying through the air in every direction, attended by the most horrible shrieks and groans from the wounded and the dying. The boat, at the moment of the accident, was about thirty feet from the shore, and was rendered a perfect wreck. She seemed to be torn all to flinders as far back as the gentlemen's cabin, and her hurricane deck (the whole length) was entirely swept away. The boat immediately began to sink rapidly and float, with a strong current down the river, at the same time getting farther from the shore.

The captain was thrown by the explosion entirely into the street, and was picked up dead and dreadfully mangled. Another man was thrown entirely through the roof of one of the neighboring houses, and limbs and fragments of bodies scattered about the river and shore in heart-rending profusion. Soon as the boat was discovered to be rapidly sinking, the passengers who remained unhurt in the gentlemen's and ladies' cabins, became panic struck, and with a fatuity unaccountable jumped into the river. Being above the ordinary business parts of the city, there were no boats at hand except a few large and unmanageable wood flats, which were carried to the relief of the sufferers as soon as possible, by the few persons on the shore. Many were drowned, however, before they could be rescued from a watery grave, and many sunk who were not seen afterward.

We are told that one little boy on shore was seen wringing his hands in agony, imploring those present to save his father, mother, and three sisters, all of whom were struggling in the water to gain the shore, but whom the little fellow had the misfortune to see perish one by one almost within his reach. An infant child belonging to this family, was picked up alive, floating down the river on one of the fragments of the hurricane deck.

Dr. Wilson Hughey, of the U. S. army, and brother-in-law to our estimable fellow-citizen, William P. Hughes, of the Pearl street house, is doubtless among the slain, as he was known to have been on board, and some pieces of the military coat he had on were picked up among the fragments.

Mr. Powell, a highly respectable grocery merchant, of Louisville, and brother-in-law of Mr. Wilson McGrew, of this city, is also supposed to be lost, as he was on board, and no tidings have since been heard of him, notwithstanding the active inquiries of his friends.

We are unable, as yet, to particularize any other person lost, as the boat sunk in about fifteen minutes after the accident, leaving nothing to be seen but her chimneys and a small portion of her upper works, and also as a scene of distress and confusion immediately ensued that altogether baffles description. Most of the sufferers are among the hands of the boat, and the steerage passengers.

It is supposed that there were about two hundred persons on board, of which number only from fifty to seventy-five are believed to have escaped, making the estimate loss of lives about one hundred and twenty-five!! O, tale of woe!

The accident unquestionably occurred through sheer imprudence and carelessness. The captain of the boat was desirous of showing off her great speed as she passed the city, and to overtake and pass another boat which had left the wharf for Louisville a short time before him. Dearly has he paid for his silly ambition. The clerk of the boat, we understand, escaped unhurt. These are all the particulars we have yet been able to learn. In to-morrow's Whig we shall no doubt be able to give the names of many others who have been lost or killed.

NILES' NATIONAL REGISTER.

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[Vol. LIV.—WHOLE No. 1,389.

THE PAST—THE PRESENT—FOR THE FUTURE.

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✱ The Mexican ports have been declared to be under blockade by the commander of the French fleet on that coast, in consequence of the refusal of the Mexican government to pay the indemnity under the late treaty. See page 163.

✱ In page 175 we have inserted a communication from the secretary of the treasury exhibiting the condition of his department, which requires immediate aid to enable it to preserve the public credit.

Mr. ALEXANDRE DE BODISCOE was presented to the president by the secretary of state on Saturday last, the 5th inst., as envoy extraordinary and minister plenipotentiary of his majesty the emperor of Russia.

DON ANGEL CALDERON DE LAS BARCA, whose functions as envoy extraordinary and minister plenipotentiary from the queen of Spain to the United States were temporarily interrupted, has returned to discharge the duties of that station at the seat of government.

DEATH OF MR. LAWLER OF ALABAMA. It is our painful duty to notice the death of another member of congress. The hon. JOAB LAWLER, of Ala., died at his lodgings in this city on Monday morning last, after a few days illness, of bilious pleurisy. He was one of the most estimable and amiable men that ever sat within the walls of the capitol, and commanded the respect and esteem of all who knew him. Modest and unassuming, yet conscientious and firm, he discharged his public duties with patriotic devotion and enlightened zeal, and in private life his actions were marked by strict integrity and honor. He richly merited the confidence of his constituents, who, with his associates in congress, will long lament his loss. He was buried on Wednesday last with the usual honors, for an account of which see a subsequent page.

NEW YORK COMMON COUNCIL. The new boards of aldermen were organized on Tuesday. Alderman Benson (whig) was elected president of the board of aldermen, by a vote of 9 to 8, and Caleb S. Woodhull (Whig) president of the board of assistants by a similar vote.

VIRGINIA. There is still some doubt about the result in Mr. Patton's district. It is now reported that Mr. Banks received a majority of votes, but that the certificate was given to Mr. Slaughter in consequence of the informal manner in which the election was held in one of the counties. Mr. Slaughter, it is said, will not take his seat, but refer the matter to the people for another trial.

The most recent intelligence as to the result of the delegate election is contained in the following from the "Richmond Enquirer" of yesterday.

"The whigs have carried 69 delegates, and the friends of the administration 56—and I (the delegate of Morgan) unknown. From the 55 deduct the delegate of King George, who has resigned, and the heat is to be tried over again—and it leaves the republicans 55 delegates.

The following counties are yet to be heard from—which were represented as follows in the last session:

Whig.	Van Buren.
Braxton and Lewis,	Lee,
Fayette and Nicholas,	Logan,
Henry—3	Patrick,
	Prinston,
	Randolph—5.

The whigs may carry Patrick and Randolph—with out these, they will have 72 to 60—12 majority—with them, it will stand 74 to 53—and 2 yet to be ascer tained, viz: the delegate from Morgan, and the election of King George to be run over again.

We have a majority of twelve in the senate. If the whigs gain no more, and if we allow one for Morgan and Stafford to each party, the joint vote will be tied. If they gain both Patrick and Randolph, they will have a majority of four on joint vote."

MISSISSIPPI. Returns from 25 counties, give the following vote: Prentiss, (whig.) 9,973; Word, (whig.) 9,686; Claiborne, (administration) 8,002; Davis, (ad ministration) 7,083. Twenty-one counties remain to be heard from, which will make the whig majority for the state about 2,000.

TEXAS. The following resolution has been reported by the committee on foreign affairs to the senate of Texas. It was ordered to lie on the table, but an opinion is expressed that it will pass that body.

Be it resolved by the senate and house of representa tions of the republic of Texas in congress assembled, That the president be, and he is hereby instructed, to cause the proposition heretofore made by this government to the government of the United States, for the annexa tion of Texas, to be respectfully and unconditionally withdrawn, and thus in the most decisive manner, re fer the people of Texas, for all the future good they may

hope to receive or enjoy, of social security, to their own independent and manly energies.

The New Orleans Bulletin of the 1st instant states that despatches had been received by the collector of that port from the American charge d' affaires at Houston, to be forwarded with all haste to Washing ton. An endorsement described them as important documents containing a convention with Texas, which it was presumed was to be submitted for ratification to the government of the United States.

BANKS, CURRENCY &c. The New York Express of Wednesday contains the following, which develops some facts which may interest our readers:

Money market—city news. Tuesday, P. M. The movements in specie in this country and in London, are attracting a good deal of attention,—and so close do the great operators now keep their affairs, that it is difficult to understand the whys and wherefores of all we see. It is very clear, however, that there has been a quarrel between the Pennsylvania Bank of the United States, and the Bank of England, or the Bar ings, who are, as it were, the American agents of that institution. The cause of that quarrel, we have already stated, originated in the jealousy with which Mr. Jaudon's doings in London were watched; secondly, but primarily, in the refusal of the Barings, when pan ic-stricken, as was the Bank of England in September, 1836, to keep their agreements with Mr. Biddle, as to the amount in which he should be permitted to draw upon them. In consequence of this panic, Mr. Biddle fully concluded it was wiser for him to take his Lon don business in his own hands, and for this purpose, the mission of Mr. Jaudon, as we understand it, was created.

Mr. Jaudon, we all know, was very coldly received by the Barings. The Bank of England refused to keep an account with him, and he was *tabooed* for a while. He very quietly, however, worked his way, and surprised every body, after a while, by a great operation in which he underbid the Bank of England, as before stated in this paper. Backed by the immense cotton batteries Mr. Biddle was sending him, and having principal control over that great staple, he had not much to fear even from the Bank of England, cotton being better than bank paper, and quite as serviceable as specie. In this condition of things, the Barings, for the Bank of England, through a house in this city, contracted to send here some millions sterling in specie, a part of which has come, and only a part, the order for the ex portation of more having been suspended, as we learn by the Wellington packet ship, even at the sacrifice of about \$75,000 insurance on one stock.

Inquiry now arises, on what tack are we? "What is in the wind." One million, nine hundred thousand dollars, principally in gold, this morning went to Phila delphia in the 6 o'clock steamboat, to the Pennsylvania U. S. Bank. This is not from our banks, and it may be in part from the consignment, to Prime, Ward and King, the Barings have sent out from the Bank of England. What has caused this movement, and change of policy, it is not so easy to divine, though conjecture is active. The London Morning Chronicle, however, tells us, the Bank of England has made peace with Mr. Biddle, and here we have a clue. The same journal insinuates that the Bank of England was weary of the war.

Rumor says Mr. Jaudon was doing a thirty day business on good paper in London even as low as 2 per cent. per annum; and such were his operations even, that the Bank of England suffered considerably. —Mr. Jaudon's measures even affecting their line of discounts. Rumor again says, Mr. Jaudon was about to make a sweep of specie upon the bank for a very large sum, which the bank did not care to lose after its consignments already to New York. How true may be these rumors we cannot pretend to say, but it is quite certain the belligerent parties are ap parently reconciled, and the consequences of the peace, we probably see, in the new movements of the specie.

In connection with this subject, we see also that the Bank of England has forfeited about \$75,000 insurance on specie, rather than export it. The insurance being one per cent., the amount intended to be shipped must have been about seven and a half millions. This change of policy could not have arisen from any fear of a drain of gold and silver, for we learn by the monthly official return of the quarterly average of the weekly liabilities and assets of the bank for the three months ending the 3d of April, that, as compared with the last report, there is an increase in the circulation of 237,000, the difference between 18,600,000, and 18,837,000; a decrease in the deposits of 273,000, the balance between 11,535,000, and 11,262,000; an in crease in the securities of 46,000, the excess of 22,838,000, over 22,792,000; and an increase in the stock of bullion of 111,000, the difference between 10,105,000, and 10,126,000; all this in the face of the exporta tions to New York—the importations from the con tinent filling all the vacuum.

What then caused the change. It probably was in part, that the business was like to turn out less profit ably than was expected—but in fact, that all thinking men must see that if Great Britain was to buy our cotton, rice, and tobacco, and stocks, in gold and sil ver, it was a business poor at best for them, and the staples and the stocks must fail to pay the forfeit there. The cotton market in Liverpool, we have reason to believe, has been sustained alone by the irresistible energies of Mr. Biddle. His stock has been immense, and he would not submit to the sacrifice, and he was not compelled to submit forthwith. However, to sus tain the market forever, specie going out all the while, was a thing impossible. The cotton market began to droop. This effort of his with the Bank of England, this reconciliation, may have been to save it; and it may be that it will be kept stationary, the orders being countermanded for the exportation of specie—for there is no law of political economy more sound than that which compels the products of a country to submit to sacrifices when it demands in exchange for them the precious metals, and not labor and skill.

Of the wisdom of Mr. Biddle's policy in waiting for another crop before the resumption of specie payments, when all the banks of all the states could resume at once, we have never had a doubt. Of the admirable manner in which he has carried through the storm every solvent merchant of his own city, all Philadel phia speaks with pride and exalted satisfaction, as it contrasts its own condition with the mischievous rash ness, by a violent contraction of the currency, has in flicted here. But as New Yorkers, we were compell ed to resume—crop or no crop. The law and the bond were before us—and "the laws of Venice," we were told, must be carried out.

We may brag as much as we please, but none but the capitalist can cry "land ho!" till the south, south west, and west, resume with us. There is no land ho! in this city yet for the laboring man; none for the mas ter mechanic—none for the dry goods merchant, or merchants who deal with distant states; and thus while the capitalist may be on his land, the great mass of the people are yet thrashing about in the bog. They can begin to cry land ho! when the states resume; then, and not till then. But the first real land, the undoubted terra firma, will be when we go back on the back track, just where George Washington and James Madison piloted us, whence the experiment enticed us away.

Among the other curious movements of the times, is a petition now in circulation in this city, soliciting Mr. Biddle to establish a branch of his bank, or a bank, in this city, under a general banking law. Politically and commercially speaking, this is one of the phenomena of the day! To say the least, after all the hard hits he has here, and the way we have legislated him out of our domain, the spectacle of his coming thus back would be a curious one. But mercantile men have the greatest confidence in his foresight and sagacity.—Whatever be the differences of opinion about this po licy as a Pennsylvanian, there is none of his skill as a financier for the section of country he works in. The stock of his bank is lively to-day, as well it may be—for with this last importation of specie, he has about five millions in specie. [New York Express.

Sales at New York, May 9.

150 shares U. S. Bank,	116 a 116 3-4
60 do Amer. trust,	100 1-2
Treasury notes—\$1,300 of treasury notes were sold this morning at 99 5-8.	

Sales at Philadelphia, May 9.

129 shares U. S. Bank,	119 1-4 a 119 1-2
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New York, May 10. A small improvement in the rates of Domestic exchange, has taken place on the following cities, within the last few days; on other places the rates continue the same. We now quote: drafts on Baltimore, at 3 1-2 a 4; Richmond, 5 a 6; Charleston, 5 a 7; Cincinnati, 8 a 9, and on Michigan generally 10 a 15 per cent. discount. The discount on Philadelphia and United States bills advanced 1-4 per cent yesterday, say to 4 per cent. This advance how ever, will not, it is likely, become established.

Mammoth bank. It is estimated in the New York Commercial Advertiser that since the passage of the general banking law of that state, "the leading capi talists of the city have been engaged in frequent and anxious consultations with a view of constitu ting such a bank as New York wants and must have." The editors state that the preliminaries have been ad justed, and the scheme will go into operation, and they add:

"We shall have a bank of forty or fifty millions—a bank that will take the lead of the union—and which, in the absence of a national bank, will be the next best engine of currency to such an institution.—With such a bank New York will soon again resume her onward career as the commercial queen of the west; the clouds yet hanging over her prosperity will be dis pelled, and her proud pre-eminence will be sustained"

From the New York Journal of Commerce.
THE GREAT WESTERN.

Lieutenant Hoskin, commander of the "Great Western" steam ship, and Richard Irvin, esquire, agent for the company, gave a liberal entertainment yesterday to the corporation, and a great number of other guests on board their floating palace. The ship was anchored in the East river near Judd's wharf, and the guests were again indebted to the courtesy of captain Stringham for the use of the fleet of navy yard barges. The whole ship is an object of admiration; but the two parts which attract particular attention, are the engine room and the cabin. The machinery all works under deck, and is so placed that persons walk in the midst of it, and see its operations most fully. Its massiveness and appearance of herculean strength are the first things which catch the attention, and next the perfection of the workmanship displayed in its construction. The cabin is like the drawing room of a lord, possessing so many objects to notice, that description would be sufficient, of itself, for an article.

But to the collation. After the company had in some degree satisfied their appetites with the provisions around them, alderman Hoxie called their attention while he gave the toast—

"*Victoria Regina*—the dominion of youth and beauty now extends around the world."

Mr. Buchanan, her Britannic majesty's consul said he felt most grateful and most happy at the cordial manner in which the sentiment had been received, and he knew that the queen herself would be delighted to witness this scene. He gave "The president of the United States, and the country over which he presides."

Lieut. Hoskin gave "The mayor and city of New York;" and he took occasion to express his acknowledgments for the unexpected attentions with which the arrival of his ship had been noticed. He also thanked capt. Stringham, and the officers of the American navy, for their great attentions; and as an officer of the British navy himself, on half pay, he hoped the officers of the two nations might never come into any other than friendly collision.

Captain Stringham said that he trusted American officers would ever be found ready to respond to that friendly sentiment in sincerity and truth.

By president Duer, of Columbia college: "The Great Western, and her junction with the Great Eastern."

The British consul alluded to the very little time which was now necessary to pass from the rivers of England to the sources of the great Mississippi—only three or four weeks. He spoke of Michigan and gave a toast to her and her chief magistrate who was sitting near.

Governor Mason said he did not flatter himself that he could say any thing that would compensate the company for the suspension of their festivities, but he should do injustice to himself and his state, if he failed to reciprocate, most heartily, the kind expressions of the representative, on this occasion, of England's queen. Some circumstances had transpired not long ago, in his neighborhood, which had, for a short time, produced some irritation. But he trusted those events would be found to have produced only a slight ruffle on the surface, and would never disturb the deep current of mutual friendship between the two nations. He gave "Old England—Honor to her just achievements in every field of fame."

The health of Mr. Webster was given by lieut. Hoskins, and was received with great cheering. Mr. Webster expressed his gratitude to lieut. Hoskin for the pleasure of visiting his splendid vessel. It is our fortune, said Mr. W., to live at a new epoch. We behold two continents approaching each other. The skill of your countrymen, sir, and my countrymen, is annihilating space. Born on opposite sides of the earth, we are here together, though you left home but yesterday. We are glad to see you. We are glad of any means by which the intercourse may be facilitated between the country which is the centre of the commercial nations of the earth, and this, which is the commercial country of the west. Mr. Webster made some remarks on the prospective benefits to arise from the developments of the powers of steam, but soon sat down, as he was oppressed by a severe cold.

Mr. Bradish, speaker of the assembly, on his health being drank, made a short, but eloquent speech. So did H. Maxwell, esq. of this city. We are unable, from want of time, to give even a sketch of their remarks.

One of the most interesting circumstances of the occasion, and the only one which produced any feelings but those of congratulation, was the presence of John Ridge, one of the principal chiefs of the Cherokees. While the mutual congratula-

tions, and pledges of friendship were going on between the citizens of two great nations, on opposite sides of the Atlantic, the presence of Ridge must have raised in the minds of all Americans a consciousness that the treatment of our nation towards the defenceless natives on this continent was marked and dishonorable contrast with our professions. Both nations might well indeed stop their professions, and hide their heads, at any occurrence which should bring to remembrance the cruelty with which they have sacrificed all the rights of feeble nations. Mr. Tallmadge, alderman elect for the ninth ward, gave the "health of John Ridge, one of the principal chiefs of the Cherokee nation."

Mr. Ridge then rose and made a speech which occupied ten minutes, and which was certainly one of the most sensible and eloquent speeches of the day. He said there was one way, and but one, to subdue the natives of the forest, and that was by friendship. That, sooner than submit to any other subjugation, his nation would fly to the proudest peaks of the Rocky Mountains, and there breathe the air of liberty.

One of the founders of the original packet lines from the city of New York being mentioned, Mr. Isaac Bell rose and said he was the only survivor of all the men who established either the Liverpool or Havre lines.

The company were on board nearly three hours, and came away highly gratified. To-day the ladies are invited.

Departure of the Great Western. The steam packet Great Western sailed from New York on Monday last. The event created a great sensation in that city, and was witnessed by thousands of citizens who thronged the wharves, steamboats, &c. The following brief, but graphic account, is from the New York American of Tuesday.

Yesterday was a jubilee for New York. After a dreary easterly storm, the waters of our bay, ruffled by a fresh westerly breeze and dancing in the bright sunlight, were animated by one of those striking spectacles which they alone can furnish forth. A fleet of twelve steamboats, numerous sail vessels, and rowboats, assembled to witness the departure of the great trans-Atlantic steamer; while a vast proportion of the population of a great city was poured out upon the battery and the piers, and loaded, absolutely loaded, on board the conveying steamboats.

About one o'clock, Broadway was thronged with carriages and pedestrians, in a steady and unreturning stream towards the battery; and, when two o'clock, the hour of departure of the Great Western, had arrived, there seemed not a foot of ground on or around the battery unoccupied by a human being.

Punctually at the hour, the noble ship dressed out in colours, put off from the pier, and swept up the north river; the Providence, the New York, the Vanderbilt, the Highlander, the American Eagle, the Sun, the Arrow, the Brooklyn, the Hoboken, and several other steamboats, all decorated with colors, and many having on board bands of music, put out from different wharves, and circling around, formed for those on shore a beautiful *coup d'œil*, while, in turn, the living pyramids at Castle Garden, and the sea of human faces presented by a glance at the receding land, gave back a not less striking picture to those afloat.

When the Great Western turned her head seaward, and put herself seriously to the work, she astonished all by her speed—keeping way with the fastest boats, and putting those not so fast, and very deeply laden with passengers, to their best efforts. It is true they were contending against many difficulties, their unusual freight, and the impossibility of preserving an even keel, the passengers naturally thronging the side toward the Great Western, proved serious obstacles to their rapid progress.

The whole squadron flew down the bay, a New Jersey pilot boat under all sail, with a glorious breeze keeping headway with them, until abreast of the Narrows, when the Great Western stopped her wheels, and the Providence ran along side to take off the returning passengers. While this was in progress, and from the number, it necessarily occupied some time, the other boats all gathered close around her, like a convoy around the admiral; and while thus grouped, a fine ship, the Christopher Colon, from the Havana, came in from sea, all sails set, and added not a little to the picture by rounding to, as she passed, to permit her way-farers to admire the unwonted pageant.

Having surrendered up those who were mere amateurs, the Great Western again got under way, and put forth with buoyant speed and high hope upon her long and pathless voyage, cheered, certainly, by as hearty and unanimous good wishes as ever accompanied adventurous voyagers.

It was a proud day in New York, and duly celebrated. It is the beginning, indeed, of a new era for our whole country, for while for all purposes of safe political, and national isolation, the great ocean yet flows between us and the old world, for all the purposes of social communication, of rapid and civilizing commercial intercourse, of the progress of mind, of strengthening and expanding mutual respect and affection, it may almost be said to be annihilated.

The Great Western carries out more than seventy cabin passengers.

We are informed that the Marine insurance companies have resolved to take risks in the first class steamers at the rates charged for packet ships.

The following addenda are from the Commercial Advertiser:

Among the smaller articles of freight which the Western carries out, is one which will be a novelty in England. It is a beautiful bouquet of flowers, culled from Mr. Thorburn's garden at Hallett's cove, and is intended for the queen. It was enclosed in a tin case, hermetically sealed with a plate glass cover. It was prepared at the suggestion of lieut. Carpenter, and so prepared that it is hoped it will be preserved with freshness to be presented next week to the queen, at Windsor castle. It will be the first nosegay which her majesty ever received from the gardens of her western neighbors.

Thus has ended the first visit of Mr. John Bull in his steamers—and a proud visit it has been. He has shown us specimens of his workmanship in the steaming line, vieing with—nay, surpassing, any machinery of the kind ever seen in this country. A single glance at this ponderous machinery, and the perfection of the workmanship, at once satisfies the beholder of its strength and safety. And the moment the machinery begins to move, the opinion is confirmed. Notwithstanding its power, not a jar is heard; and those accustomed to the clacking of the machinery of American boats, and the jarring of every stroke, would be astonished on board the Great Western, at the silence and stillness of the motion. While at table yesterday, at a speed which kept ahead of our swiftest boats, the passengers supposed the ship had stopped, because of its entire stillness.

It is estimated in the N. Y. Express that the Great Western carried out 20,000 letters. The steamer sailed so late that letters were taken in until nearly 2 P. M. A large amount of bills were purchased in the forenoon and despatched by this vessel. Bills on London sold at 106 1-4 a 106 1-2, which is about the rate they stood at.

FOREIGN NEWS.

The packet ship United States, at New York, sailed from Liverpool on the 9th April, and brings London papers to the 8th inclusive.

We see no confirmation of the statement that the Bank of England had resolved to ship no more bullion to the United States.

Earl Durham and his lady were to leave London April 12, for Portsmouth to embark in the Hastings ship of the line for Canada.

The horrid story is reiterated by the Paris correspondent of the London Times, viz:

"Count Anatole Demidoff has again written to the Journal des Debats, alluding to the transportation of 600 young Polish women to the camp of Woenssenk, and repeating his surprise that any one should continue to disbelieve that statement. Now, on the very highest authority, I reiterate that the wholesale abduction in question did take place, and with your permission I shall re-state that a great number of those unfortunate young persons were carried off from the confiscated estates of prince Czartoryski; that the victims to whom the horrible preference was given were young married women, that they were habited in the Russian costume, and not as Tyrolese (as mentioned in the French paper.) None of them have since returned to their homes."

Much alarm continued to prevail at Paris at the extent to which stock jobbing is carried on in shares of joint stock companies.

On the extraordinary circular letter of M. Martin (du Nord) on the state of our banks, we find the following:

"It appears that this alarming communication was duly appreciated at Havre, and those other ports in France where the merchants being in direct and daily communication with the United States' agents and correspondents, were able to correct the statements and impressions contained in the ministerial circular. According to some information which we find in the *Commerce* on this head, Lyons does not appear to have been so fortunate owing to her communications with America being less direct than the sea port towns, and being already creditors to a very large amount, the manufacturers of that city, alarmed by the representations of the French minister of commerce, refused to execute some very large orders for silks which had arrived and which consequently have been undertaken in another country, where the Americans enjoy better credit. That paper concludes by asking what is the use of a minister of commerce whose acts are shown by the above facts to be so far from affording protection to manufactures and commerce, that they have only tended to mislead and depress the staples of the kingdom.

Henry Howittson, esq. deceased, of Westmoreland, has left 800,000l., the largest fortune ever accumulated by a private individual in that shire. He was formerly gold lace man to the king.

Over 30 persons have died at Worcester of the small pox. The Metropolitan police of the last year cost 220,000*l*. The deposits in the Savings Bank of England for 1837, were over twenty and a half millions sterling, being 900,000*l*. over 1836. The coronation of Victoria is fixed for June 26th. It is proposed in parliament to abolish altogether the punishment of transportation, substituting a general system of imprisonment.

The king of Hanover has prohibited all Hanoverians from studying at Leipsic.

London, April 7. There is no alteration in the character of the commercial money market, and, though money is to be well employed—bills with good names may be done at 3 per cent. In the foreign exchanges we have had but very little business, and the rates continue rather against the country; although the shipments of manufactured goods have rather increased. This anomaly can only be accounted for by the fact, that lately there have been more dealings in foreign securities and shares.

The increasing disposition to invest in the British securities, to which we referred last evening, has been more strongly manifested this day on the English stock exchange, and, in consequence, consols have advanced in value, although the public revenue has shown strong symptoms of being on the wane.

The *Orpheus*, the New York packet of the 16th ult., was telegraphed off Holyhead at 1 o'clock yesterday, but she had not reached Liverpool up to midnight.

London, April 7. Money market. The English stock market, which was feeble in the early part of the week, has, during the last two days, evinced a much firmer appearance; and, though the business has not been extensive, prices are all higher. Exchange bills are 64 to 66, and India bonds have been done at 70 pm. Money still continues abundant, and though there has been a considerable exportation of bullion to America, the influx of the precious metals from the continent has been quite sufficient to meet the demand thus occasioned.

Liverpool cotton market, April 7. There has been a considerable extent of business transacted in cotton this week, and in the commencement the demand was not so freely supplied by holders, and full prices were obtained for American; but during the last few days there has been more disposition to effect sales, and the market closes heavily at the quotations of last week. Surat is in good demand without change in price. The sales of the week amount to 23,163 bales, including 3,000 American on speculation, and 900 American, 350 Surat for export. 330 Sea Island, 17 to 33*l*; 8,210 upland, 5*l* 2 to 3*l* 2; 2,040 Mobile, &c. 5 to 9*l* 1-2; 11,530 New Orleans, 5*l* 1-8 to 7*l* 1-2; 1,200 Egyptian, 8 to 12*l* 1-2.

The cotton market is dull and spiritless, and prices rather tending downwards. The sales of to-day are 3,000 bags, including 200 American on speculation.

Liverpool, April 7. Tobacco. The sales amount to 169 hhds., of which 10 hhds. are for Ireland, and the remainder for the home trade.

BLOCKADE OF THE MEXICAN PORTS.

*U. S. frigate Constellation,
Pensacola bay, April 23, 1838.*

Sir: The *Grampus* has this moment returned from Vera Cruz, and brings the enclosed papers, being a report from commander Breese, dated the 16th instant, and copy of a letter to him, with circular enclosed, from the French commandant of Vera Cruz, declaring a blockade of all the ports of Mexico. The ultimatum and reply mentioned by commander Breese were not forwarded by him, but I understand they will be found in a package of papers from our consul at Vera Cruz to the secretary of state, which I this day transmit by the regular mail.

The Ontario and Concord are now in the gulf, the first at Vera Cruz, and the latter off Tampico.

The Vandalia sails to-morrow or next day for the coast of Texas and Mexico.

I have honor to be, very respectfully, your obedient servant,

A. J. DALLAS.

Hon. MAHLON DICKERSON,
Sec'y of the navy, Washington, D. C.

U. S. ship Ontario, Sacrificios, April 16, 1838.

Sir: I despatch the *Grampus* to apprise you that the French minister, Baron Deffaudis, received yesterday from Mexico the reply of this government to his ultimatum, which not proving satisfactory, it has been determined to commence immediately the blockade of the ports of the republic. Herewith I send the French commander's circular to that effect.

I have requested our consul to procure a copy of the French ultimatum, and the reply thereto, and

hope to obtain them in time to forward by the schooner.

There are no merchant vessels of any nation now in port, and but one American—the *Ann Eliza*, of New York—expected. The blockade will be rigid as respects merchants vessels, but none others. The French force consists at present of one frigate and five brigs; another frigate daily expected. A gun brig will leave this evening, with despatches for the French minister in the United States, for Pensacola.

The Concord is here, and I shall direct captain Fitzhugh to proceed off Tampico, communicate with our consul there, and proffer any assistance that our countrymen there may require at his hands. I shall remain with this ship here, until the excitement that the blockade may create on shore has subsided; and then, if the presence of a vessel of war be no longer necessary, proceed to the coast of Texas in prosecution of your further orders. Very respectfully, sir, your obedient servant,

SAML. L. BREESE.

Commodore A. J. DALLAS,
Com'd'g U. S. Na. Fo. in W. In. & Gulf of Mexico.

Station of the Gulf of Mexico,

On board his majesty's frigate l'Hermione, at anchor off Sacrificios, April 16, 1838.

The commander of the station of the gulf of Mexico has the honor to inform captain Breese, of the sloop of war Ontario, that he has just made known to the Mexican government the blockade of all the ports of the republic. He sends enclosed a copy of the circular addressed by himself and the minister plenipotentiary of France to the French consuls established in Mexico; and at the same time he begs captain Breese to accept the assurance of his distinguished consideration.

BAZOCHÉ.

Circular agreed upon between the minister plenipotentiary of France, in Mexico, and the commander of the naval station, notifying the French consuls established in Mexico of the declaration of the blockade of all the ports of the republic.

In consequence of the rejection of the ultimatum addressed on the 21st of the last month to the Mexican government, by order of the king's government, it has been determined that the ports of Mexico shall be immediately blockaded, for the purpose of preventing all entry to or departure from them.

In this state of things, the Baron Deffaudis and the commander Bazoche have adopted the following principles for the blockade:

1. No neutral vessel proceeding towards the entrance of the blockaded ports shall be detained or captured, if she has not previously received from one of the vessels of the French division a special notification of the existence of the blockade. This notification shall be, moreover, inserted in writing on the muster roll of the neutral vessel, by the cruiser which meets her; and it shall contain the announcement, together with statements of the day and the latitude in which it was made.

2. Neutral vessels which may be already in one of the ports of the republic before the blockade of such port, will have full liberty to depart, with or without cargo, during fifteen days, dated from that upon which the blockade is established.

3. The ports of Vera Cruz and Tampico will remain entirely free for the entrance and departure of the British post office, military, and non-commercial packet vessels.

4. The ports of the Mexican republic shall remain entirely free for the entrance and departure of Mexican boats exclusively engaged in fishing, unless the French naval division should be hereafter forced, in retaliation, to withdraw this benevolent disposition.

Translation of a note [to Mr. Forsyth] from the minister plenipotentiary of France, accompanied by a document.

Sir: The Mexican government having refused to accept the ultimatum, addressed, with the view of effecting a reconciliation, to it on the 21st of March last, by the French government, the king's minister in Mexico, who is at this moment on board the frigate l'Hermione, has just communicated to me, by means of the armed brig l'Eclipse, sent for the purpose to Pensacola, this refusal, as also the measures which it had induced capt. Bazoche, the commander of the French naval forces, to employ; and I hasten, sir, agreeably to his majesty's orders, to make known to the government of the United States the following official notification.

All the ports of Mexico are declared to be in a state of blockade. This blockade is rendered effective (or to be enforced) with regard to Vera Cruz from and after the 15th of the last month, and has doubtless been since extended to the other ports of the republic.

The orders received by the commander, Bazoche, for the execution of the duty committed to him, are, as you see, sir, from the annexed extract of the despatch sent to me by Baron de Deffaudis, entirely conformable with the liberal principles professed by France on the subject of blockades; and they are drawn up in such a manner as to preserve neutrals, especially the vessels of the United States, from all restraints and vexations (entraves) which are not absolutely indispensable for the attainment of the lawful ends proposed by the king's government.

On addressing you, sir, this communication, I have the honor to request that you would be so kind as to acknowledge the receipt of it as soon as possible, in order that the brig l'Eclipse may not be detained at Pensacola waiting for my answer longer than necessary.

I avail myself, sir, of this occasion to renew to you assurances of my high consideration.

E. DE PONTOIS.

To the hon. J. FORSYTH,
Secretary of state of the United States.

Extract from the despatch of the Baron de Deffaudis, dated April 15, 1838.

"On board his majesty's frigate l'Hermione, at anchor off Sacrificios, near Vera Cruz.

"1. No neutral vessel proceeding towards the entrance of the blockaded ports shall be detained or captured, if she has not previously received from one of the vessels of the French division a special notification of the existence of the blockade. This notification shall be, moreover, inserted in writing on the muster roll of the neutral vessel by the cruiser which meets her; and it shall contain the announcement, together with statements of the day and the latitude in which it was made.

"2. Neutral vessels which may be already in one of the ports of the republic before the blockade of such port, will have full liberty to depart, with or without cargo, during fifteen days, dated from that upon which the blockade is established.

"3. The ports of Vera Cruz and Tampico will remain entirely free for the entrance and departures of the post office, military and non-commercial packet vessels.

"4. The ports of the Mexican republic shall remain entirely free for the entrance and departure of Mexican boats exclusively engaged in fishing, unless the French naval division should be hereafter forced, in retaliation, to withdraw this benevolent disposition."

You see, sir, that M. Bazoche is desirous of confining himself to the employment of the mildest measures of restraint, for the purpose of obtaining the reparation due by the Mexican government to France, unless fresh attacks upon the persons or property of the king's subjects residing in Mexico should require him to adopt means decidedly severe. Now this persistence in the system of moderation, indicated by my ultimatum, is rendered worthy of praise, after the recent conduct of the Mexican government, which, in tolerating (if it did not even provoke, by its official writings,) the publication of the most odious calumnies respecting our intentions to conquer the country, to dismember its territory, etc. did not hesitate to expose to the fury of the populace, with the sole end of maintaining itself in power, not only our countrymen, but likewise all foreigners established in the territory of the republic. This conduct is essentially contrary to the laws of honor, of civilization, and of humanity. You also see, sir, from the principles adopted by M. Bazoche as the rules of his conduct, that it is our desire to preserve neutrals from all the restrictions and difficulties (entraves) which are not absolutely indispensable for the purpose which we are endeavoring lawfully to effect. I am also happy to be able to state to you a circumstance which proves our sincerity upon this point, especially so far as relates to Americans. On this very day, the commander of the sloop of war Ontario called on us on board of the frigate l'Hermione, to speak to us respecting the approaching arrival of the packet *Ann Eliza*, engaged in commerce, and in carrying letters from New York. We were obliged to express to him our regret at the necessity under which we should be of forbidding this vessel from entering Vera Cruz, as we should also do with regard to our own mail packets from Havre. But we have, at the same time, promised that officer, at his own request, to allow the consignee of the *Ann Eliza* to communicate with her at sea, to receive her letters, and to give instructions with regard to her future destination.

Accept, sir, etc.

BN. DEFFAUDIS.

The French consul-general has forwarded us, says the New York Sunday News, some documents which we have translated for the benefit of our readers:

[TRANSLATION.]
Office of the French consul general.
New York, May 5, 1838.

MR. EDITOR—You will oblige me, by publishing in your valuable paper, for the benefit of those merchants of New York who are engaged in commerce with France, an official communication which I have just received from his excellency, the minister plenipotentiary of France at Washington, relative to the blockade of the Mexican ports by the French squadron, under the command of admiral Bazoche.

Accept, sir, the assurance of my high consideration.

L. DE LA FOREST, *consul-general*.
To the editor of the Sunday Morning News.

Copy of an official communication addressed by the minister plenipotentiary from France at Washington, to the consul-general for France at New York.

Washington, May 3, 1838.

SIR—The Mexican government having rejected the ultimatum, which, in the spirit of conciliation, had been proffered to it by the French government under date of the 21st of March last, the king's minister to Mexico, who is now on board the frigate *Hermion*, has just notified me that all the Mexican ports are declared to be in a state of blockade; that this blockade became effective, with respect to Vera Cruz, from the 16th of last month; and that there would not be any delay in extending it to the other ports of the republic.

I have notified the (U. S.) government of this measure; and have advised it that the orders transmitted to the commander of the French fleet on the Mexican station, for the execution of the duties which have devolved upon him, are entirely in conformity with the liberal principles professed by France on the subject of blockading, and are framed in such a manner as to relieve neutral vessels from all hindrances which are not indispensable to the attainment of the legitimate ends contemplated by the government.

I notify you of this measure, that you may take any steps that may be necessary for the interests of those of our countrymen who may be residents in New York.

Accept, sir, &c.
(Signed) E. DE PONTOIS.

From the Globe of Monday night, 7th inst.

We have received a copy from a recent correspondence between the French minister, the Baron de Delfaudis, and the minister of foreign affairs of Mexico, in relation to the claims of France upon that government, from which we may hereafter publish extracts. In the meantime, we insert a hasty translation of the manifesto of the president of the republic, issued after the correspondence had been brought to a close.

A translated copy of the manifesto of the president of the Mexican republic to the nation.

MEXICANS: If it be the sacred duty of the chiefs of free nations to address their fellow-citizens when an internal danger is about to compromise their interest and happiness, this obligation takes a more august and more national character when an external war is threatened. Then the voice of the chief magistrate is the centre of all opinions, of all parties; and without the odious distinctions of civil war, calls all to defend the dignity, the rights, and the honor of their country.

You are already aware of the deplorable state of our relations with France, and have been able to appreciate the conduct of the government, who have employed every method which their noble and amicable sentiments could inspire, to prevent the hostile measures which at length the French cabinet have adopted. Without hearing our minister, whose mission had for its object to regulate our relations, and found them upon a more firm and solid basis; without knowing the intentions of the republican government, disposed at all times to satisfy just and rational claims; without dates or sufficient information upon the state of the negotiations, orders a naval force upon our coast, and demands, with violence, pecuniary indemnifications, the removal from office of our magistrates, and such concessions as will cause a general alarm in the continent of America. The document published by the minister of foreign affairs will give you every information, and arouse your zeal and your patriotism.

It would be useless to manifest to you the necessity of contesting upon the ultimatum of the French government, in the terms used in the respective communication of the minister of foreign affairs. There is not, I do not a moment doubt, one single Mexican, who does not think as thinks, and feels as feels, the government. The honor of an indepen-

dent nation is so delicate, that the least fault which might stain it would cover it with infamy.

The blockade of our ports, to deprive the nation of a part of its pecuniary resources, is about to be put in effect by the French naval force. With this it is intended to compel the government to accede to the pretensions of the ultimatum, with assurance that it will be continued until those pretensions are fully complied with.

Nothing ought to intimidate us, because, in similar circumstances, the nation will not be deficient of any auxiliaries that may be necessary; and even should she be deficient, would she, in one solitary difficulty, give up her national patriotism? The Mexicans know how to suffer every class of privation; and these, so far from cooling their enthusiasm, only excites their rage against an unjust aggression.

Mexicans: Let us prepare ourselves for the defence of the choicest blessings enjoyed by a free people—liberty and honor—and confide in the decision of the government and of the congress to obey the national vote. From this moment ought to be extinguished every species of odium and resentment which unfortunately has divided the members of the same family; and, in your name, I declare him a traitor who shall foment disunion or discord.

Manifest to the world that generosity forms your character, and that the world knows nothing of you when it attempts to present you as men who possess but a small portion of hospitality and civilization, that the French citizens who reside in our territory, and under the protection of our laws and authorities, may never have to lament the least aggravation on our part. Treat them with due consideration, and do not stain with the least blemish the character of the Mexican nation.

We feel sensible, we cannot conceal it, that we have for our enemy the government of one the most powerful and flourishing nations; but if the differences which now exist have to be decided by justice, patriotism, and above all, the protection of Providence, we may count on the termination being crowned with success, and exhibit to the world that the abuse of foreign power is not capable of changing the glorious destinies of the republic.

Disposed as much for an honorable peace as decided for an eternal war, your president will omit nothing on his part to prevent any new difficulties that may tend to prolong a state so prejudicial to the interests of both countries. Nor does he lose the hope that, in the end, will be re-established that friendship and harmony which is of so much importance to both governments. If it were not thus, and if the blessings of peace have to be sacrificed in order not to submit to ignominy and infamy, let us all unite in the same spirit of 1821; when, full of confidence in the justice of our cause, we declared to the world to sacrifice our existence, if it be necessary; and the first to do so is your president and friend.

ANASTASIO BUSTAMANTE.
Palacio of the national government, Mexico,
March 31st, 1838.

MR. BARNEY'S LETTER.

TO WILLIAM LORMAN, ESQ.

President of the Bank of Baltimore.

SIR: Recognising in you the president of the oldest, most prosperous, and best conducted banking institution of the state—a public and patriotic citizen, whose enlarged and liberal views have contributed more than any other to advance my native city to her present elevated position, an exemplar in private life of all domestic virtues—a gentleman whom from boyhood I have respected and esteemed, I address you at this epoch, teeming with events intimately connected with the future prosperity of our beloved country.

The generous devotion of our banking institutions in sacrificing their high standing in consenting to be proclaimed bankrupt, in order to save the commercial community, has received, as it merited, the approbation of all intelligent men, and the result has proved their sagacity, solvency, and solidity.

Indebted to the general government fifty millions, forty-four of which have been promptly paid, and the balance secured under the provisions of the act of Congress of October last, in a manner so satisfactory as to leave no apprehension of any ultimate loss; thus proving themselves the only safe and appropriate depositories of the public revenues. To entitle them to a continuance, and to ensure a return to one currency for the government and the people, viz. that of the notes of specie-paying banks, it is indispensable that they should promptly resume.

To indicate the means by which this desirable end can be attained, is the object of the present communication.

Confidence, universal and all-pervading, must first be restored. Confidence, in the transactions of life, is a better circulating medium than gold or silver, and it is a mystery how an article, valueless in itself, should have become, by common consent, the representative and uniform standard of values among all the nations of the globe, barbarian and civilized, Turk, Hottentot, Infidel, and Christian.

Commerce, that "wafts a sigh from Indus to the Pole"—commerce, the twin-sister of agriculture, the handmaid of manufactures, (for not a vessel floats the ocean but is freighted with the produce of a fertile soil, the labor and the industry of the loom and of the shuttle,)—commerce, which, by facilitating intercourse, creates an identity of interest that unites man to man, no matter how remote, how varied the clime, or how different his habits and pursuits, has produced this great result, for the convenience of the human race.

A portion of the precious metals has therefore become a necessary ingredient in the happiness of man. Their entire disappearance from circulation may be endured for a limited period, but cannot be submitted to when the causes which led to their being dispensed with have passed away. The period for united action has arrived. New York, being a creditor state, is deeply interested in a return to a sound currency; every dollar received by her from her debtors is a loss on the legitimate profits of her trade to the full amount of the depreciation.

Her councils are regulated by practical, enlightened, and intelligent men. She knows her position, and understands her true interests. Anticipating events, the vaults of her moneyed institutions groan with ample stores of coin; with lavish hand she is prepared and willing to pour them out, and fill every exhausted stream with its joyous presence. The transition from gloom to glory will flash with the rapidity of a sun-beam, the moment assurance is given that other banks will follow suit within a limited time, say sixty days after the 10th May, and why not follow suit? Why, after she has made this sagacious move, permit yourselves to be checkmated in public opinion, and keep shuffling the pack until January, when the game is in your hand, counting honors only, leaving the tricks to your revilers? Our country is in a condition requiring the aid of patriots and statesmen to sustain us through the crisis.

The eternal snows which rest on the crater of *Ætna* give no indication of the volcanic fires which rage within; neither does our present peaceful attitude indicate the storm which may overtake us. One territory has been scourged by war's desolation. Although the blood and treasure of the nation has been poured on the sands of Florida, a most skillful officer gives his decided opinion that it will require an army of twenty thousand men to extirpate our invisible, and, heretofore, invincible foes, who, springing from the grass like men of *Dhu*, mow down their adversaries, and retreat in safety to the everglades and swamps of their impenetrable hammocks.

A border war, touching three states, is threatened by the determination of the Cherokees not to remove; and although the department have wisely confided the control of all the military movements to the sagacity and firmness of the most humane and accomplished soldier of the age, (gen. Scott,) yet, as he has found it necessary to call out nine thousand militia, in addition to the volunteers and regulars placed at his command, when our whole southwestern frontier is now the abode of fierce warriors ready and willing to devastate its fertile fields and slumbering population, serious results may be anticipated. I will not allude to the existing difficulties with great and powerful nations, but content myself with the expression of a conviction that a crisis has arrived, requiring the combined efforts of every patriot to aid his country in preserving the blessings of peace and prosperity. Three years yet remain of the unexpired term of this administration. Conversing with a distinguished man, whom the sagacious and discerning Gallatin recently designated as the most accomplished statesman of the age, he remarked, "your suggestions, if carried out, will insure the prosperity of the country, and probably recall the waning popularity of the powers that now control its destinies. Be it so. Let the weal of the republic be our motto; the weal result to us individually. Our country first and last, our individual exaltation weighs not a feather in the scale." The sentiment was godlike—worthy of the man, and worthy of imitation and adoption.

The treasury designs to anticipate the instalment due by the United States Bank in September, 1838, and 1839, of four millions, and the liquidated balances adjusted by the deposit banks of six mil-

lions, secured to be paid within the same period. This is not creating a debt, it is precisely realizing an amount due, as merchants practise every day in discounting their bills receivable. Ten millions more, however, will be required ere the year closes to meet the cost of Indian wars, and ordinary expenditures.

On the 31st December, the last instalment of the surplus is payable to the states, and must be discharged. They have appropriated and will enforce its payment. Thus, within eight months, will government securities be afloat to the amount of thirty millions. It should be a subject of rejoicing, rather than lamentation, for thereby we are secured against too rapid a diminution of the protective duties, which are indispensable to the preservation of our home industry, and at the same time it relieves us from the apprehension of a surplus, that apple of interminable discord.

If the proper direction be given to these loans, they become a mine of wealth to our exhausted finances, provided the wants of the treasury be not permitted to absorb the little remaining floating capital left us, but be negotiated abroad, and thus cause the current of gold and silver to flow back from Europe, until it be flood tide in every exhausted stream in our arid and parching land.

A plethora now prevails on the other side of the Atlantic. The required regular specie balance in the Bank of England is five millions sterling; by the latest accounts, they were shaking with an ague of apprehension at the prospect of its swelling to twelve, thus leaving a dead weight of seven millions; and although they have ceased remitting to this country in consequence of the prospect of a rise in exchange rendering it unprofitable, yet, when government securities shall gladden their eyes, most cheerfully will they hasten to supply our wants, knowing that their best customer once at ease, the benedictions of Manchester, Birmingham, Sheffield, Liverpool, and London, will greet them in unmeasured terms for having restored to life, animation, and activity the best customers and consumers of their various fabrics of cotton, wool, and iron. Why has not the period arrived when all our banking institutions north of Georgia may resume simultaneously? (South, their indebtedness for heavy purchases of land and slaves at high prices require that another crop should be permitted to come into market before they are expected to co-operate.)

An uncertainty as to the views of the general government has authorized delay. I feel, myself, fully justified in the assurance that all apprehensions on this score are at an end. I not only believe, but know, that the members of the administration, whose peculiar province it is to regulate and control the finances, are not only sincerely desirous to aid the banks and the community in returning to specie payments, but will co-operate by every means in their power.

That the notes of all sound, specie-paying banks will be received and disbursed by their agents, and no demand made for coin that can embarrass or derange any institution; and that if coin should be required to any amount for the mint, Indian annuities, or other disbursements, they will prefer to procure it abroad to drain the vaults of the banks. Not only this, but other and effectual means will be adopted to prevent government securities which may hereafter be issued absorbing the floating capital of the country, now so much reduced as to be inadequate to supply the commercial demand.

By fire, by losses on cotton, bad debts in the south, decline in value of foreign importations, bank contractions of loans and circulation, the city of New York has had eighty millions entirely annihilated within a few months. It is amazing how she sustains herself; she has bent to the storm, and will rise with an elasticity that will evidence what enterprise, industry, and economy can accomplish.

Her return to prosperity commences with her resumption of specie payments. The experiment has satisfied the nation that banks are but another name for the republic. As stockholders, depositors, borrowers of their capital, or holders and circulators of their notes, every man, woman, and child, is a banker, or interested in banks.

Although the Globe has heretofore shadowed out coming events with unerring accuracy, it was at fault, but is now in position.

Specie is superabundant. The Bank of America, in New York, has twelve hundred and fifty thousand dollars in its vaults, and only two hundred thousand in circulation.

The elements of prosperity are rife in our beloved country. We were drunk with prosperity. In New York, men driving their milk carts through the streets were pointed out as worth \$300,000; they had refused this sum for their cow pastures: a

city twenty miles long had been laid out, capable of accommodating a population of twenty millions, and each lot worth five thousand dollars.

Economy and industry now take the place of extravagance and speculation. We have rebounded, with an elasticity which has astonished the world, from distress and embarrassment unparalleled in the history of any commercial nation—are now at the foot of the ladder; ever step, we take must be in the ascending scale. I confidently anticipate years of uninterrupted prosperity, equal to any we have ever known in the most palmy days of the republic.

I come to the result. The death of the sub-treasury leaves in full force the act of 1816 recognising the notes of specie-paying banks as the currency of the country, receivable for all public dues; and Mr. Webster's amendment, as adopted by the senate, repeals the specie circular in regard to public lands. Let congressional legislation sanction the negotiation abroad of stocks or treasury notes. Then our banking institutions can at once follow the noble example set by New York. Confidence restored, specie will flow into their vaults, as the only safe depository, instead of being hoarded and watched in its hiding places by all the old women and feeble-minded men in town and country.

To consummate and render permanent our onward march to prosperity and happiness, one great measure remains to be achieved; and notwithstanding the unequivocal expressions of hostility by the present chief magistrate, to whose fiat the controlling power is vested by the constitution, I gather courage from despair, and will hope for his signature to a national bank, whenever congress shall enact a charter. He has an illustrious precedent in the immortal Madison. Enjoying the high gratification of a long personal interview at a period when all worldly influences had ceased to operate on his great mind, just before his pure and gentle spirit winged its flight to the mansions of bliss, there to repose forever in the bosom of that God whom he had never offended, but had sought to propitiate by every act which could dignify him as a patriot, adorn him as a statesman, or exalt him as a christian, I treasure his remarks as elegant extracts from a fountain of virtue, wisdom, and knowledge, matured by the practical experience of half a century devoted to politics, literature, and science, as the most cherished recollections of my life, and I can never forget incidents connected with an annual pilgrimage to a patriarch's shrine, where hospitality, intelligence, patriotism, virtue, and wisdom, all combined to gratify, instruct, and delight.

On the subject of a national bank, he said at one period of his life his convictions of its unconstitutionality were firm and uncompromising; but when the supreme court of the United States—the highest judicial authority known to our country, the proudest and most enlightened in christendom—had, after mature deliberation, solemnly pronounced its decision, after the assembled wisdom of the nation had twice called it into existence by congressional legislation, and the people themselves sanctioned it by their voice, the two co-ordinate branches of government thus deciding against his individual opinion, he could not permit himself longer to doubt; and, sir, said he, my mind, after years of intense reflection, has arrived at the conclusion that no commercial nation can prosper without a national bank; it is the great balance-wheel in the fiscal concerns of the country—indispensable to the preservation of a sound and wholesome circulating medium: without it specie payments could not have been resumed in 1817—without it they never can be permanently maintained. "Hope springs eternal in the human breast, it points to brighter days, and bids defiance to despair." The co-operation of the great, the good, and the wise, without party distinction, alone is required to place our country on the apex of prosperity and happiness.

Respectfully, your friend,

JOHN BARNEY.

CANADIAN AFFAIRS.

Speech of Gov. Head on proroguing the legislature of Upper Canada. The legislature being in session on 1st March, sir Francis B. Head, addressed them as follows, omitting the mere formal thanks for their vote of supplies, &c.

Honorable gentlemen, and gentlemen:

I regret to say that there still exists among a portion of the American people so strong a desire to force upon the free inhabitants of this province, republican institutions, that with scarcely an exception every government arsenal from lake Champlain to lake Michigan, has within the last two

months been broken open and plundered, to furnish arms for the invasion of this portion of the British empire; and however the circumstance may be explained, it is certainly a remarkable fact, that all these robberies have been effected without the sacrifice of a single life, and without even the imprisonment of the person who is notoriously the instigator of these acts.

The wrong which citizens of the neighboring states have committed, by thus attempting to dictate to the inhabitants of Upper Canada the form of government under which they are henceforward to exist, will, as the assertion of a new theory, be condemned by the civilized world as severely, as in practice it has been repudiated by the people of this province.

What right, it will be calmly asked, have the inhabitants of one country, armed with the artillery and weapons of their government, to interfere with the political institutions of another? What excuse, it will be gravely considered, had citizens of the United States for invading the territory of Upper Canada?

When our colored population were informed that American citizens, sympathising with their sufferings, had taken violent possession of Navy island, for the double object of liberating them from the domination of British rule, and of imparting to them the blessings of republican institutions, based upon the principle that all men are born equal, did our colored brethren hail their approach?—No! on the contrary, they hastened as volunteers in wagon loads to the Niagara frontier to beg from me permission, that in the intended attack upon Navy island they might be permitted to form the forlorn hope—in short they supplicated, that they might be allowed to be foremost to defend the glorious institutions of Great Britain.

When the mild aborigines of this continent who live among us uninjured and respected, were informed that citizens of the United States, disregarding the wampum-belt which was sacredly connecting them with Great Britain, had invaded our shores to sympathise with the sufferings of the red tenants of the forest, and to offer them American friendship instead of the enmity of British rule, did our Indian brethren hail their approach? No, their chiefs and warriors instantly painted their faces for battle, and with rides in their hands those free-born defenders of their virgin soil appeared before me with a solitary request, namely, that in case of their death their wives and children might be pensioned. The Six Nations Indians, the Mississaugas, the Chipewas, the Hurons, and the Ottawas, spontaneously competed with each other in a determination to die, if necessary in defending the British government, under whose parental protection they and their fathers had been born.

When the Canadian farmers and yeomen of British origin were informed that citizens of the United States, sympathising with their sufferings, had in three instances taken forcible possession of her majesty's territory, for the purpose of liberating them from the British domination—that, with this object in view, the American leaders had issued proclamations promising to each liberator three hundred acres of the best lands of Upper Canada, with one hundred dollars in silver—that the American self-styled general in command of the liberators had called upon the citizens of Upper Canada "to free their land from tyranny"—"to rally round the standard of liberty"—"to lay down their arms"—in which case, it was beneficially promised to them, that "their persons and property should be protected," and that if they would "cease resistance, all would be well with them,"—did the Canadian inhabitants hail their approach? No, on the contrary, their brave and loyal militia, although totally deprived of the assistance of her majesty's regular troops, rose simultaneously, and regardless of every private consideration, wherever the invaders appeared, thousands of bayonets were seen bristling on our shore, ready to receive them. On the eastern, as well as on the western frontier, but one feeling prevailed,—it was a noble determination on the part of freemen, to conquer or die in defence of their religion—their constitution—their character—their families—and farms,—yet notwithstanding their excited feeling, when the American citizens, who from an armed schooner, had cruelly battered the town of Amherstburgh, fell into the hands of the brave militia of the western district, (in which not a single rebel had been in arms,) did these prisoners fall victims to popular fury, or were they even insulted? No; the instant our invaders surrendered to British power, they experienced that mercy which adorns the British name,—their wounds were healed at our hospitals—and from the western extremity of Upper Canada, they were conducted unharmed through the province, safe under the protectingegis of our laws!

When a band of rebels, defeated in their cruel object to reduce this capital to ashes in the depth of a Canadian winter, were, after the conflict at gallops-hill, brought to me as prisoners on the field—was any distinction made between American born and our other Canadian subjects? No, all were released. Before the assembled militia of Upper Canada all were equally pardoned; and though many of our brave men, smarting under feelings natural at the moment, evidently disapproved of the decision, yet all bowed in obedience to the administration of their laws; and, under the noble influence of monarchical government, they allowed their assailants to pass uninjured through their ranks.

When the gallant inhabitants of the provinces of New Brunswick and Nova Scotia, received intelligence that American citizens had commenced an attempt to free the British North American colonies "from the tyranny of British rule," did they rejoice at the event? No; a burst of loyalty, resounded through their lands, and a general desire to assist us was evinced.

If Upper Canada was merely a young, healthy province, with no protection on the continent of America, but its character, its industry, and the agricultural difficulties it has to contend with—its filial attachment to the government—the bravery it has shown in its defence—and the mercy it has extended to its captured assailants, ought to be sufficient to make its aggressors ashamed of their late attempt to force upon their neighbors, institutions which they conscientiously and unequivocally reject. But when it is considered that Upper Canada is an integral portion of the British empire, and that the two countries are at this moment bound together by a solemn treaty of peace, the faithless attack of citizens of the United States upon the province, after it had completely quelled a slight domestic insurrection, will, if persisted in, excite feelings among the generous nations of Europe, which will add but little to the character of republican institutions; for surely the smile of a nation should not be more dreaded than its frown, or its extended hand be more fatal than its uplifted arm.

When the facts just stated are clearly comprehended by intelligent men, how will the American citizens who have so wantonly attacked the British empire, find it possible to explain that the province of Upper Canada required them to interfere in its concerns?

But it seems now to be admitted, that our invaders have been deceived—that they falsely estimated the Canadian people—and that they have at last learned that the yeoman, farmers, militia, Indians, and colored population of this province, prefer British institutions to democracy; nevertheless, as an *ex post facto* excuse for the sinful and repeated invasion of the province, it is urged that the crew of the Caroline steamboat, which was captured more than fourteen days after Navy Island had been forcibly taken from us, have been "assassinated," and that "an extraordinary outrage" has been committed upon the Americans by our militia, who so ably and gallantly cut off that pirate vessel.

If Navy Island had been violently taken possession of by Canadian rebels, instead of by a body of Americans, armed, fed, and commanded by American citizens—if these Canadian rebels had then thought proper to invade the United States, to break open half a dozen of their state arsenals—to rob each of many hundred stand of arms—to plunder from the American government twenty-two pieces of cannon—and set the laws and authorities of the republic at defiance,—could any reasonable man declare, that we should offer, or that we could be supposed to intend to offer, any offence to our allies, if in a moment of profound peace, we were to pursue in the Niagara river, the guilty vessel which had transported to the island these American arms, and capture her, whether she were in British waters—in American waters—moored to the British shore—or to the American shore?—would it not be our bounden duty to the American people, to capture this pirate vessel?—and if it were to fail to do so, might not our allies hold us responsible for acts of such unprovoked aggression committed upon them by British subjects, inhabiting a British island.

Again, supposing that the Americans were to co-operate with us (as, under such circumstances, of course they would have done,) in chasing this pirate vessel, could it be supposed for a moment, that each power would only be permitted by the other to capture her, so long only as she continued in their own half of the river: and that if our British boatmen, at the peril of their lives, were to capture the vessel in American waters, or on the American shore, it would be considered by the Americans as a "violent outrage?" There can be no doubt in the mind of any reasonable man, that we should only perform our duty to the Americans, by de-

stroying a vessel belonging to our own islanders, which had so grossly insulted them—which had completely overpowered their government—and which in a moment of peace, had so flagrantly violated the laws of nations. And if we should be justified in capturing the vessel of our islanders, on account of the wrongs they had perpetrated upon the American nation, surely we should have additional right to do so on our own account, if the twenty-two pieces of cannon forcibly wrested from the American government had not only been employed for a fortnight, in firing from the island upon the peaceable subjects of her majesty, but to our certain knowledge, were about to be transported to our main land for the purpose of committing murder, arson and robbery in this province!

It is, however, declared by our allies, that because these lawless possessors of our island turned out to be American citizens, and because their own government was totally unable to restrain them, the capture of their vessel by us became a "violent outrage!"

It would not have been considered by them an outrage, had we by force of arms prevented Canadian islanders from violating American arsenals—from insulting American authorities—and from firing twenty-two pieces of the United States cannon upon British subjects,—but it is considered as an outrage, for us to prevent an American vessel from enabling American citizens to commit these unparalleled aggressions.

In the history of this province, the capture of the Caroline (whoever might have been her crew,) will, I maintain, be respected by future ages as a noble proof of the sincerity of the Canadian people to fulfil their engagements, by crushing a pirate force which in violation of existing treaties, was insulting from a British Island, their American allies, and which general Arcularius, governor Mason, governor Marcy, the president and legislature of the United States, had absolutely found too powerful for the executive force of the republic to control.

The fact that the pirate force was composed of and commanded by American citizens, adds to the aggression committed against the Canadians, but subtracts nothing from the crime of robbery perpetrated upon the United States arsenal, unless, indeed, the American people, or the American authorities, should deem it proper to declare that it was no robbery at all, for that the aggression was approved of, that the state cannon and state muskets were knowingly and willfully lent to the invaders of Navy Island, for the purpose of forcing republican institutions upon the people of Upper Canada, and that under these circumstances which are incredible, the attack of Canadian militia upon the American citizens who were on board the Caroline, was "an extraordinary outrage."

But supposing for a moment this false reasoning to be unanswerable—supposing even that the commission of the outrage were to be admitted by the Canadians—and that it were also to be admitted by them that the capture, by the Canadians, of a small steamboat moored to the American shore was an outrage, equal in magnitude to the capture of Navy Island by American citizens, still to make the Canadian outrage as flagrant as that which had been committed upon us by citizens of the United States, it would have been necessary for the Canadians, after they had taken possession of the Caroline, to have fired from her deck with twenty-two pieces of cannon, for more than a fortnight upon the American shore; and even then, though the outrages would certainly have been rendered apparently equal, still the former would have been an outrage of retaliation upon an enemy, the latter an outrage of unprovoked attack upon a friend.

There are two facts which the American nation have not power to deny.

1st. That it is their interest, as well as their duty to fulfil their treaties.

2d. That if the people be permitted to rob the United States' arsenals in order to invade a friendly power, the lawless body will very soon find out that it is easier to plunder their own wealthy, defenceless citizens, than the poor, brave, well armed people of Upper Canada.

I have felt it to be the especial duty of the legislative station I hold, not only to protest against the unprincipled invasion of this province by its allies, but to vindicate the inhabitants from the unreasonable accusation, which, without due inquiry, was made against them by the federal government of the United States, of having "assassinated" the crew of the Caroline.

The memoir of the attack which has just been made upon us, offers a moral to the mother country which I feel confident will create throughout the empire considerable sensation; for although the old country is not without its share of human mis-

apprehension and prejudice, particularly as regards its transatlantic possessions, yet when facts are clearly submitted to it, its judgment is always sound, and its verdict nobly impartial.

The struggle on this continent between monarchy and democracy, has been a problem which Upper Canada has just solved.

It has been very strongly argued, even in England, that democracy was the only form of Government indigenous to the soil of America, and that monarchy was a power which required here artificial support.

With a view to subvert this theory the whole of the queen's troops were allowed to retire from the province, and the result, as had been anticipated, was that the people of Upper Canada were no sooner left uncontrolled than they proclaimed themselves in favor of monarchical institutions. Surrounded by temptations on almost every side they indignantly rejected them all; in a few hours they successfully put down insurrection in their own land, and when American citizens, astonished as well as disappointed at their loyalty, determined to force them to become republicans, people of all religions and of all politics, rushed to the frontier to die in defence of their glorious constitution.

The conduct of the militia of Upper Canada attracted the attention of the gallant and loyal inhabitants of New Brunswick and Nova Scotia, whose legislatures have done themselves, as well as this province, the honor of promptly expressing their unqualified approbation of the attachment which has been evinced here to the British Constitution.

When these facts shall arrive before the English people, and when they shall also have taken into their consideration the devoted and unalterable attachment which the British population of Lower Canada have evinced for our revered institutions, surely they will come to the conclusion, that the concurrent opinions of her majesty's North American colonies, respecting the relative advantages between monarchy and democracy in America, must be sounder than their own can be, inasmuch as eye witnesses judge more correctly than people can possibly do who are living four thousand miles off.

The people of England will, I trust, not fail to admire the calmness, the resolution, the generosity and the honorable subjection to their laws, which have distinguished the inhabitants of Upper Canada; and, on the other hand, they certainly cannot fail to observe, that the republican project of our English reformers, namely, to make the people bit by bit responsible only to themselves, has ended in America by the government of the United States confessing its total inability to restrain the passions of its citizens, to guard the state arsenals, or to maintain its treaties with its oldest and most natural ally.

Lastly—the British people will, I trust, observe with considerable alarm, that the leading advocates for organic changes in our institutions, are either at this moment lying in our jails as traitors, or from having absconded, are self-banished from the province; in short, that their pretended efforts to obtain in Upper Canada, what they called "*liberty for the people*," has ended in a most infamous and self-interested attempt to plunder private property, rob the banks, and burn to ashes the rising capital of their country!

With this experience before our eyes, I must confess I join with the legislature and people of Upper Canada, in shuddering at the abused name of "*reform*," just as we now recoil with abhorrence, when we hear suddenly pronounced the word "*sympathy*."

As my successor is hourly expected here, I return to the mother country as I left it, totally unconnected with party or with politics; but in retirement I shall remember the lessons which the people of Upper Canada have taught me; and I feel it my duty to declare, that I leave the continent of America with my judgment perfectly convinced, that the inhabitants of Europe, Asia, and Africa, are right in their opinion that all men are not by nature equal—that the assertion of the contrary in America is a fallacy—and that talent, industry and character, must elevate individuals, as they do nations, in the graduated scale of society.

May the resplendent genius of the British constitution ever continue to illuminate this noble land, and animated by its influence, may its inhabitants continue to be distinguished for humility of demeanor—nobility of mind—fidelity to their allies—courage before their enemy—mercy in victory—integrity in commerce—reverence for their religion—and at all times, and under all circumstances, implicit obedience to their laws.

Honorable gentlemen, and gentlemen:

FAREWELL!

SPEECH OF MR. HALSTED, OF N. J.,

On the bill making an appropriation for the civil and diplomatic expenses of the government for the year 1838. Delivered in the house of representatives, March 13, 1838.

Mr. Halsted moved to strike from the bill the item of four thousand dollars for the jet d'eau on the south side of the centre footway in the capital grounds, and was about to offer other amendments to reduce other items of appropriation in the bill, when he was reminded by the chairman that the committee had determined to act upon one amendment at a time. Mr. Halsted said he had objections to make to several items of the bill, and should take this opportunity of discussing them all together. He should take a general view of the expenditures of this administration, and contrast them with the expenditures of former administrations.

In regard to the particular item to which, by the decision of the chair, he was to confine his motion, he said, in moving to strike it out, he was actuated by no hostility to works of art or taste; nor would he, on proper occasions, object to liberal appropriations for them. But while the finances of the government were in their present depressed condition; while the public treasury was bankrupt; while the administration was under the necessity of borrowing ten or fifteen millions of dollars for the purpose of defraying the ordinary expenses of the government, which he was well assured they would be compelled to do, either by a direct loan or a new emission of treasury notes; he would not consent to the expenditure of four thousand dollars for a work of mere ornament; no detriment could occur to the public if this work should be deferred until another year, when the state of the public finances might be in a better condition. He was opposed to the principle of borrowing money for the purposes constructing works merely ornamental and having no practical utility. It savoured to him of extravagance. It did not comport with the professions of an administration claiming to be democratic, and to act upon the principles of Jeffersonian democracy. If such an appropriation had been asked for, under like circumstances, during the administration of the honorable gentleman from Massachusetts, which had been characterized by its opponents as *extravagant*, what a clamor would have been raised throughout the country. Who does not remember the noise made about a billiard table and the lying letters about the east room, said to have been written by a celebrated individual, "*solitary and alone*." But it seems as if this pure Jeffersonian democratic administration, as they style themselves, can go to any extent of extravagance without check or restraint, though they have to borrow money to do it with. He would ask the democracy of the country whether this appropriation of \$4000 for a jet d'eau, corresponded with their notions of Jeffersonian simplicity and frugality? But lest some of his plain honest constituents, not being French scholars, should not have an accurate idea of a jet d'eau, he would attempt to explain it to them by asking them if they had ever seen little wanton boys, after a summer shower, playing around a puddle of dirty water, filling their little suction pumps, (called, in boyish language, squirts,) made of hollow reed or elder stalk, and through them spouting the water into the air, crying out to their comrades to stand from under; this, he said, was a jet d'eau. The difference between these jet d'eaus and the one under consideration was, that in the former the moving or propelling power was natural, in the latter artificial; or, to describe it as it really was, a reservoir of water is made on the top of the capitol hill, which is connected by a metallic pipe or tube of some kind with a small reservoir below the hill, in the middle of which reservoir is a brass or copper ornamented column or pillar rising about twelve or fifteen feet above the bottom of the reservoir, and 6 or 8 feet above the surface of the ground and resembling very much an iron lamp post, through which the water, by the gravitating force of the fluid in the reservoir on the top of the hill, is projected some ten or fifteen feet into the air, and falls into the reservoir below, which is in depth about six feet, and diameter about thirty feet, and lined with cut stone, surmounted with an iron railing about four feet high. Such was the description of a jet d'eau, for the construction of which four thousand dollars was asked by this self-styled democratic administration. And while speaking of the name which the administration party had assumed to itself, he would take the liberty of making some reply to the honorable member from Ohio, who, in a speech made in this house on the 18th of December last, charged the whig party with changing their name, and with "assuming the name of whig for political effect, when, in his opinion, they did not possess the political principles which that name indicated in '76." With regard to the change of names, the predominant party in this house had changed twice

to their once. He would state and add up the account for the honorable member, so that he might see on which side the balance was. In the first political campaign between Mr. Adams and general Jackson, the friends of the former were called Adams men, and of the latter Jackson men. The friends of the former changed their name and called themselves national republicans, and the friends of the latter called themselves Jackson republicans. The friends of general Jackson again changed their name and called themselves Jackson democrats, and the friends of Mr. Adams and Mr. Clay then called themselves whigs. Thus far the account was equally balanced. What changes had taken place since? The next name assumed by the predominant party was that of "the Jackson Van Buren democrats." It was under this name that the last presidential contest was fought—on their placards and tickets the name of Jackson was placed in large capitals, and the name of Van Buren either omitted altogether or put in small type, and in this way Mr. Van Buren was smuggled into the presidential chair under the cloak of general Jackson's great name. Well, after the name of general Jackson had produced the desired effect, what was the next change in the name of the party? Why it was then "the Van Buren Jackson democrats," or, as they have been called, for brevity, by their opponents, the Van Jacks. But they did not hold to this name long, for they soon found there was no hurrah about the name of Van Buren, and that it was necessary, therefore, to sink it as soon as possible, otherwise it might sink them. They then assumed and now claim the name of democrats. Thus it appears, upon footing up the account, they beat the whigs two to one in the change of names. Now, in regard to the motive which induced this number of changes, was it not for *political effect*? Shakespeare had said:

What's in a name?

A rose by any other name would smell as sweet.

But it was evident that politicians of all ages had differed from the poet, and that, in their opinion, not only the strength and popularity of party, but the acquisition of wealth and honor frequently depended upon a name; and it was doubtless for political effect that the predominant party assumed the name of democrats. They not only call themselves democrats, but they profess to be Jefferson democrats. Now he should undertake to show that this administration did not hold to a single one of the distinctive principles of the Jefferson school of democracy; and, if they did, it was only "*from the teeth outwards*." That there was no community of feeling, sentiment, action, or practice between this administration and that of Mr. Jefferson; and that they might, with much more propriety, be characterized by the name of dandy democrats than Jefferson democrats. A dandy was a person who wore corsets and dickies; who generally had but little capital, and that borrowed, and whose expenditures exceeded his income. Might not this description be applied to this administration? That this administration traded upon borrowed capital might be proved in more ways than one. On this point, however, the bill for the issue of ten millions of treasury notes, at the extra session of congress, and the bill for the emission of ten millions more, which is about to be introduced into this house this session, would afford sufficient evidence. Then, as to the other characteristic quality of dandyism, did not this administration possess it in an eminent degree? Did it not spend more than its income? He would examine a little into that matter. It appeared, from the treasurers report, that the receipts into the treasury, during the first three-quarters of the year 1837, including four million three hundred thousand dollars in treasury notes, were twenty-three millions four hundred and ninety-nine thousand nine hundred and eighty-one dollars, is

\$23,499,981

Deduct treasury notes,

4,300,000

And it left as the actual amt received, \$19,199,981

The amount of expenditures, during the same period, was, according to the same report, \$25,418,916

Deduct amount received,

19,199,981

Leaves as the excess,

\$6,218,935

Or, at the same ratio for the whole year,

8,291,916

Making an excess of expenditures, over income, of nearly two-thirds of the whole amount of the expenditures under Mr. Adams, and more than the whole expenditure of the administration of Mr. Jefferson.

If this administration held on in its career as prosperously as it began, we should, at the end of the first, (he trusted its last term,) be burdened with a national debt of thirty-three millions of dollars. During the administration of the honorable gentleman from Massachusetts, (Mr. Adams,) it was made a serious charge against it, that there was expended, in one

year, nine thousand dollars more than it received; it was gravely denounced as extravagant; and it was considered as a strong argument against his reelection. Mr. Rives, of Virginia, one of the leaders of the Jackson party, commented strongly on it, and in a speech, which he delivered in this house in the year 1828, made use of the following language: "I have a deep and settled conviction that economy is a cardinal virtue in every republican government. It is not merely for the pecuniary saving, and consequent relief to the industry and resources of the people, which it brings with it that I esteem it—it is still more, its political effects. It is not only the close ally, but the surest guarantee of the public liberty. It is the great instrument for restraining that dangerous principle of executive influence which is perpetually undermining and assailing the fabric of free government every where. This influence exists and enlarges itself through the disbursements of public money, ultimately, under one shape or other. Diminish the public expenditures and you will diminish executive influence."

Mr. H. said he heartily concurred in the sentiments here expressed; and if they were applicable to the administration of Mr. Adams, in 1828, they applied with ten fold force to the present administration; for Mr. Adams's administration did not profess to act upon the principles of Jeffersonian democracy and frugality, as this administration or its friends professed to do. He would take the liberty of recurring to the principles of Jefferson democracy, as delivered and practised upon by the author himself, and to compare them with the principles and practices of this administration, and see how they corresponded; and he thought it would be found, on comparison, that the reason why the pure virgin of democracy attracted the admiration, and warmed the hearts of the American people when she was first introduced by Mr. Jefferson into our legislative and executive halls, was, because "a native grace sat fair proportioned on her polished limbs, veiled in a simple robe, their best attire, beyond the pomp of dress." But that the present administration, in bringing forward this damsel of democracy, had decked her off in all the gaudy tinsel finery of a French fille de chambre, had covered her o'er with puffs, powders, paints, patches, false curls, and furbelows; nay, worse, had made her "as common as the stairs that mount the capitol;" and yet had the modest assurance to recommend her to the respect and attention of a virtuous and intelligent community; and attempted, gravely, to palm her off upon the people as the pure virgin of Jefferson democracy. But it would not do; the people were not so ignorant or so depraved as to mistake the meretricious colours of the courtizan for the genuine blush of virgin modesty. For the purpose of showing what were the principles of Jefferson democracy he would take the liberty of reading Mr. Jefferson's confession of political faith, contained in a letter to the honorable Elbridge Gerry, dated 26th January, 1779, in which he said: "I am for a government rigorously *frugal and simple*; applying all the possible savings of the public revenue to the discharge of the national debt, and not for the multiplication of officers and salaries, merely to make partisans, and for increasing the public debt, on the principle of its being a public blessing. I am for relying, for internal defence, on our militia, solely, till actual invasion; and for such a naval force, only, as may protect our coasts and harbors from such depredations as we have experienced; and not for a standing army, in time of peace, which may overawe the public sentiment; nor for a navy, which, by its own expenses and the eternal wars in which it will implicate us, will grind us with public burthens, and sink us under them. I am for free commerce with all nations; political connection with none; and little or no diplomatic establishment."

Thus it appeared that Mr. Jefferson was for a government rigorously *frugal and simple*. Was this administration in favor of such a government? The friends of this administration considered, or professed to consider Mr. Adams's administration a very extravagant one. The expenditures of Mr. Adams's administration were, in the year 1825, \$11,490,460. The expenses of this administration, which professes to hold to the doctrine of Jefferson frugality, were, in 1837, \$35,281,361 57, which was an increase of more than three fold; a very fine exemplification of frugality and simplicity. In the next place, Mr. Jefferson was opposed to a *national debt*; but one of the first measures of this administration was the creation of a debt of ten millions of dollars, by the issuing of treasury notes.

And not content with that, a bill will soon be presented to this house, by the committee of ways and means, to authorize the issue of ten millions more; thus not only disregarding the Jeffersonian doctrine, but actually departing from the footsteps of his predecessor, in which the executive had promised so faithfully to walk, and thereby creating a national

debt faster than general Jackson's administration paid it off. But while this monstrous increase of expenditure and extravagance, which pervades all the departments of this government, prevails, this national debt must continue to increase until a resort to taxes of some kind must be had to pay it. In the celebrated report of General Hamilton, the chairman of the committee on retrenchment and reform, as it was called, Mr. Adams's administration was censured as extravagant; and the amount of the expenditures for the civil, diplomatic, and miscellaneous departments of the government, was a particular subject of animadversion. In 1826, the amount of those expenditures was \$2,600,179 79; in 1836, \$5,388,370 58; in 1837, \$5,384,896 93. And the estimated expenditure for these, in 1838, is \$5,685,752, or more than two to one.

The naval establishment, in 1826, under Mr. Adams, cost \$4,218,902.15. In 1836, under gen. Jackson, it cost \$5,800,763 25. In 1837, under Mr. Van Buren, it cost, for three quarters of the year, \$5,384,896.93, or at the rate of \$6,307,316 46. That is \$2,088,414.31 a year more than it cost in the time of Mr. Adams; and yet what is the state of the navy now, compared with what it was then. The military establishment in 1826, under Mr. Adams cost the country \$6,243,236 00; in 1836, under gen. Jackson, it cost \$18,466,110 63; in 1837, under Mr. Van Buren, it cost \$21,214,610 01; that is more than three times as much as it cost under what was called by the present predominant party the extravagant administration of Mr. Adams. But it might be said we are now in a state of war, and then we were at peace; but with whom are we at war? a few poor Indians, not exceeding in the whole one thousand warriors; a war which gen. Jackson told Mr. White, the delegate from Florida, he could put himself at the head of fifty old women and put an end to in one week, and which gen. Jessup, in his letter to Mr. Blair, of the 20th of June, 1836, said there was force enough in Florida then, if properly employed, to put an end to in a week; and this war had already cost the country upwards of \$13,000,000, and did not appear to be any nearer a termination now than when it commenced.

But he would pass from these general items of expenditures, to a more detailed examination of the expenditure of the different departments of the government. It appeared that in the year 1828, the pay of the clerks and messengers in the war department amounted to \$48,950; in 1837, to \$98,765 71, and there was asked to be appropriated by this bill for the same object for the year 1836, \$101,050 00.

The committee of which gen. Hamilton was chairman, already referred to, reported that the diplomatic relations of the country under Mr. Adams' administration, were on a scale unnecessarily expensive. What did they amount to in 1829? \$207,786 20! But has this unnecessary expense been diminished by these pretenders to frugality and economy? No, it had been greatly increased. The estimates for the year 1838 for the same objects were \$235,900 00.

The average contingent expenses of all the departments of the government, as stated by gen. Hamilton in his report, was \$77,454, but under gen. Jackson in 1836, it had increased to \$95,834, and under this economical administration the appropriation asked for these expenses is \$139,207 00. The contingent expenses of all the departments of the government, under Mr. Jefferson, amounted only to \$29,000. One of the charges against the administration of Mr. Adams was, "that instead of suppressing unnecessary offices, and curtailing executive patronage, they had rapidly multiplied and increased under his auspices. How much more true was this remark of the last and present administrations: and how much more necessary it was to apply the pruning knife to these excesses of executive folly, extravagance, and corruption, he would now proceed to show. Since the year 1829, when Mr. Adams ceased to be president, and when, according to the creed of the predominant party, the self-styled democracy, there was an unnecessary number of officers, there have been created the following new bureaus, each having its appropriate set of new officers, viz: first, the bureau of the commanding general, with clerks and messengers, and contingent expenses amounting to \$1,800 per annum. The topographical bureau \$2,800 per annum. Clothing bureau \$500 do
Bounty land bureau
Inspector general's bureau 500 do
Solicitor of treasury's bureau for salary of solicitor 3,500 do
For clerks and messengers in do. 8,950 do
Auditor of post office bureau, salary of auditor 3,000 do
Clerks and messengers in do. 55,500 do
Secretary to sign patents for lands 1,500 do

These were the additional bureaus which had been created since 1829, and they must at least satisfy the country of one thing, viz. that the common saying

which prevailed about that time that "old hickory was not good for cabinet work," was a great mistake. Nobody, he thought would now deny there was at least one kind of cabinet work that old hickory was capital for, and that was the making of *bureaus*, and he believed that more officers could be packed into bureaus made of this kind of material than had heretofore been used for the cabinet work of every other administration since the formation of the government.

But these were only a very small part of the new offices created under the late *economical* and reforming administration. A statement of the new offices created the 2d session of the 24th congress, would be found in the 4th volume of executive documents of that session, document 189, page 40, which shows that the salaries of the new officers created that session amounted to \$131,000. And that at the same session, there were additional salaries and allowances made to officers previously appointed, amounting to \$160,000 per annum. And it would be found that in two years the patronage of the president had been increased, by giving him the appointment of officers whose salaries amounted in the aggregate to \$372,000 per annum. Taking this as the ratio of increase, we might conceive what a vast accession was made to the executive patronage during the last administration. Was the present executive satisfied with this increase of patronage? No, demands were continually made for more. More clerks were wanted in several of the departments, and the president recommends a large increase in the standing army. How did the increase of the army recommended by the president, correspond with the doctrine of Jeffersonian democracy. When Jefferson came into power, the army consisted of 14,421 men. But, by the act of May 14th, 1800, it was reduced to 4,166. And by the act of March, 1802, it was further reduced to 3,287. But this administration, instead of following the example of Jefferson, sets itself to work to increase the army, and the secretary at war, with the approbation of the president, recommends that it should be increased to the number of 15,000 men. Jefferson was opposed to a national debt, but one of the first acts of this administration was to create one. Jefferson denied the power of the general government to make paper money a legal tender; but this administration not only compelled its creditors to take its paper, but has actually, in some instances, refused to take the same paper itself. Jefferson thought men ought not to be turned out of office for a difference of political opinion. But the reverse of that doctrine was held and practiced by this administration. Jefferson was opposed to the interference of public officers in elections, and thought it good cause of removal; now the reverse is the case, and it is thought good cause of removal if a man neglected or refused to interfere and use all his official influence for the support of those in power.

But he would revert again to the consideration of the bill before the committee, and call their attention to another item of the bill, which appeared to him extravagant, and that was the item for alterations and repairs of the presidents house and for superintendence of the grounds around the same \$4,815. He found upon examination that this sum included an item of \$390 for papering the east room; considering that it had only a few old broken chairs and benches in it during Mr. Adams' administration and some \$20,000 had been expended on it since, one would think that the papering might be postponed until the finances of the government were in a better condition. Another part of this item of \$4,815 was composed of the sum of \$1,000 for painting the wall of the hall and passages. This also appeared to him a large sum for those objects; and in addition to these, there was also required the sum of \$800 for painting inside and varnishing the wood work. He recollected that there was once what was called a varnishing or white washing committee, at Nashville, who worked for nothing, and as they were now out of employment, he suggested the propriety of engaging their services for this work. Speaking of the East room in the president's house, reminded him that there was another room in this capitol which had been recently fitted up for the vice president, in a style of very anti-democratic and anti-Jeffersonian splendor. There were in it six chairs which cost thirty dollars a piece; two sofas that cost probably not less than \$100 a piece; two marble slab tables that cost at least \$200 more; two splendid mahogany book cases. He would have supposed that one large book case would have been enough for so literary a man as the vice president, particularly as there were no books in either case; there were also splendid curtains and a chandelier, looking glass, carpet, &c. &c. A room thus furnished for a vice president under Mr. Adams' administration, would have been considered extravagant in the extreme, although the treasury was then overflowing. But when the government had to resort to the issue of treasury notes

to defray its current expenses, it is deemed the height of democratic and Jeffersonian frugality.

It would be recollected what a clamor there was raised in the country about a certain billiard table, which accidentally found its way, without the presidents knowledge, into one of the items of the contingent expenditures, and which, by the way was not paid for out of the public money. The opponents of his administration were horror-stricken, and their moral sensibilities suffered a severe shock, at the bare idea of spending any of the public money for such an object. How will the delicate sensibilities of those gentlemen reconcile themselves to an item of this kind to be found in the contingent expenses of the state department, viz. for the American Turf Register \$30. If it was wrong to expend the public money for a billiard table, was it not equally wrong to expend it for a Turf Register? If the secretary of state had a taste for that kind of reading he had no objection to his indulging it, but he did not think it ought to be done at the public expense. He also observed another item in the account of the contingent expenses of the state department, which struck him as improper, and that was \$6 00 for "a portrait of Van Buren," and he also observed items of the same character in the contingent account of the office of the comptroller of the treasury and the second auditor's office. These were small items, but it was the principle to which he objected. He thought that the people would have to pay dear enough for the original, without being compelled to pay for the copies also. Besides, where was this practice to end, if it was once sanctioned; if one of the public officers could purchase a portrait of the president and have the expense paid out of the public treasury, why could not all the rest. If public officers wished to play the sycophant, or pay court to the president by buying his portrait, let them do it out of their own pocket. He protested against their taking any of the people's money for that object.

He found also, on examination of the contingent expenses of the treasury department, an item in regard to which he should like to have some explanation. There was paid out of the contingent fund of that department for the article of ice in one year, the sum of \$104 16. He should like to know whether this ice was used for cooling wine or mint juleps, or for what other object so large a quantity was required. He had spoken of the expenses of other departments of the government, he would now come nearer home and speak of the extraordinary increase of the expenditures of congress. In the year 1802, under Mr. Jefferson, the contingent expenses of both houses of congress were \$17,000; in 1803, \$28,000; in 1828, under Mr. Adams, they were \$106,203, and in 1838, under Mr. Van Buren, the amount appropriated for them by the bill under consideration, is \$300,000. And the incidental and contingent expenses of the senate alone, in the year 1836, amounted to \$63,868 17, about three times as much as the annual contingent expenses of both houses of congress under Mr. Jefferson. The printing of the house of representatives in 1828, under Mr. Adams, amounted to \$37,602 00; in 1837, under Mr. Van Buren, to \$73,532 00. There was paid for stationery for the house of representatives in 1820, \$7,189.63; in 1837, \$22,979 50; in 1838, it will probably amount to \$28,000 00. There was paid for messengers and runners in 1828, \$9,231 75; in 1829, \$7,861 50. In 1836, there was paid for messengers and runners \$25,299 00, and in 1837, \$26,266 50. There was paid for draughtsmen and clerks in 1825, \$100, and in 1826, \$229. In 1835, there was paid for draughtsmen and clerks \$6,792 46. In 1836, there was paid \$7,859 70, and in 1837, \$18,180 48. There was paid for messengers, runners, draughtsmen and clerks of this house, in 1825, under Mr. Adams, \$4,987 25, but in 1837, under Mr. Van Buren, there was paid for the same objects \$44,446 92, an increase of nearly ten fold. There was paid for pens, inkstands, tape and wax, for the house of representatives in 1836, the sum of \$5,249 51, and for pens alone \$1,326 57. There was paid for horse hire for the use of the house of representatives in 1837, \$2,307. He understood that the door keeper kept ten or twelve horses, which he hired to the government at \$1 50 per day the whole time that congress was in session, and that members of congress were some times accommodated with the use of these horses. If a member of congress be too lazy to walk and too stingy to hire, he protested against his indulging either his laziness or penuriousness at the public expense. If they sanctioned the practise of riding on the public horses, and they went on in the career of extravagance as they had gone on for a few years past they would not be satisfied without they had carriages to ride in. He took this opportunity of expressing his disapprobation of this practice, and in doing so he did not wish to be understood as censuring the officers of this house, on the contrary, he wished rather to protect them, and to furnish them with an argument to enable them to

resist the importunities of members who might ask a favor of that kind.

He would detain the house a few minutes longer, while he made some remarks on the subject of the public printing. In 1828, it appeared, by the report of Mr. Hamilton, the amount of public printing done for the state department was made an object of examination and reprobation; and the expenditure of \$40,708 15 in three years, was deemed extravagant. But in two years, under the reforming administration of general Jackson, the amount paid by the same department, for printing, was \$30,210 37, showing an excess of \$1,581 per annum over the expenditures of Mr. Adams for the same object. The printing for the war department in three years, under Mr. Adams, amounted to \$7,679 50. For two years under general Jackson it amounted to \$12,335 65; that was \$2,559 83 per annum under the former administration, and \$6,138 39 under the latter. The printing for the navy department for three years under Mr. Adams, cost \$466 86; and for two years under general Jackson it cost \$9,444 60. The printing for the post office for two years under Mr. Adams' administration cost \$14,174. But the printing for the post office for one year, from the first of October, 1836, to the 30th of September, 1837, amounted to \$60,045 29, more than eight times as much as it was under Mr. Adams. It would be recollected what a clamor was raised against the administration of Mr. Adams on account of some small sums paid for printing. Where Mr. Adams paid hundreds the administration of general Jackson and this administration paid thousands. Thus there was paid to the firm of Blair and Rives, alone for printing done for the several executive departments, in the year 1836 and 1837, the sum of \$125,584 17, in addition to which, they received, as printers to the house of representatives, in the year 1836 \$73,671 65, and for the year 1837 \$62,000 00. There had been much said also against the administration of Mr. Adams on account of the number of newspapers; and the report of general Hamilton, before referred to, made the number taken and the amount expended for them a particular subject of animadversion. Upon looking into the items of contingent expenses of the different departments, he could perceive no reform here. There were taken at the state department nineteen different newspapers, for which there was paid out of the public treasury \$234 24 annually, besides the sum of \$73 57 annually for reviews, periodicals, and the *American Turf Register*. If the officers of this department read all these papers and periodicals they must neglect the public business, and if they did not, then so much expense was unnecessary. Again, in the contingent account of the office of Indian affairs it appeared that there was paid \$63 37 annually, for six newspapers and one magazine. In the engineer department, there was paid for seven newspapers \$103 84. For six newspapers in the ordnance department \$67 50. For newspapers in the commanding general's office \$34. In the adjutant general's \$14 50. In the office of the commissary of subsistence \$30. In the quartermaster general's office \$48. In the paymaster general's \$25; and in the pension office \$30. Making an aggregate of \$747. Whereas, the expense of newspapers for the same departments under Mr. Adams, was only \$388 40.

While upon the subject of printing, he would advert to the great increase in the amount and extent of printing public and executive documents. They had become so voluminous that it was impossible to read them, if even a member devoted all his time, not occupied in this house, to that object. There had been published, since the commencement of this session, ten octavo volumes of eight hundred pages each; and the reports of committees of this house, petitions, &c., would amount to five volumes more. These volumes would therefore, contain twelve thousand pages; or, an average of one hundred pages a day, ever since the commencement of the session. This immense increase in the number and size of the executive documents was not occasioned so much by the increase of business, as by the practice which had recently grown up, of the head of the department sending us all the reports of his sub-officers, instead of taking the trouble to extract the substance of them, and condense them in a report of his own. He could not perceive any correspondent benefit that resulted from this immense increase of public documents. It required the employment of a great number of additional clerks, and thus tended to swell the executive patronage. It involved the whole of the financial and other concerns of the government in such a mass of documents and printed reports, as prevented the people from understanding their real condition; and it tended to throw great sums of money into the pockets of the printers. He was sensibly struck with the vast increase in this kind of printing by examining the reports of the secretary of the treasury during the former periods of the government. He found all the reports and documents relating to the treasury department from the year

1790, to the year 1828, a period of thirty-eight years, comprised in two volumes octavo, of 560 pages each; whereas, the reports from the treasury department alone, since the commencement of the present session, would form three octavo volumes, of 800 pages each. If the number of these public documents continued to increase as rapidly as they had done, members of congress, if they were required to read them all, would not only want the hundred eyes of Argus, but they would want to live the whole period of the Spanish compliment, which was "a thousand years."

Mr. H. concluded by moving to strike out the item of \$4,000 for the jet d'eau.

JUDGE WHITE'S SPEECH

On the sub-treasury bill. Delivered in the senate of the United States, March 24, 1838, while the motion of Mr. Cuthbert to strike out the 23d section, was pending.

MR. PRESIDENT: I address you under circumstances of peculiar disadvantage. The subject is one of the greatest importance. It has been long discussed, ably discussed by those of most distinguished talents. Their highest efforts have been made on both sides to present its advantages and disadvantages in every view the human mind can take of it.

The crowded audience has become wearied, and even many senators themselves can hardly give respectful attention to our most interesting debate.

Up to the termination of the last address of the distinguished senator from Massachusetts who sits nearest to me, (Mr. Webster,) I was not satisfied whether it would be my duty to do more than listen respectfully to others, and then say yea or nay to the different questions presented to the senate.

At the close of his animated, able, and interesting speech, he recurred to a scrap of the history of my own state, fifty years ago. Instantly my mind settled down in the conviction that my constituents had a right to expect more of a son of one of the actors in that scene than a bare vote.

I promise those who may favor me with their attention, that if what I say should not be interesting, it shall not be tedious.

The advocates of this bill expect to accomplish two objects by its passage:

1st. To designate the only species of funds which shall be received in payment of any dues to the government.

2d. To designate the persons by whom, and the places where, those moneys shall be kept, between the time of their collection and disbursement.

The provisions, as to the first, are, that after the lapse of six years nothing shall be received but gold and silver, and such paper as shall be issued by or under the authority of the federal government; and, in the mean time, that certain proportions may be received in the notes of specie-paying banks.

1st. My first objection to this plan is, that it sets out with a distinction in favor of those who are in the employment of the federal government, or have any money to receive from it, and those who are in the employment of the state governments, as well as the mass of the people. The distinction is odious, and ought not to be sanctioned.

Senators who support this bill say these are mere catch-words, (one kind of money for the government, and another for the people,) of which all have become ashamed, and that latterly they have been driven out of the senate.

To this, I reply, the gentlemen are mistaken; this distinction is made on the very face of the bill, in terms too plain to be misunderstood.

If all the money mentioned is of equal value, why mention gold and silver, treasury notes, notes of specie-paying banks, &c? The whole argument in favor of the bill rests on the supposition that gold and silver are the best, and that, as far as it goes, is to be used for federal officers and those who have federal contracts, leaving to others to get what they can, and how they can.

2d. the bill itself contemplates a paper medium emanating from the federal government. To this I object. Because we have no power to issue it. As a currency, they are bills of credit, unconstitutional; more clearly so than to incorporate a bank. Because, if we can issue such a medium, we ought never to do it. It will lead to the most wasteful and extravagant expenditures. It will be used moderately at first, until the people become reconciled to it, and then gradually extended in place of borrowing money, so as to meet all the calls of an extravagant administration, and must end in a large national debt, or depreciate like your continental money.

Many, with great reason, have believed that no government can long be economical upon even a system of indirect taxation. That under such a system the people generally are not conscious of the burthen they bear. They pay their taxes when they buy their clothes, or other articles, on which duties are imposed, without reflecting that any part of the money they thus expend comes into the treasury; they therefore cease to be watchful over the manner in which the public moneys are expended; and, whenever they cease to keep strict watch, their agents commence useless and wasteful expenditures. But when the taxes are direct, every man knows how much he pays, and when he pays, and will carefully watch how the moneys are expended; and if the expenditures are wasteful or extravagant, a

suitable corrective will be immediately applied. Our whole system of federal taxation is in the general indirect; and, if we once commence a system of supplying deficiencies in the treasury by an issue of paper to be used as currency, the country may be ruined.

At the special session we were obliged to add ten millions of dollars to our means. This we did not do by a direct loan, which every man could understand but by authorizing an issue of treasury notes. When that bill was before the senate, the senator from Missouri, and, if I mistake not, the senator from Pennsylvania, both friends of the administration, placed these notes on the ground of making a loan; that they, as they were to bear an interest, not exceeding five per cent. would be disposed of for money, and with the money thus procured, our creditors could be paid; and in this view I voted for the bill. In the house the amount of the notes was reduced one-half, and I soon perceived that the administration intended to use them, not to procure a loan, but as a currency; and when the bill was returned to us, I took the earliest opportunity to record my vote against it. The notes issued under that bill have in fact been used as a currency, and at various rates of interest, some as low as one mill per year.

This year our revenue is again to be deficient; we will need, in addition to our means in the treasury, ten, fifteen, or twenty millions of dollars; and this addition will be made by new issues. This paper currency seems to cost nothing; and, as our wants increase, the issues will be increased, until the paper depreciates; and then, for the first time, the people will seriously look into the manner in which not only their money, but their credit has been squandered.

The provisions of this bill for treasury notes, bills, or other securities, issued by the federal government, or under its authority, if sanctioned by congress, will settle a principle which, if carried into practice, must seal the fate of this nation. Office-holders and office-hunters can all be accommodated by the executive at the public expense, and the people will not be aware of it until too late. In short, it will take off almost the only restraint which yet remains to our extravagant expenditures.

This view of the subject has alarmed me. Do we not all see and know that those in office are pressing to have their salaries increased? That those who are not, desire the number of offices increased that they may get in? We are teased to increase the number of land districts; and if we do, offices are multiplied. When all the offices among the whites are filled, then we have among our red brethren exploring parties, visiting parties, commissioners and agents, by construction, at executive discretion, and compensated as he pleases.

With the facilities of paper money, to be created for the trouble of making, importunities for offices, jobs, contracts an increase of salary, will be multiplied, and the president will not have the heart to resist them when artfully pressed by noisy and worthless partisans. I have been forcibly struck with some of the remarks made upon the subject of this government paper currency. The honorable senator from South Carolina (Mr. Calhoun) thinks it will not depreciate, and if it does, it will not make any difference, as the government must always receive it at par, and therefore sustain the whole loss.

Mr. President, if the honorable senator will take a moment to think upon this subject, I am convinced he will perceive the error. No paper currency, not convertible into specie at the will of the holder, ever did or ever will long retain its nominal value.

If a man has a note of any kind, and has confidence that he can get the amount of it in specie at any time he pleases, most generally he would rather have the note than specie, because more convenient; but the moment he doubts, then he wants the specie presently. In the issue of treasury notes, that moment the amount issued much exceeds the revenue to be paid into the treasury, and the purchase of public lands, they must and will depreciate, unless provision is made that they shall be paid when presented at the treasury. When they do depreciate, the whole loss will not fall on the treasury, but will fall likewise on those through whose hands they have passed. The very case put by the senator proves it. A treasury note issues for fifteen dollars. It depreciates until it can be purchased in market for ten. Some person who owes the treasury fifteen dollars, goes and purchases it at ten, and pays his debt of fifteen dollars. Now does not every one perceive that the profit of five dollars, made by the man who paid the note into the treasury, must have been a loss of the same amount to the man from whom he purchased, or to some other person through whose hands it has passed? In all such cases, profit and loss are correlative terms, and that which is one man's gain must have been a loss to some other.

As you increase expenditures you increase executive power, already too great. The president or those acting under his orders, must necessarily select the recipients, who it will always be understood, can only be those who conform to his wishes in elections. These objections are independent of the consideration whether this bill will establish a bank or not. It will certainly sanction the issuing a paper medium of circulation.—Those who advocate this provision certainly think as I do, that the country must and always will have bank credits, or paper of some kind, to use as a substitute for the precious metals. The business of the country can never be done without it. A support of the state banks is the only shield which can be presented against federal bills of credit, and a federal incorporated bank.

I hold both these last unconstitutional, and the first of them infinitely the most dangerous to the liberties of

the people. In 1831, I heard of this plan of separating government from all banks as depositories, and thought well of it. Indeed, I would then have gone for it, if political friends had agreed upon it. Then there was no idea of issuing paper money by government. Then state banks were paying specie, and their notes would have continued a circulating medium. Then I had confidence in the administration, and believed that none would ever dare to interfere with the elective franchise, or to refuse to have the executive patronage limited and curtailed by law. Now all these things are changed. The administration want paper money issued by government, substituted for loans. The state banks are not paying specie, and this bill forbids the receipt of their notes.

The executive is disposed to hunt down any and every man who wishes to limit his power. He openly interferes in elections, both state and federal, and uses all his powers to have them carried according to his will. Under these circumstances, in my judgment, I would be a traitor to civil liberty were I to sanction the idea that we will make federal paper the circulating medium.

What has become of our bills, five or six in number, to limit executive patronage, reported in the days of the younger Adams? They sleep the sleep of death. The honorable chairman of the committee, who originally reported them, felt it his duty to endeavor to revive them under the administration of the late president, and received so little countenance from old friends that he ceased his struggle with them.

The honorable senator from South Carolina, who never thinks any load too heavy, took up one of them, and made one of his most powerful efforts, and it passed this body. But how many old friends voted for it? Sir, all had been whistled or ordered off, except the senator from Missouri, and one or two others.

I have been honored with a seat here for the thirteen or fourteen last sessions, and believe I have never once recurred to the journals to see how any gentleman had voted; but there are some things I find it impossible to forget.

When that bill was before the senate, believing that I could give the senator from South Carolina something more than my vote, I made a speech in its favor; and that speech sealed its fate with the great democratic party. I respectfully ask the senator from Missouri, whether any of the former friends of that measure, the Jackson democrats, voted for it, except he and myself?

It went to the other house, and as they were more fresh from the people than we, better understood what is meant by modern democracy, they put this aristocratic banding to sleep; and we have never heard a cry or even a whimper from it since. Since then, executive power and patronage have put forth their branches in every direction, and no man dare raise his voice against them on pain of political death.

Shall we then put this rich bed of manure to the root of this dangerous power, that the crops of executive influence may be increased in our elections? Nay; God forbid!

I have been zealous for putting down the Bank of the United States, and for maintaining a sound metallic currency, and, to do this, believed we ought to sustain, as far as we could, state banks; prevailing on them, by all incidental means in our power, to cease the use of small notes, and had hoped we could have succeeded; but specie payments have been suspended, and the advocates of this bill say we must try some other experiment.

Divorce, divorce, a *vinculo matrimonii* is the watchword whenever you find a modern democrat.

That there is a divorce, a *mensa et thoro* existing, I admit, but am of opinion it has been produced by violent temper, and want of due care on the part of the federal head, and too yielding and complying a disposition on the part of the banks, and that the whole might yet be reconciled, at all events to the advantage of the family.

I have heard of cases where a dashing libertine had married a wife, attached to, and every way worthy of him; that he, upon looking farther into the world, concluded if he were freed from his first love, he could be better suited upon a second experiment; and, with a view to obtain a divorce, threw temptations in his wife's way which she had not stern virtue enough to resist; she sinned, and then he applied for a divorce. And what have courts of conscience said in such cases? Depart hence! you contributed to your wife's transgression, and shall not profit by your own iniquity.

Apply these principles to this case. When the executive wooed and won the state banks, they were pure and unsullied. Their utmost exertions were necessary to aid in prostrating the Bank of the United States; they were coaxed, almost commanded, to extend their loans. They did so, to imprudent lengths. The executive saw and knew this. Were they admonished to diminish their discounts? Never! So far as I know, on the contrary, they were eulogised up to July, 1836; then came the executive denunciations, and they have never since ceased.

The executive is to blame, so are the banks; but on account of their quarrel, the great American family ought not to be sacrificed.

If none were to be injured but themselves, I certainly should feel no inclination to interfere; but I do think it nothing but just that both parties should bear their due proportion of blame, and that a separation ought not to be permitted under circumstances by which an unoffending community must be the sufferers.

But again; I think if it is ever proper to establish this system, and to have this divorce, now is not the proper time.

The banks are state institutions; society have a deep interest in their maintaining a sound currency; this can only be done by resuming specie payments; this they never can do until their credit is re-established; while the whole weight of a popular administration is against them, they never can resume with a hope of continuing specie payments. You separate now, and why? Because, say the whole administration and its friends, and if we pass this bill we join in the cry, they are unworthy of credit! Every man who believes this statement, and has a claim against them, would apply for his money, and they would be compelled immediately to stop again.

Take the weight of the federal government off them, it is now pressing them into the dust, and while it is upon them, you might as well order a man, whose legs had been cut off, to jump to his feet and walk, as to require them to resume, with a hope that they can do so. Let their credit be again restored, and if we must separate, they could better then, than now, sustain the shock.

The federal government obtained the use of them when their credit was good; it should be restored, and then, if ever, they ought to be returned, in equally good credit, to the exclusive use of the states.

Suppose we pass this bill, and then the banks resume, five-sixths of the revenue must be taken in their notes; in a very short time, enough would be received to enable your depositories to withdraw so much of their specie as to compel them to suspend. And if they do not resume, their paper depreciates, and specie becomes an article of merchandise, and thus the federal servant will receive better money than the state officers, or the masters of both—the mass of the people.

The state banks never can resume with a hope of doing a profitable business.

Suppose the system in complete operation. Then all the revenue is received in specie, your average surplus in the treasury will be at least seven or eight millions of dollars. This, if left in the banks, would furnish a specie basis upon which safely to issue three for one. Hence, by this process, you abstract and lock up twenty or twenty-five millions of dollars of the circulating medium, which is of no more use to the government or individuals than if sunk in the ocean.

Banks go to excess occasionally, and there is temporary suffering; so of every thing else—we have nothing good but what produces evil when carried to excess. Banks issue too much paper, but that is no reason they should all be destroyed. Over issues produce individual suffering, but even this is productive of some benefit. It makes roads and canals, and improves plantations. Although all these change owners when a curtailment takes place, yet the improvements remain for the benefit of the people at large.

What do gentlemen mean? Do they mean to put us back to the year eleven hundred, when they say banks commenced? Are we to quit our ordinary business, and commence wading branches in search of golden pebbles, to add to the stock of precious metals. Are we to give up the earnings of our families, our porringers, and our spoons to this Aaron of democracy, that he may melt them, and, with his graving tools, make us our own metallic god to worship? The more free a country is, the more prone are its people to run into excess, and none so much as our own. What was Great Britain before the establishment of her bank? Like other nations, who are destitute of every thing but a specie circulation, poor, unthrifty, anti-commercial. And what is she now?

We need a larger circulation than any country upon earth of the same population, because we are freer than any other. The circulation ought always to bear a due proportion to all saleable or exchangeable commodities. In some of the states every thing is of that description. Estates are destroyed, all property, real and personal, is unfettered, and for sale whenever a man thinks he can better himself by selling in an old, and purchasing in a new, state. In many states so much is land unfettered that it can be sold in fee simple up in a writ of *feri facias*.

In our country a man's capital, in many instances, is his character for integrity, his capacity for business and his business habits. These give him credit with banks. With the aid of bank accommodations, in many instances he makes himself wealthy in a few years, and every man who adds to his own stock of wealth enriches the whole country.

Give me wealthy people and a poor treasury, and then the country is rich, and its liberty safe.

Destroy banks, and you throw every man again into the hands of capitalists, Jews, money-lenders, where few can borrow who cannot mortgage land to secure payment. Whereas banks always feel it a favor conferred on them when they can get a good customer.

Although I speak this freely of the utility of banks, they never have been favorites of mine, but we must have them. The country cannot, and will not do without them.

We must have a treasury bank, a bank incorporated by congress, or state banks. And I prefer the last. They are the least dangerous, and the states have clearly the power to incorporate them. The states, in granting charters, can, if they choose, guard generally against excesses. If they were to direct all profits over six or eight per cent. per annum to go into the treasury, as a school fund, the temptation to shave and to make excessive loans would be taken away. And if they would

prohibit standing accommodations, few bad debts would be contracted.

2d. The other object of the bill is to compel our collectors and receivers to cease depositing money in banks, and to compel them to deposit all moneys in the hands of officers appointed by the president, and removable at his pleasure, there to be kept till needed for disbursement. I think this arrangement much worse than to deposit in the banks.

1st. Because the directors and officers of the banks will be more likely to be faithful than officers appointed by us. The stockholders will always intend to select those who will be most likely not to waste their money. Our officers for some time have been, and I consider the system is to be continued, selected more with a view to influence in elections than to any qualifications for the particular offices they are to fill. Let me not be misunderstood. I do not mean to say that every officer-holder is a mere party tool. I think there are many who are not. But I do mean to state it as my opinion that now, and for some time past, the principal qualification looked for is political influence; and such men appointed from such motives, I think will generally be unsafe depositories. Supposing these officers equally faithful, they will not generally have places as safe as those provided by banks.

Again: This plan will occasion a great increase of expense. New officers, clerks, visiters, houses, safes, vaults, &c. There will be no effectual checks, either upon those officers or upon disbursing officers. It is said there have been, in modern times, but few losses by default of disbursing officers.

One principal, if not the sole reason of this is, the check upon them, by ordering them, whenever their position will enable them to do so, to keep their moneys in banks, and every week or month an account is furnished the secretary of the treasury by the deposit bank, showing the sums deposited, and by whom. This furnishes strong reasons against using or loaning money; immediate detection would be the consequence.

Under the proposed system this check is entirely removed, and the public money will, in many cases, be misused.

I now have in my drawer a document showing what has been done in one case by an officer in whose integrity I once had unlimited confidence. He collected a large claim from one debtor to the government, and immediately loaned the amount received to some political friends, not only without authority, but contrary to his instructions, and, at this moment, two suits are pending against these new debtors, who have refused to pay their notes as they fall due. If I mistake not, one of the parties to this very transaction has been appointed to, and now holds an office which will make him a sub-treasurer if this bill should pass.

A bank in my own state has been alluded to in a letter read by the senator from Missouri, which he has received from the late chief magistrate.

A brief review of the history of that bank, and matters connected with it, may be of use to us on the subject under consideration.

The act establishing that bank was passed at a called session, in the year 1820. The charter of the United States Bank was passed in 1816, and the bank went into actual operation the 1st of January, 1817.

It was an administration measure, and when the bill was before congress, the representative from my district sent me a copy of it, with a request that I would give him my opinion of its provisions, which I did, in a pretty lengthy letter. That opinion was very decidedly against the bill, and the opinion I then formed and expressed I have ever since entertained, and still entertain. He, alone, from Tennessee, as I believe, voted against the bill. For this vote he was attacked at home, and I felt in duty bound to maintain him as well as I could. This brought me in direct conflict with the friends of the United States Bank as early as 1816.

Soon after the bank went into operation, it established branches in Kentucky, and, before the fall of 1817, many of the loans first made had fallen due, and payment was exacted. To this the people had not been accustomed; and, as is always the case, although the bank had been popular when making loans, it soon became very unpopular when trying to collect its debts.

Stories of the ruinous operations of the bank in Kentucky soon reached us in Tennessee, and, in the autumn of 1817, with a view to save Tennessee from the like oppression, her legislature passed an act, as I believe, unanimously, imposing a very heavy tax, say fifty thousand dollars, upon any persons attempting to bank in Tennessee without authority from the state.

A few years since, while the controversy was going on with the Bank of the United States, the senate created a committee, of which Mr. Tyler, of Virginia, was a member, to examine into its proceedings, and when they made their report, for the first time, I found a letter dated in 1813, now bound up in our documents, soliciting the president of the bank to establish a branch in Nashville, notwithstanding the act of assembly, informing him that the act was passed by congress, illiberal men, and, after furnishing a list of names for directors, assuring him that if a branch was established, and directors appointed from the list, he would see that a good account should be given of those who would attempt to enforce the state law.

Mr. Jones, the then president, answered this letter, and, very properly, refused to send a branch into the state, contrary to the expressed will of the legislature.

Thus the matter rested until 1826, when this same gentleman was a leading member of the Tennessee legislature; and, not having been able to get a branch

bank of the United States, he and others determined they would have a *paper bank*, founded on state funds and the *faith of the state*. They passed an act creating a bank. There was then in the state a bank in which the state had twenty thousand dollars of the stock. It was called the Bank of the State of Tennessee, and had been so conducted as to give society confidence in it; and, in baptizing this new bank, its authors gave it exactly the same name, and thus we had, at the same time, two banks, having the same name, in the same state. The friends of the old would not have hesitated in charging the leaders who established the new with pilfering their name, that they might derive benefit from their credit, had they been other than members of the assembly.

The plan of this new bank was not to pay specie, and to please the people, it was said it was a bank to relieve the people from pecuniary distress.

At the same session, and to force into circulation paper money not redeemable in specie, laws were passed to prevent levies of execution, unless plaintiffs would agree to receive irredeemable bank paper.

These proceedings met with very decided opposition from the supporters of a sound currency.

They denounced a depreciated paper currency as a curse to the country, and the old state bank would not touch the paper of the new; and, after a long controversy between the directors, under the administration of an enlightened and worthy directory of the new state bank, it was so conducted as to be converted into a specie paying bank, and I believe it has faithfully redeemed whatever notes it put in circulation.

But, then, what became of the capital and profits? Much of them were wasted. There was a branch or agency in each county.

The cashier of the principal bank, a highly worthy, intelligent, and generous man, could not resist the temptation; he permitted importunate and needy friends to draw checks, which he paid when they had no funds in bank. This practice was detected, and exposed, and he retired.

Some of the agents, men of as much integrity as those to be found now, either used, or permitted others to use, the moneys entrusted to their care. Those moneys were in some instances lost, the agents ruined, and the state has been for several years endeavoring to save something from the wreck.

With these examples before me, I cannot, I will not, I dare not, give my sanction to a scheme so demoralizing, and fraught with so many mischiefs.

But, sir, our history stops not here. I think, about the year 1836, a Nashville bank failed, and occasioned much excitement. The legislature, then in session, repealed our act of 1817, imposing the tax of which I have spoken; a branch of the United States Bank was applied for, and established. It went down with the principal and the other branches, and from that time, until July, 1836, we were state bank men, generally; these banks having a *safe specie* basis, and always *paying specie*. During the whole of these arduous conflicts, others have had an advantage over me.

They first wanted a United States Bank, that we might have a good currency *everywhere*. Next they wanted paper money, and creditors forced to receive it, or to get nothing; then United States Bank notes again; and now, when the monster is slain, and we can all venture to measure the length and breadth of its supposed deformities, nothing will do them but the pure, unadulterated *hard money*.

Mr. President, these politicians ever have the advantage of me. I never can give up an old opinion, until I am sure I have found better reasons for a new one. They have the full benefit of what is called the *march of mind*. They march and counter-march so that I cannot keep pace with them. I turn slowly, awkwardly, and these politicians give me the dodge, and are sometimes out of sight before I know they intend to change. But this is of no consequence to me. Such wills-with-the-wisp or jacks-with-the-lantern I would not follow, if I could see them. They would only pilot me into some quagmire or swamp, and then leave me, although their dexterity could easily extricate themselves.

For myself, I now am, and ever have been a hard money man, to every reasonable and constitutional extent. Nothing is, with me, money, within the meaning of the constitution, but the *precious metals*, and they either coined, and their value fixed by acts of congress, or foreign coin, whose value is declared in the same way. No government, either state or federal, can make any thing else a tender in payment of debts. This kind of money, and this only, is the end of the law, where pecuniary compensation is to be made. It is not only the standard by which the value of property is to be fixed, but it is itself *property*, which can be applied to other useful purposes. The federal government has no power to incorporate individuals, and bestow upon them banking powers and privileges, to be exercised within the states.

The federal government cannot issue, or authorize to be issued, paper to be used as currency.

The constitution takes from the states the power to issue bills of credit.

It does not confer upon congress any such power, and it can exercise no power except that which is expressly given, or is necessary and proper to give effect to a power expressly granted. The framers of the constitution having taken from the states the power to issue bills of credit, and having refused or omitted to confer such a power on congress, believed they had secured the country against the issue of a paper currency by *either* government, which individuals could have no

means by suit to compel the payment of, and which, if tolerated, would be sure to depreciate.

Before the constitution of the United States was framed, the state had the power to incorporate individuals, and give them banking powers and privileges; this power was never taken from them, and, therefore, they still possess it.

I have believed, and now do, that in a country so extensive as ours, so highly commercial, and so free, our business cannot be transacted without paper of some kind, which is *not money*, but *credit*, the representative of money. These credits will be highly injurious, unless regulated by law. I therefore have maintained state banks, at the same time wishing to put down, by all means in our power, small notes; to have none less than five, ten, twenty, and even higher than that, if a majority wished, so as to furnish a broad specie basis the better to maintain and support the organized credits, evidenced by *bank notes or checks*.

It is all idle to tell me that the only mode to have hard money is to put down state banks. Put them down to-morrow, and then we will find it indispensable to have a United States Bank owned by individuals, or a treasury bank owned by the United States, and governed *at the will of the executive*.

Being opposed to both these, and thinking the country must have credits in some shape, I support state banks as the only means of preventing the establishment of some one of the others. I think them both unconstitutional, and the treasury bank infinitely the most dangerous.

We might as well at once put the whole moneys of the government at the disposition of the executive as to pass this bill; because, although some of the officers who are to have charge of it must have the sanction of the senate in their appointment, yet the president can remove, or have removed at his pleasure, every man of them.

This bill, in truth and in fact, *creates a bank with vast powers and extensive capacity*.

Suppose congress to incorporate a number of individuals, and confer upon them powers to do exactly the same thing which the officers named in this bill are empowered and required to do, what would gentlemen call their institution? It must and would be a bank; they would have all the usual powers of a bank, except to loan money by discounting notes.

The only use of an act of incorporation is to empower a number of individuals, or some one man, to transact certain business under particular restrictions. Now if we give to our own officers exactly the same powers which, if given to one or more individuals, would denominate the establishment a bank, it is equally so in both cases.

This bill provides places where our whole treasure, hard money, notes of specie-paying banks, treasury notes, or other paper issued under the authority of the government, are to be kept.

It authorizes the transfers and re-transfers of those moneys from point to point, at the discretion of the secretary. There is now a bill before the other house authorizing an issue of ten millions of treasury notes; it will certainly pass for that or a larger sum.

Now let us consider how these powers will be made to operate.

1st. The capital is the whole treasure of the nation, say any sum we please not less than twenty-five, nor more than fifty millions of dollars.

This sum can be concentrated at one place, or dispersed to different places, as the secretary chooses. A merchant of New York owes fifty thousand dollars for duties, and this sum he is to pay to the collector there, who is to deposit it in his vault. He borrows the amount from a specie-paying bank in the notes of the state bank, and pays the debt. Instantly the collector goes to the bank, draws the specie, and returns its notes, and locks the specie up in the vault, where he is to keep it till needed for disbursement; and by pursuing this plan the whole specie may be withdrawn from the banks, or so much of it as to compel the banks to wind up.

Again: a merchant in Nashville owes fifty thousand dollars for goods purchased in New York; he gets that amount in notes of the Nashville banks, by borrowing or otherwise, but they will not answer to pay his debt in New York; he therefore goes to the sub-treasurer, who has his proportion of these treasury notes, and gives him his fifty thousand dollars, and receives a treasury note, or notes, and perhaps allows one per cent. as the difference of exchange, and the sub-treasurer immediately goes to the state bank, returns its notes, takes the specie and locks it up in the vault. When a creditor of the government applies for payment of his salary, or other dues, he may be paid in treasury notes, and thus we find this is a bank of *issues*.

It is useless to pursue this subject farther. Every practical man must see this in substance a treasury bank, with immense funds as a capital, with unlimited power to draw and redraw, and that it is a bank to *issue not hard money alone, but paper money, issued by or under the authority of the United States*. That it confers powers and capacities which will enable it to *prostrate the state banks, any and every where, at its pleasure*.

It will not only control the state banks, and make them *subservient to its will*, but will also influence all men engaged in commerce, which requires the use of funds at distant places.

Pass this bill, and we put it in the power of the president, through his secretary of the treasury, to control the whole pecuniary, active capital of the country. We are to add this tremendous power to a patronage already dangerous in the extreme, and this at a time when we

have a chief magistrate who is not only *unwilling* to have his power and patronage curtailed and limited, but is desirous to add to them, even to the extent of encouraging armed voluntary associations to stand ready to carry out his views by force of arms.

In the early and pure days of the republic, in 1789, the republican doctrine was, that no president would ever dare to remove an officer who held office at the will of the president, simply on account of his politics; and, if he did, Mr. Madison said it would be a crime for which he should be impeached.

Mr. Jefferson, upon assuming the reins of government, prohibited all inferior officers from interfering in elections, further than to vote, on pain of dismissal.

In the canvass, which brought the late president into office, we all thought the same way, and that this was the sound democratic or republican doctrine.

Do we not all remember the out-cry against Mr. Adams, because we thought, through a Mr. Slade, a clerk in some of the departments, he had signified to the Vermont legislature that he preferred the old senator, Mr. Seymour, to Mr. Van Ness? The newspapers rung with this charge, and if Mr. Adams or his cabinet had avowed that they had a right to endeavor to influence people in elections, it is doubtful how he would have got through even the four years to which he had been elected.

Now the whole course of thinking and acting is changed.

During the last administration it was not only maintained that the president and all under him had a right to interfere, but, for the sake of securing a democratic administration, it was a duty to aid in electing his successor, members to both houses of congress, governors of states, &c.

The present incumbent improves upon this, and countenances what may be called legions of honor, to maintain him by force in carrying out modern democracy.

I have been surprised that in none of our discussions has any gentleman alluded to a correspondence between an association in Philadelphia and the chief magistrate during the past year.

They informed him that they had voluntarily associated together, had armed and equipped themselves, and made a tender of their services to carry out the laws.

In a country as free as ours, where the laws themselves are nothing but the will of a majority of the people, constitutionally expressed, every thing which tends to weaken or diminish our respect for the laws is highly reprehensible. Now what would we reasonably expect as an answer from our chief magistrate to such a tender of services?

I looked for grateful acknowledgments for their good feelings towards him, and a request that, as they regarded him and his fame, they would immediately lay aside their warlike implements and dissolve the association; because, if the country was to remain free, such voluntary associations could never be necessary. Public opinion, and forces, when indispensable, called out under the *authority of law*, would always be sufficient in the hands of the executive to give effect to the will of the people, expressed through their acts of congress.

But I was sorry to find no such sentiments; on the contrary, sincere thanks, and a manifest willingness to countenance the use of such forces if emergency should require their services.

The good sense of society must check this course of thinking, or there is reason to fear that, at no distant day, we may have, through the agency of such means, *anarchy first, and then despotism*.

The senator from Massachusetts, (Mr. Webster,) at the close of his reply to the senator from South Carolina, "for his special benefit," in very good temper, and in a most happy manner, referred to the early history of that portion of my state, now called East Tennessee, once known as the *state of Franklin*. He read us a part of one of her acts of assembly, which fixed the salaries of some of her officers, and directed the *species of currency* in which they were to be paid.

I always feel gratified when I know, or hear, that my state has done any thing which benefits any portion of my fellow-men.

"Blessed are the peace-makers," is the language of holy writ. On this occasion the two honorable and distinguished senators had assumed an attitude so beligerent that I really feared it might end in something worse than words. But no sooner were the labors of my state fifty years ago brought to the notice of this grave body, than we all forgot that any of us had ever been out of temper, and so soon as we could recover composure enough to adjourn, we separated like a band of brothers—no two leaving the chamber in better temper with each other than the two honorable senators.

But, sir, the senator knew nothing of the practice under the state law, therefore we have not the full benefit which we ought to derive from his reminiscence. He could have related the whole incidents so much better than I can, that I regret he did not mention this subject to me before he addressed the senate: if he had I would have given him the additional facts, that the whole might have been detailed to the senate in his good tempered and felicitous manner.

It will be remembered that the governor, chief justice, and some other officers, were to be paid in Deer skins, other inferior officers were to be paid in Raccoon skins. Now, at that day, we were all good whigs, although we had some of the notions of the democrats of the present day.

We thought these taxes might safely remain in the hands of the collectors as sub-treasures until wanted

for disbursement. The taxes were, therefore, fairly collected in the skins and peltry pointed out in the law. But the collectors, as report says, knew that although Raccoon skins were plenty, Opossum skins were more so, and that they could be procured for little or nothing. They, therefore, procured the requisite numbers of Opossum skins, cut the tails off the Raccoon skins, sewed them to the Opossum skins, paid them into the general or principal treasury, and sold the Raccoon skins to the hatters.

The treasurer had been an unlucky appointment, although a worthy man; he was a foreigner, knew nothing of skins or peltry, and was, therefore, easily deceived by his sub-treasurers. Whenever this imposition was discovered, the whole system went down, and we never have had a great fancy for leaving the taxes in the hands of the sub-treasurers or collectors from that day to this.

But, sir, these old proceedings more clearly developed the true character of my state than almost any thing of the present day.

The territory or tract of country called Franklin was composed of four counties of North Carolina, and separated from the body of the state by the great ledge of mountains, called at different places by different names, and from what is now West Tennessee by the Cumberland mountains, and a wilderness of two hundred miles.

The revolutionary war had terminated with Great Britain in 1783, but it continued with the powerful tribes of Indians who had been in alliance with her. The depredations of these Indians were so serious that aid to arrest their ravages was desired from North Carolina; that state was not in a situation to furnish protection, and instead thereof, from good motives, no doubt, but without due consideration, passed an act ceding us to the United States. Whenever the news was received, the leading men, who were *King's mountain men*—Sevier, the companion of the gallant Campbell and Shelby, at their head, took fire; the discontent ended in a declaration of independence, and the formation of the state called, to perpetuate our whig principles, "*Franklin*."

North Carolina discovered her error, and, before congress could act on the subject, repealed her act of cession. But it was *too late*. We had been disposed of without our consent. Though but a handful, with a powerful savage enemy infesting our whole frontier, and without a dollar to begin with, we set up for ourselves. We would not brook the indignity; we had begun the fight for liberty, and liberty or death we would have. We continued the controversy till 1793, when an accommodation with our parent state took place; and with our own consent, and upon terms thought just, we, with other portions of territory, were ceded, in 1793, to the United States.

In 1796, we became the state of Tennessee, and how we have since conducted, I willingly leave to the judgment of our sister states.

I confess, instead of feeling humbled by, I am proud of, this ancient reminiscence. I feel proud that my ancestor was one of that unyielding band; that I now find myself associated here with a Sevier and a Tipton; and although I sometimes think two generations back those of their name would not have worked so tamely in party gear, yet every once in a while the *blood shows itself*, and you can see, that if their home concerns are not attended to here, according to what is just, they *break party bandages*, and walk abroad in that freedom for which their fathers periled every thing.

It is true we are neither whigs, tories, or democrats by inheritance, but there is much in blood, much in education. Early lessons from mothers are apt to have an influence upon us through life. What the father says when he first sends his boy to school is hardly ever forgotten.

When that law was passed, and for years afterward, the first morning the son was to start for school, he was sure to receive the father's advice, in emphatic terms, calculated to make a lasting impression, in language like the following: My son, you are now going to school, you must render a willing obedience to your master; he is in my place, obey him, if you love me. Be kind to all your school-fellows, do nothing offensive or unjust to them. Be careful in all you say, and do not give any of them cause of offence, and, if they will quarrel with and abuse you, take care you never come home *whipped* by any one of them, if you have the power to prevent it.

Children were taught from infancy the doctrine of equality, that no distinction ought to exist except that which was produced by vice or virtue.

And as to a circulating medium, this old act contains a volume of instruction for me. At that day, the medium of our exchanges was skins and peltry, or furs. They were the currency in which the people were obliged to transact their business, and my father, when voting for that law, thought it just that our officers, from the governor to the constable, should be paid in the same kind of currency which the people were compelled to use in their dealings with each other, and so think I now as to our federal officers. Such, I think, have been the opinions of a majority of my constituents from my youth to this day.

My wish is to carry into effect their will. If I had fortitude enough to venture into an unknown world, I would rather do so now, and upon this spot, than knowingly to give a vote upon a subject so important, which would disappoint the wishes of the companions, of my youth, the associates of my maturer years, and those who

have ever sustained me against all attacks, at every stage of life.

What I believe to be their will, corresponds with my own judgment on this subject; and, however much I may and do regret a difference of opinion with enlightened men from other states, yet I acknowledge no responsibility to any human power except to the citizens of my own state who have so long honored me with their confidence.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

May 3. The *Vice President* presented a report from the secretary of the treasury, in pursuance of a senate resolution, communicating information on the subject of the public lands in the mining country of Wisconsin and the northern part of Illinois. Read, and ordered to be printed.

Also, a report from the secretary of war, on the subject of the fortifications of the United States, in pursuance of a resolution of the senate. Read, and ordered to be printed.

The following, among other petitions, were presented. By Mr. *Buchanan*: Four memorials, signed by a large number of the citizens of the city and county of Philadelphia, urgently requesting congress not to pass the international copy-right bill.

[These memorials, Mr. B. said, state that a capital of \$30,000,000 or more is now embarked in the different branches of the manufacture of books, affording employment to thousands of men, women, and children; and that to pass this law would do great injury to the owners of this capital and all whom it employs. The memorialists also state that this law would considerably enhance the price of books to the citizens of our country, who, instead of purchasing them as they now do at a rate so cheap as to place it in the power of every poor man to improve his mind, would then be obliged to pay such large prices as greatly to reduce the number of purchases, and to deprive the poorer class of our citizens altogether from the benefits and enjoyments of foreign literature. They contend that there is no obligation of justice requiring the United States thus to injure its own citizens by enhancing the price of foreign books; and that it is sufficient for each country to grant copy-rights to its own authors. Mr. B. said these were strong views of the subject, and demanded the most grave consideration from congress and the country. He would not now anticipate the debate which must hereafter arise on the question, but he asked senators to keep their minds open until they could hear both sides. If it were generous and liberal to patronize foreign authors, it was our duty to take care that this should not be done by sacrificing the rights of our own citizens.]

The memorials were referred to the committee on patents.

Also, by Mr. B. four memorials from citizens of the county of Philadelphia, against the annexation of Texas to the United States. Laid on the table.

Mr. *Wright*, from the committee on finance, reported a bill to authorize the sale of the bonds of the Bank of the United States belonging to the government of the United States. Read, and ordered to a second reading.

On motion of Mr. *Williams*, the claim of Richard B. Mason was rejected.

On motion of Mr. *Benton*, call was made on the secretary of the treasury for a condensed statement of the condition of the state banks, according to the latest returns received at the treasury; also, the returns on which said statement may be founded.

The bill granting the right of way for roads and canals through the public lands, to states and incorporated companies, was read a third time, and, after a short discussion between Messrs. *Lyon*, *Tipton*, *Clay*, of Alabama, and *King*, growing out of an objection of Mr. *Lyon* to the bill in its present shape, it was passed, and sent down to the other house for concurrence.

The bill to provide for the security and protection of the emigrant and other Indians west of Missouri and Arkansas, (establishing a confederate territorial government of the emigrant tribes) was read a third time, amended by consent, on motion of Mr. *Linn*, by striking out *Neosho* (the Osage word for "clear water") and substituting "Indian territory," as the name of the territory, and then passed by the following vote, and sent to the other house for concurrence, viz:

YEAS—Messrs. *Buchanan*, *Clay*, of Alabama, *Clay*, of Kentucky, *Clayton*, *Crittenden*, *Cuthbert*, *Davis*, *Fullton*, *Grundy*, *Hubbard*, *King*, *Knight*, *Linn*, *Lumpkin*, *Lyon*, *Merrick*, *Morris*, *Nicholas*, *Pierce*, *Prentiss*, *Preston*, *Rives*, *Roane*, *Robbins*, *Robinson*, *Ruggles*, *Smith* of Connecticut, *Smith*, of Indiana, *Southard*, *Spence*, *Swift*, *Tallmadge*,

Tipton, *Trotter*, *Wall*, *White*, *Williams*, *Wright*—39.

NAYS—Messrs. *Allen*, *Benton*, *Brown*, *Calhoun*, *Niles*, *Norvell*—6.

The senate then took up Mr. *Clay*'s joint resolution, as heretofore stated, which occupied the remainder of the day.

May 4. A message was received from the president of the United States by Mr. A. Van Buren, his private secretary.

The *Vice President* presented a communication from the secretary of war, with a report of the second auditor, in pursuance of the act of May, 1827, to regulate the intercourse with the Indian tribes. Laid on the table, and ordered to be printed.

Mr. *Southard* presented a remonstrance against carrying into execution the late alleged treaty with the Cherokees. Laid on the table, and ordered to be printed.

Mr. *Swift* presented a remonstrance of the same kind, from inhabitants of Dorset, Vermont. Laid on the table, and ordered to be printed.

Mr. *Roane* presented a memorial from the friendship fire company of Alexandria, praying aid from congress. Referred. Mr. *Linn* presented a memorial on the subject of establishing an agricultural and mechanical department of the government. Referred. Mr. *Spence* presented the petition of Daniel Job, for a pension as a revolutionary soldier.

Also, a petition of Jacob Jeffers, for bounty in land and money as a revolutionary soldier. Severally referred.

Mr. *Fulton*, from the committee on the public lands, reported a joint resolution in behalf of Verapian Ellis, which was read, and ordered to a second reading.

On motion of Mr. *Linn*, it was ordered that when the senate adjourn, it adjourn to Monday; and then,

On motion of Mr. *Benton*, the senate adjourned.

May 7. The *Vice President* presented a communication from the treasury department, in pursuance of a senate resolution of the 2d instant, with a condensed statement of the condition of the state banks employed as depositories of the public money according to the latest returns. Referred and ordered to be printed.

Mr. *Webster* rose and said he had particular pleasure in presenting the memorial of certain officers of the army, praying congress to repeal a part of the law which allows whiskey to soldiers on fatigue duty. These persons, most competent certainly to judge, are of opinion that this allowance should be discontinued. They think the substitute provided for other cases would be most usefully applied to this also. So decisive a testimonial in favor of the great cause of temperance ought to have much weight. If ardent spirits may be beneficially and usefully dispensed with by soldiers on fatigue duty, it would be difficult to maintain the necessity of their use by persons in any occupation or employment. Mr. W. said the petition was short, and, in order to give it its proper effect and consideration, he would move that it be printed, and that it be referred to the committee on military affairs. The petition was as follows:

To the honorable senators and representatives of the United States in congress assembled: The undersigned, officers of the United States army, beg leave respectfully to represent that, in their opinion, the substitution of sugar and coffee for the whiskey part of the ration allowed to soldiers has been productive of great good to the service, and also the means of preserving the health, efficiency and happiness, and frequently effecting the moral reformation of that part of our army. And sincerely believing that the gill of whiskey still allowed to men on fatigue duty, by the act of congress passed March 2, 1819, not only fails to answer the end for which it was granted, but contributes, in a great degree, to form and keep alive habits of intemperance, the legitimate results of which are insubordination, disease and crime, we therefore respectfully and ardently petition your honorable body to repeal so much of said act as relates to the subject.

L. A. BIRDBALL,

Assistant surgeon U. S. army.

A. G. BLANCHARD,

1st lieut. 3d regiment U. S. infantry.

I. H. EATON,

2d lieut. 3d infantry U. S. A.

Camp on Sabine lake, La., Feb. 25, 1838.

The petition was referred to the committee on military affairs, and ordered to be printed.

The following petitions, among others, were presented. By Mr. *Webster*: From Edward Everett and others, of Boston; from Samuel Fessenden and others, of Portland; from several citizens of the city of New London, Connecticut; from citizens of the county of Oneida, New York; from citizens of Holliston, Massachusetts, and from several other

lances; all remonstrating against the late alleged treaty with the Cherokees, expressing the opinion that it was not conformable to the wishes of the majority of the tribe, and praying that its execution might not be forced upon them. Laid on the table and ordered to be printed.

Mr. Williams presented resolutions of the legislature of Maine in relation to the northeastern boundary, to fortifications in that state, and to another subject, (unheard.) Laid on the table, and ordered to be printed.

On motion of Mr. Grundy, the committee on the judiciary were instructed to inquire into the expediency of making further provision by law to prevent the counterfeiting of treasury notes and other public obligations and securities.

The senate then took up the bill to increase the salary of the commissioner of the general land office. Mr. Buchanan said he should like to know the reason for the increase of salary proposed by this bill. He was opposed to the increase of any salary, unless it was absolutely necessary.

Mr. Clay, of Alabama, said the reason was to be paid in the comparatively high qualifications and great amount of duty of a commissioner of the general land office, which he proceeded to specify, and to compare with those of other officers with higher present salaries.

Mr. Buchanan said he had no doubt of the qualifications and merits of the present commissioner, but that was out of the question. The true question was, whether in the existing state of the treasury congress ought to set an example of increasing salaries, which would not fail to be followed up by increasing the salaries of other officers. If such increase were to be made at all, Mr. B. would propose to increase especially the salaries of the two assistant postmasters general. But he was opposed to any increase at this time; and in order to test the sense of the senate on this subject, he demanded the yeas and nays on engrossing the bill, which were ordered.

Mr. Clay, of Alabama, moved to lay the bill on the table for the present. Negatived.

The questions were then put on engrossing the bill for a third reading; which was negatived as follows:

YEAS—Messrs. Clay, of Alabama, Fulton, Moulton, Robinson, Sevier, Young—6.

NAYS—Messrs. Allen, Buchanan, Calhoun, Clayton, Cuthbert, Davis, Grundy, King, Linn, Lumpkin, Morris, Nicholas, Niles, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Smith, of Connecticut, Southard, Spence, Swift, Trotter, Wall, Webster, White, Williams, Wright—29.

So the bill was rejected.

On motion of Mr. Wright, the senate took up the bill to authorize the sale of the bonds (the 2d and 3d instalments, about \$3,000,000,) given to the government by the United States Bank of Pennsylvania, for the government stock in the late Bank of the United States, and due next September and September, 1839.

Mr. Wright made a brief statement of the destitute condition of the treasury, of which the whole present amount of means, as he had just learned from the secretary of the treasury, was but about \$700,000. The committee, he said had waited some time for the passage of a bill in the other house which would afford relief to the treasury; and as it was not deemed proper for the senate to originate revenue bills, the committee had resorted to this measure as the best, if not the only one, which the senate could originate for the relief of the treasury.

Mr. Webster said, if it should be thought wise by those who had the power and the responsibility of managing the financial affairs of the country to adopt this measure, he should not oppose it. It was not a measure, however, which he himself should have recommended. We have never before, so far as I know, in the history of the government, farmed out our revenues, or income, or taken them up in advance, or relieved the wants of the treasury other wise than by treasury notes, or loans, on the credit of the government. This selling out of obligations due to us is new, and in this case, he thought, not the measure called for by the state of the treasury.

There are three of these bonds, amounting to about two millions each, with some addition of interest, payable respectively in September of this and the two succeeding years. It is proposed to sell the two last of these bonds, provided they can be sold at or above par. They are to be sold without guaranty, and on the credit of the bank alone. That this credit is, and ought to be, perfectly good, I entertain, said Mr. W. no doubt, although great doubts of the ability and solvency of this debtor to the government are expressed and repeated, even while government is thus proposing to make sale of the debt.

My doubt of the practicability of making sale of the bonds within the conditions of the bill, does not arise from any suspicion that any body will question the credit of the bank, or doubt about the punctual payment of the bonds. But the purchaser will naturally inquire, in what medium, or what currency, will these bonds be paid? Will they be certain to be paid in gold and silver? Or will their probably be, when these bonds come to maturity, treasury notes in circulation, or other paper, which shall be receivable, by law, in debts and dues to government; and is there not danger, if there shall be, that such treasury notes, or other paper, will be below the value of gold and silver?

This is the point, I think, likely to create hesitation. Whatever government receives in payment, the holders of these bonds must receive whoever they may be; unless it be certain, therefore, that government will hereafter receive nothing, in discharge of debts due it, but gold and silver, it is not certain that these bonds will be paid in gold and silver. It is understood that the bond which fell due in September last was paid, in great part, by government paper, which was several per cent. below the value of specie. Money dealers have sharp eyes, and are very likely to look to what may happen in this respect; and, therefore, I think, it is hardly worth while to make an attempt to sell the bonds. Still the treasury may be better informed on the subject; and if the secretary and the honorable chairman think they may be sold for cash, at par, I shall not oppose the bill. I should not have recommended it, however, for another reason. It is not adequate to the exigency. It does not meet the case. It will not furnish sufficient funds to enable the administration to carry on the government. If this sale should be made, there must still be a loan, or the issue of treasury notes.

The chairman of the committee has certainly stated a very strong case. He has put forth the state of the treasury fully and frankly. He states a more forlorn case, even, than I have heard stated before, or than ever was stated before, I believe, in the history of this government. He says, one of the usual, ordinary, annual appropriation bills, having passed the house of representatives, is now before the committee. It is the annual navy bill; and this bill, he says, the committee does not report to the senate, simply because, if it pass into a law, it will create demands that the treasury cannot meet. In other words, the treasury is not in a condition to meet the ordinary payments for the support of the navy. This is certainly a most extraordinary state of things. It deserves to attract strongly the public attention.

The honorable member's plain and direct admission is really astounding. The officers and seamen of the navy cannot be paid for want of means in the treasury! The annual appropriation bill, for this branch of the public service, cannot be passed, because, if it were passed, the discredit of government would be open and notorious! And is this admitted to be the true state of things to which we have arrived? If this be so, something much more efficient than this measure is due to the occasion.

I can well conceive a state of things in which some use might be made of these bonds. If government and the bank were on good terms, I have no doubt the bank would answer drafts made upon it by government in the common course of disbursements, and charge their amount against these bonds; thus itself anticipating their payment. But no such thing is proposed. The plan is to sell the bonds, all at once, and place the amount in the treasury. Whether this is likely to be done, is with me a matter of doubt. The administration, however, may have ascertained this point, perhaps, and may expect to find no difficulty. But if this should prove to be the case, still the measure is by no means an adequate measure.

The honorable chairman says he can think of no other measure which it is competent for the senate to originate; that the senate cannot originate a loan bill, or a treasury note bill; or, at least, that the house of representatives dispute its authority to either. But is this a sufficient reason? Both houses must, of course, agree to any bill to make it a law. Wherever it originates, both must concur. It seems, therefore, no sufficient reason for proposing this measure, that the senate can propose no other.

We are to take it for granted that those who have the power to originate the proper measures will do their duty.

Mr. Wright said he would not occupy the time of the senate in explaining this bill; it went far to explain itself; and he would only say, that in his own view, and as a matter of information through the whole country, the credit of this institution was very high; but it was evident to him and to others, in regard to the treasury, that present means were to be provided by various legislation of con-

gress, and must be raised by them in some way or other. It was obvious that it might be done by issuing treasury notes, or by the sale of these bonds. Mr. W. had been informed that money was at a low rate in England, and as these bonds were at six per cent. they might be disposed of there, if not in this country. The committee did not propose to sell the bonds due in September next; but one of those which they proposed to sell had one year from the 1st of October next to run, and the other two years from that time. These bonds were for \$2,250,000 each at par value, but they would amount to less than that, as interest was to be deducted. The attention of the committee had been called to this subject by a special resolution of the senate, and Mr. W. could not feel otherwise than in favor of the measure. If the senate thought the committee were mistaken, they might refuse to pass the bill; but at all events it could make the treasury no worse. The committee were of opinion that if these bonds should go abroad for a market, and even if they should be disposed of at home, the avails would not be received in time to render necessary other measures to relieve the treasury.

Mr. Webster said this was simply a question of propriety, prudence, and financial fitness. Will this measure prove beneficial to the country, by relieving, in a proper manner, the wants of the treasury? I doubt this; and that doubt is founded in an apprehension that purchasers may not be certain in what medium the bonds may be paid. The honorable member says, we can do nothing with that; that is a question which must be left to those who propose to purchase. If they have doubt on that head, he says, they will not buy. This is all very true. But is it worth while to resort to an expedient to raise money, which may be met with such an objection; and which, if it meet with no difficulty in the execution, is yet insufficient to supply our wants, and will, therefore, not supersede the necessity of other measures?

It is proposed to attempt a sale of these bonds in Europe. Are we to stay here till we know the result of that attempt? I hope that we have not before us such a prospect as that.

On the whole, sir, though I repeat that I do not make any strenuous opposition to the bill, yet it is a measure which, if my counsels prevailed, would not be adopted, as I think it of doubtful success, and, if successful to the fullest extent, still falling short altogether of the public necessities.

Mr. Wright said, if the purchasers were not satisfied that he would receive payment for the bonds in a medium acceptable to him, he of course would not purchase. But Mr. W. believed there would be no difficulty on this point. If congress should authorize the issue of treasury notes, it would be, as heretofore, to such an amount as the treasury might require, not to exceed a certain limit. Mr. W. admitted that this limit would be just as high as if this bill should not pass; but, if it passed, it might lessen the amount of treasury notes which would be actually issued.

After a few words of rejoinder by Mr. Webster—the bill was passed to a third reading.

The senate proceeded to consider the bill to authorize the erection of a hospital in the city of Washington, and for other purposes.

The question being on a former motion of Mr. Sevier to strike out the words "and others" from the bill, thus limiting its benefits, as it was understood, to indigent seamen and soldiers,

Mr. Roane and Mr. Williams spoke briefly in opposition to the amendment; whereupon Mr. Sevier so modified his amendment as to extend the benefits of the bill to citizens of the District of Columbia.

Mr. Clay, of Alabama, spoke in favor of the amendment, and against the large appropriation (\$50,000) proposed in the bill.

Mr. Buchanan said he was very glad to perceive that the lesson on economy which had just been taught his honorable friend from Alabama had proved effectual; and Mr. B. would assure him that he would follow his lead, and be a soldier under his command in all reasonable reductions of expenditures.

Mr. Williams spoke warmly against the amendment, especially as it would turn out many from the poor-house who had already been received, and who were not citizens of this district.

Mr. Niles spoke at some length in general opposition to the bill.

Mr. Southard spoke against the amendment, and with much feeling and earnestness in favor of the bill. He hoped it would be passed in the shape in which it had been reported to the senate. There could be no difference of opinion as to the object of the bill; and were it in a state legislature, and for the benefit of a state, there could be no occasion for arguments in its favor. The bill, he said, was

not designed to give permanent support to those belonging to other places, but to save them from suffering till they could be removed. If this duty were a burden on the government, it was one which could not be avoided without inhumanity. The seat of government being here, brought great numbers to this place in pursuit of claims or pensions, and were left destitute and totally dependent on public charity to keep them from starving.

Mr. *Clay*, of Alabama, spoke briefly in favor of the amendment, and of reducing the appropriation in the bill. He argued that government should be just to itself and faithful to its trust, rather than to listen too readily to the calls of generosity or humanity.

Mr. *Roane* advocated the bill with much earnestness and warmth of feeling. No one, he said, would he yield to on the subject of economy; but he argued that it was the duty of every community to provide for those unfortunate classes of persons among them who are unable to provide for themselves. If this was not a seaport, it was the metropolis of the nation, where all classes congregated, soldiers and sailors, especially, who were in quest of aid from the government, for the helpless and suffering, among whom the government ought to provide at least temporary relief and protection.

Mr. *Williams* estimated the number of insane in this district at about forty, taking into view the general proportion of this class to the rest of the population. He also spoke further in favor of the bill and against the amendment.

The amendment conferring the benefits of this bill to residents of this district, was agreed to as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lyon, Mouton, Niles, Rives, Robinson, Ruggles, Sevier, Smith, of Connecticut, Trotter, Wall, White, Wright—22.

NAYS—Messrs. Clayton, Crittenden, Davis, Knight, Lumpkin, Merrick, Morris, Nicholas, Pierce, Prentiss, Preston, Roane, Southard Spence, Swift, Webster, Williams, Young—18.

On motion of Mr. *Clay*, of Alabama, the appropriation of \$50,000 in the bill was reduced, and limited to \$30,000.

The bill was then ordered to be engrossed for a third reading.

Mr. *Roane* gave notice that he should on Wednesday next, ask the senate to take up the bill relating to the affairs of the District of Columbia.

The senate took up the bill to continue the corporate existence of the banks in the District of Columbia.

Mr. *Benton* having signified his desire to speak on this bill to-morrow,

The senate adjourned, after an executive session.

May 8. A message was received from the house, through their clerk, announcing the death of the hon. Joab Lawler, member of the house from Alabama, and informing the senate that his funeral would take place to-morrow, at 12 o'clock, from the hall of the house.

Mr. *King* then rose and addressed the senate as follows:

Mr. *President*: Another of the members of this congress has passed from time to eternity. This unexpected event is well calculated to produce the most serious reflections. "Be ye also ready," should be deeply impressed upon every heart. The hon. Joab Lawler, a representative from the state of Alabama, breathed his last at his boarding house in this city, about 9 o'clock this morning. His sickness was of short duration; but a life devoted to piety and virtue enabled him to look with calm and christian resignation on the dread change that awaited him.

Mr. *Lawler*, Mr. *President*, was of humble origin. He was destitute of the advantages of a liberal education; but a vigorous intellect, combined with sterling integrity, early recommended him to the favorable notice of his fellow citizens, and they placed him in the legislature of his state. For years he continued to discharge his duties in that situation in a manner so creditable to himself, so satisfactory to those he represented, that they demanded his services in a more exalted station. He yielded to their wishes, and twice has been chosen to represent their interests in the congress of the United States. Mr. *President*, his mortal career has closed. His country has lost the services of one of her most virtuous citizens; his bereaved wife, an affectionate husband, and his orphan children, the fostering care and protection of an indulgent father. To that desolate, heart-stricken family I would say, "mourn not as one without hope." The husband, the father, was a christian. He died as a christian dieth, in the full hope of a blessed immortality. Keep, then, before your eyes the purity and holiness of his life; live as he lived,

and you may go to him; to you he can never return.

On motion of Mr. *King*, the senate resolved unanimously to attend the funeral of the hon. Mr. Lawler, at the time and place appointed, and to wear crape round the left arm for thirty days, in respect to the memory of the deceased; as a farther token of which, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, May 7. The following, on leave, were presented by the Speaker:

A communication from the secretary of war, transmitting a report from the commanding general of the army, accompanied by a copy of that of major Belknap "with respect to the removal of the obstructions to the navigation of the Sabine river," called for by a resolution of the house of representatives of the 1st inst.

A communication from the secretary of war, in compliance with a resolution of the house of the 19th of March last, relative to the progress made in issuing patents for land in the state of Louisiana, and the examination of certificates of purchase under the pre-emption law of 1834.

Among the resolutions offered was the following by Mr. *Gray*:

Resolved, That a committee, consisting of five persons, be appointed to inquire into the expediency of authorizing permanent contracts to be made with the different railroad companies, or such of them as may be willing to make permanent contracts for the transportation of the mail, public property, and troops of the United States from the seat of government to lake Erie and lake Ontario, upon such terms and such restrictions as may be prescribed by law.

The resolution was amended by striking out "consisting of five persons be appointed to," and inserting therein, "on the post office and post roads," and also by striking out all of the same after "United States," (so as to make the inquiry general, instead of confining it to a particular case,) and agreed to by the house.

On motion of Mr. *Miller*,

Resolved, That the committee on the post office and post roads be instructed to inquire into the expediency of establishing a mail route from Huntsville, in Randolph county, Missouri, by Johnson Wright's, to Mocar court-house, in said state.

One or two petitions were received, (as were also the above motions,) by general consent. The presentation of other petitions was objected to, and refused.

Mr. *Cambreleg* hoped the house would consent to go into the transaction of public business of an urgent nature. He hoped no objection would be interposed to this, and sent a resolution to the chair, proposing to take up the bills which have been referred to the committee of the whole on the state of the union.

To the presentation of this, at this time, Mr. *Adams* objected. Leave had been refused him to present petitions, after others had had that permission, and he should therefore object to any thing which should postpone the orders of the day.

Mr. *Cambreleg* moved to suspend the rules, for the purpose of presenting his resolution; and upon this motion he demanded the yeas and nays, which were ordered; and the house refused to suspend the rules, by a vote of 112 yeas to 57 nays—two thirds required.

The duel reports.

Mr. *Sawyer* rose and said that he had voted frankly and aboveboard on this whole question, and he was now disposed to put gentlemen to the test, and, before he sat down, should move a proposition for that purpose. What good, he would ask, was to be attained by this debate? What end arrived at? This was but the chrysalis state of a question, involving, in every stage of its progress, much exacerbation, ill feeling, and disaster. What spectacle was presented to the eye of the American people, who were looking to congress for some kind of action, if not for relief? They had been in session for five months, and had done absolutely nothing for the relief of the country. Every important measure was yet unacted on—all was uncertain, while they were engaged in a vain crusade after their lost or invaded privileges. He deemed this whole course of proceeding, thus far, irregular, a *malum usque ad ovis*; and he thought it high time it should be arrested. He admonished gentlemen that, if they persisted in this course, he should introduce instructions to the select committee to report in favor of rescinding the resolution of the 28th of February last. He was opposed to this making one party a subject of mourning, and the other of ostracism.

Mr. *S.* then passed an eulogy upon the course pursued in this matter by Mr. *Adams*, who, he said,

had nobly stepped forward, the advocate of the privileges of that body, and the defender of popular rights. He closed by moving to lay the whole subject on the table, and demanded the yeas and nays, which were ordered.

Mr. *Grantland* made an effort to obtain permission to say a few words, but the chair decided it to be not in order. Mr. *Murray* asked if a vote of two-thirds would be required to take up this question, if laid on the table. The *Chair* decided that, being a question of privilege, it would at all times be in order to take it up, on motion, without a suspension of the rules. The motion of Mr. *Sawyer* was lost—yeas 48, nays 131.

The *Chair* then stated the question as it was left at the adjournment on Thursday last. It was debated by Messrs. *Rariden*, *Reed*, *Grantland*, *Dunson*, and *Rives*, the latter gentleman moving to postpone the further consideration of the subject till the first day of June next. On which motion he asked for the yeas and nays, which were ordered.

This proposition was debated by Messrs. *River*, *Menefee*, and *Bynum*; and was then withdrawn by the mover. The pending amendment was then debated further by Messrs. *Bynum* and *Thompson*.

The question was then taken on the amendment of Mr. *Reed* to that of Mr. *Loomis*, to add to the instructions to the committee the words "and if a member prove to be involved, they shall not proceed against him, but shall make a special report of that fact to the house;" and this motion of Mr. *Reed* was negative—yeas 79, nays 82.

The amendment of Mr. *Loomis* was then in order.

Mr. *Dunson* moved to lay the whole of the papers on the table, and to print the journal and evidence.

Mr. *Briggs* asked for a division of this question; and the yeas and nays having been ordered, the first part of the motion [to lay it on the table] was rejected by the following vote—yeas 56, nays 163.

Mr. *Sibley* then offered an amendment, calling for the names of all the members implicated, which was accepted as a modification of his own by Mr. *Loomis*.

The question was then further discussed by Messrs. *Bynum*, *Duncan* and *Thomas*. Further motions to amend, to lay on the table, to print, to postpone, &c. were offered, and discussed by various members (of which debate, as well as that upon the other questions presented during this day's session, a report will hereafter be given.)

Mr. *Sibley* having the floor, gave way to Mr. *Fillmore*, who moved that the house adjourn.

Mr. *Petrikin* asked for the yeas and nays, which were ordered; and the house (at 20 minutes before 5 o'clock) refused to adjourn, by a vote of 56 yeas to 163 nays.

Mr. *Sibley* resumed the floor, and spoke at length. After he had concluded, Mr. *Underwood* took the floor, and moved an adjournment. Mr. *Petrikin* moved the yeas and nays. Ordered.

Mr. *Underwood* withdrew the motion to adjourn. It was immediately renewed, the yeas and nays ordered, and the house (at five minutes before 6 o'clock) by a vote of 82 yeas to 73 nays, adjourned.

Tuesday, May 8. Immediately after the reading of the journal, Mr. *Lyon*, of Alabama, rose and addressed the house as follows:

Mr. *Speaker*: I have the melancholy duty to perform of announcing to this house the death of one of its members.

My friend and colleague, the hon. JOAB LAWLER, expired this morning at his lodgings in this city, after a brief and painful illness, which he bore with unusual fortitude and resignation.

Less than a week ago, and he was present in his place in this hall, in the performance of his part in the laborious duties assigned by the people to their representatives. He was yet in the prime of life, and has been cut off in the midst of his usefulness.

By his death, his immediate constituents and his state have lost an attentive, intelligent, and faithful representative; his family have been deprived of a husband and father; and society has lost a member whose conduct, in every relation of life, was worthy of all imitation.

The deceased enjoyed the confidence and esteem of those who knew him, to an extent which nothing but a course of life the most exemplary, and a character the most irreproachable, could have secured.

In his state he had filled several offices of much importance, and under the general government he held, for several years, a trust of great responsibility. In all his official conduct in the various public stations held by him, he acquired a high character for integrity and capacity, which no act of his life forfeited or impaired.

His conduct as a member of this house has been in character with his whole life. While he was

firm and unwavering in the discharge of what he considered his duty as a representative, he was mild and unobtrusive in his deportment, and respectful towards his associates. He had lived the life of a christian, and died without apprehension as to the future.

To testify our regret for his loss and respect for his memory, I move the adoption of the following resolutions:

Resolved, That the members and officers of this house will attend the funeral of Joab Lawler, deceased, late a member of this house from the state of Alabama, to-morrow, at 12 o'clock meridian.

Resolved, That a committee be appointed to take order for superintending the funeral of Joab Lawler, deceased.

Resolved, That the members and officers of this house will testify their respect for the memory of Joab Lawler, by wearing crape on the left arm for thirty days.

Resolved, That when this house adjourns to-day, it will adjourn to meet to-morrow, at 12 o'clock meridian.

Ordered, That a message be sent to the senate to notify that body of the death of Joab Lawler, late a representative from the state of Alabama, and that his funeral will take place to-morrow, at 12 o'clock, from the hall of the house of representatives.

The several resolutions were unanimously agreed to by the house; and then

The house adjourned.

Wednesday, May 9, 1838. Pursuant to order, the house assembled at 12 o'clock, M. for the purpose of attending the funeral obsequies of the hon. Joab Lawler, late a representative in congress from the state of Alabama.

The following was the order of arrangements:

The committee of arrangements, pall-bearers, and mourners, attended at the late residence of the deceased, at Mr. Mount's, on Pennsylvania avenue, at 11 o'clock, A. M. at which time the remains were removed, in charge of the committee of arrangements, attended by the sergeant-at-arms of the house of representatives, to the hall of the house.

Shortly after 12 o'clock, meridian, funeral service was performed in the hall of the house of representatives, and, immediately after, the procession moved to the place of interment in the following order:

The chaplains of both houses.

Physicians who attended the deceased.

Committee of arrangements, viz:

Mr. Lyon, of Alabama,

Mr. Mercer, of Va. Mr. Henry, of Penn.
Mr. Harlan, of Ky. Mr. Parmenter, of Mass.
Mr. Maury, of Tenn. Mr. Boon, of Indiana.

Pall-bearers, viz:

Mr. Elmore, of S. C. Mr. Conner, of S. C.
Mr. Carter, of Tenn. Mr. Kilgore, of Ohio.
Mr. Sibley, of N. Y. Mr. Briggs, of Mass.

The family and friends of the deceased.

The members of the house of representatives and senators from Alabama, as mourners.

The sergeant-at-arms of the house of representatives.

The house of representatives, preceded by the speaker and clerk.

The other officers of the house of representatives.

The sergeant-at-arms of the senate.

The senate of the United States, preceded by the vice president and secretary.

The other officers of the senate.

The president of the United States.

The heads of departments.

Foreign ministers.

Citizens and strangers.

Thursday, May 10. Mr. Martin, of Alabama, by leave, offered a resolution that the speaker inform the governor of Alabama of the death of the late Joab Lawler, in order that steps may be taken to fill the vacancy thereby occasioned in the Alabama delegation; which was agreed to.

The Chair laid before the house a communication from the secretary of state, enclosing a list of the names of all our diplomatic agents, their salaries, dates of appointment, &c.

Also, a communication from the war department, covering a report from the commissioners of Indian affairs, with a statement respecting the payment of the annuities due to the Seneca tribe of Indians.

These communications were laid on the table, and ordered to be printed.

Mr. Hoffman of New York, and Mr. Bouldin, of Virginia, obtained leave to offer memorials.

Mr. Tillinghast asked leave, by unanimous consent, to present two memorials, which he said were from communities of the highest respectability, and entitled to the most respectful consideration; and that this was also due to the great national importance of the subject of the memorials. They

related to the execution of the treaty with the Cherokee Indians, which is now about to take place. He was constrained, therefore, to ask this special leave at this time, inasmuch as, if he waited for an opportunity, under the rules of the house, the time would, perhaps, have passed away when the memorials could have any effect; and it would be a mere ceremony to receive these memorials after the main subject of their prayer had been put beyond the reach of the action of the house. The memorials were, one from "the representatives of the yearly meeting of friends for New England," and one from inhabitants of the city of Norwich, in Connecticut.

Objection being made, Mr. T. moved a suspension of the rules, to enable him to present these memorials; which motion did not prevail, not two-thirds voting for it.

On motion of Mr. Harlan, it was ordered that a member of the committee on private land claims be appointed to fill the vacancy occasioned by the death of the late Mr. Lawler.

The following message was received from the president of the United States, by Mr. Abraham Van Buren, his private secretary:

To the senate and house of representatives.

I submit to the consideration of congress a statement, prepared by the secretary of the treasury, by which it appears that the United States, with over twenty-eight millions in deposit with the states, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the government.

The occurrence of this result has for some time been apprehended, and efforts made to avert it. As the principal difficulty arises from a prohibition in the present law to re-issue such treasury notes as might be paid in before they fall due, and may be effectually obviated by giving the treasury, during the whole year, the benefit of the full amount originally authorized, the remedy would seem to be obvious and easy.

The serious embarrassments likely to arise from a longer continuance of the present state of things induces me respectfully to invite the earliest action of congress to the subject which may be consistent with a due regard to other public interests.

May 10, 1838.

M. VAN BUREN.

Treasury Department, May 10, 1838.

The undersigned would respectfully submit to the president the following statement concerning some fiscal embarrassments which are likely soon to happen, unless averted by early legislation.

It has been usual for the secretary of the treasury, except in the annual report on the finances, and in replies to special calls or directions by either house of congress, to give information respecting all matters which appertain to his office, through letters addressed to the appropriate committees. For some months past, and on several occasions, that mode has been pursued in respect to these threatened embarrassments, by giving to the committee of ways and means such information concerning them as the public exigencies and a seasonable foresight seemed to require. Some suggestions and facts connected with them have likewise been introduced into reports made to congress. But the relief desired having not yet been granted, and a longer omission to provide for the emergency having a tendency to impair public credit, to the great prejudice of contractors and workmen, as well as of pensioners, the army, navy, and many other classes, the undersigned deems it his duty to apprise the executive also of the impending difficulties, in order that he may take such further steps as appear proper to promote a faithful discharge of the pecuniary obligations of the government.

The peculiarity in the present condition of the finances can be very briefly explained. It has arisen, not from any actual deficiency which has yet occurred in the amount of receipts anticipated for the year; not from any excess of appropriation which has yet been made for either ordinary or extraordinary objects; but from a prohibition to use, for the payment of the public dues, what is required by law to be received for them.

In the act of October last, authorising the issue of treasury notes they were made receivable at any time for those dues, but were expressly forbidden, after such receipt, from being reissued in discharge of claims on the treasury. From this circumstance, coupled with the protracted failure of the most of the banks to resume specie payments, little has of late been received for revenue except treasury notes. Over five and a half millions of them have already been paid in, though none fall due till about the first of November next. As these cannot be paid out again, or others in their place, till the restriction before mentioned is modified, it has followed that a great portion of the receipts of the year have thus far been entirely useless for aiding to defray the large expenditures charged upon it, and resort has of necessity been had to the emission of more treasury notes under the original act, until the whole amount authorised, except \$216,302, has been exhausted.

The only other means available to meet the public engagements, with the exceptions as to trusts and the mint, detailed in a special report on the condition of the treasury to the house of representatives the 26th of March last, are reduced to about \$317,432.

These constitute an aggregate of five hundred and sixty-four thousand two hundred and thirty-four dollars thus available, instead of a balance of from two to six millions, which it has generally been considered wise to retain on hand, in order, with the aid of the current revenue, to insure punctuality, and guard against the embarrassments incident to fluctuations and other contingencies. During the present year, however, the revenue has been paid in treasury notes to such an extent that only about one-fourth of a million, monthly, has been received from it in money so as to assist in discharging the current expenditures. These last, on an average, have been over two millions monthly, and in April nearly three millions.

As more than four millions of the treasury notes are still outstanding, and the banks generally have not yet resumed specie payments, it is probable that a great part of the revenue will, for some time to come, be paid in a similar manner. Under such circumstances, and when it is considered that large sums due from the postponed custom-house bonds, the banks, and the states, are not yet payable, and that no power now exists, except in congress, to recall the deposits from the latter; that there is no reserved fund to resort to, or any other authorized means by which the wants of the treasury can be supplied, it is manifest that the department is exposed weekly and almost daily to be deprived of the whole of its available means, and the credit of the government to be injuriously effected, both at home and abroad.

Congress could readily avert these results, if approving the course suggested in the last annual report on the finances. It could remove the prohibition to re-issue the notes which may be or have been prematurely paid in and redeemed, and, where they have been cancelled, permit others to be issued in their stead; or it could effect the same object by allowing other notes to be emitted, instead of such as have been and shall hereafter be paid in, before the year for their redemption expires. By the seasonable adoption of either of these measures, all anticipated embarrassments during 1838 can probably be obviated. For, in that event, no provision of additional means to meet the expenditures of the year will be necessary hereafter, unless before the close of the session it shall appear that new appropriations have been made, or are likely to be made, exceeding the estimates submitted by the department in December last, by several millions, or that the revenues received will be materially less.

On the contrary, if neither of the measures above proposed should meet the approbation of congress, it is obvious that among the various substitutes which may be thought of, or which this department has taken occasion to suggest in communications to the committee of ways and means, some one must be selected that can be made efficient in its operation, at a very early day, or it will be impracticable to preserve the national faith unbroken, and to avert the injuries with which the public service is threatened. With great respect,

LEVI WOODBURY,

Secretary of the treasury.

Mr. Cumbreleng observed that he had, two days since, moved to postpone the question of privilege immediately before the house, for the purpose of considering the fiscal necessities of the government, but the motion had failed. He now gave notice that he should, at some time this day, endeavor to renew that motion. He moved that the message and documents be referred to a committee of the whole on the state of the union, and printed.

Mr. Underwood, who had the floor from Monday, said he was very willing that the speech he had intended to make should be indefinitely postponed, if the house would agree, with it, to postpone indefinitely the whole subject of the duel report; and he was about himself to make a motion to that effect. Mr. Sergeant suggested that, as it was probable the message and documents would be printed by to-morrow, it would be better to postpone the consideration of it till to-morrow. Mr. Cumbreleng replied that, as to the time of commencing proceedings on the subject of this message, they could not be commenced a moment too soon. Were there the slightest probability that the house would finally dispose of the question of privilege this day, the suggestion of the honorable gentleman from Pennsylvania would have weight; but, as he could not indulge a hope of this, he thought the subject of the message might as well be taken up at once. The general state of the finances of the country had been, from time to time, laid before the house. No gentleman could be ignorant of it. The gentleman from Kentucky (Mr. Underwood) was not, probably, aware what would be the effect of his proposed motion for an indefinite postponement of the subject at present before the house. It would not bring the house to an immediate decision, but would, on the contrary open the whole subject.

[The question was in the mean while put on referring the message and papers to a committee of the whole on the state of the union, and printing, and agreed to.]

Mr. Underwood said that he was fully aware of the effect of the motion which he proposed to make. But if the gentleman from New York (Mr. Cumbreleng) would move his resolution at this moment,

he would not press his own. Mr. *Cambreling* then moved the following resolution, (being the same he offered unsuccessfully on Monday:)

Resolved, That the rules be suspended for the purpose of considering bills referred to the committee of the whole on the state of the union."

Before the question on this motion was put, Mr. *Graves* said he was very desirous of being heard; but the chair pronounced it at present not to be in order to hear him. The *Speaker* having stated the question, before a vote was taken on it, Mr. *Graves* moved a call of the house, and demanded the yeas and nays on that motion—he explained by saying that he did so with a view of ascertaining what was the actual sense of the whole house in reference to the printing of the evidence taken by the committee. He had again and again been charged with a wish to suppress that evidence. The charge was unfounded, and did him great injustice. He had always been desirous that the whole evidence should appear; and that though he did not think that the report of the committee should be received and printed in its present form, he had rather the whole should go out as it was, than that the house should fail to print the testimony. The question being put, the house ordered the call—yeas 102, nays 75. The roll was then called; but before it had been called through, Mr. *Cambreling* moved that the call be suspended, which was agreed to. Mr. *Cambreling*, expressing his hope that the house would dispose of the subject this day, withdrew his resolution to suspend the rules; and the house went on to further consider the reports from the select committee on duelling, &c.

The debate on this subject was resumed, and continued by Messrs. *Underwood*, *Mercer*, *Reed*, and *Thomas*, who concluded his remarks with a motion to lay the whole subject on the table, and print the reports, evidence, and journal of the committee. Mr. *Jenifer* demanded a division of the question. Mr. *Thomas* asked for the yeas and nays. Ordered.

The first division of the motion of Mr. *Thomas* (to lay on the table) was then decided in the affirmative by the following vote—yeas 102, nays 79. Mr. *Petrikin* demanded the previous question on the motion to print.

Mr. *Rice Garland* moved to reconsider the vote, whereby the first branch of the motion of Mr. *Thomas* had been carried; and on this motion he asked the yeas and nays. Mr. *Thomas* raised a point of order.

The *Chair* decided that, by the 44th rule of the house, the motion to reconsider would have precedence in ordinary cases. But this was but half a question, and to it that rule was not applicable.

After some incidental remarks, concluding in no motion, Mr. *Rice Garland* withdrew his motion to reconsider, and followed that withdrawn by moving that there be a call of the house; upon which motion he asked the yeas and nays, which were ordered; and the motion that there be a call of the house was decided as follows—Yeas 64, nays 123. So the call was refused.

Some inquiries were then presented to the chair by Messrs. *Slade* and *Graves*, as to the divisibility of the question; to which the chair replied, that that would be a proper subject of inquiry after the house had decided whether the main question should be put.

The house having decided that the main question should now be put—Mr. *Briggs* asked that the motion to print be divided; and the first question was on the printing of the three reports of the committee; which was decided in the affirmative by the following vote—yeas 123, nays 74.

The question was then taken upon printing the evidence and journal, and decided in the affirmative by the following vote—yeas 189, nays 4. Mr. *Boon* rose and said that "the dear people" had been much talked of during this debate. The *Speaker* said there was no proposition before the house. Mr. *Boon* remarked that he was about to make one; if in order, he hoped it would be adopted; if not in order, "the dear people" would have the benefit of the motion. The *Speaker* said it would not be in order to proceed, until the gentleman from Indiana should have presented his proposition. Mr. *Boon* then moved to print 20,000 extra copies of the majority report and the evidence for the benefit of "the dear people" of this country. The *Speaker* decided this motion to be out of order, in the present position of the question. Reports from the committees, severally, of manufactures and Indian affairs were presented by Messrs. *Adams* and *Everett*; and then, on motion of Mr. *Reed*, the house adjourned.

CHRONICLE.

Naval. The United States frigate *Columbia*, bearing the broad pendant of commodore *George C. Read*, and the sloop of war *John Adams*, commander *Thos.*

W. Wyman, went to sea from Hampton roads on Sunday morning last, soon after sunrise, with a leading breeze.

The United States steam frigate *Fulton*, capt. *M. C. Perry*, arrived at Norfolk, from New York, on Monday afternoon. She left New York on the 2d instant, and put into the Delaware break-water on account of a severe gale, whence she left on Sunday afternoon, making her run to Norfolk in 21 hours, notwithstanding her progress was much impeded by a s. w. wind and a heavy sea. She left Norfolk on Wednesday, and arrived at the Washington navy yard yesterday (Friday) evening.

Capt. Marryatt's toast. Capt. Marryatt, the novelist, at the St. George's dinner, recently given at Toronto, offered the following toast:

"*Capt. Drew and his brave comrades who cut out the Caroline.*"

The achievement thus signalized by capt. Marryatt was one of the most base and cowardly that happened on the frontier during the recent insurrectionary movements; and the man who could magnify the actors in it into heroes, is only fit to be associated with robbers of hen roosts and sackers of dairies. There is, however, an air of malignancy in the sentiment, which, in the present state of that unfortunate affair, indicates more of hatred towards us as a people, than a lack of high and chivalrous principles of honor.

[*Ed. REGISTER.*]

Connecticut. The legislature of Connecticut convened at New Haven on Wednesday the 2d inst. Wm. W. Boardman, whig, was elected speaker of the house by a majority of 106 votes over all others. Chauncey F. Cleveland, the adm. candidate, who was speaker last year, received 37 votes, and there were three scattering. Total, 146. The joint committee appointed to canvass the return of votes for state officers, reported that the whole number of votes returned for governor, is 50,101; of which W. W. Ellsworth has 27,115; for Lt. governor 50,063—of which Charles Hawley has 27,976; for secretary 49,817, of which Royal R. Hinman has 23,377—for treasurer 49,911; of which Hiram Rider has 26,726; for comptroller 49,937; of which Henry Kilbourn has 21,466—with a resolution declaring the above officers legally elected.

Rhode Island. The legislature of Rhode Island also convened at Newport on Wednesday the 2d inst. The hon. George Curtis, (w.) was re-elected speaker of the house without opposition. The official returns of votes for governor give Wm. Sprague (w.) 3384; Francis, V. B. 3504; scattering, 99. Sprague's plurality over Francis, 430. His majority over all others, 381. For Lt. governor, Childs, (w.) received 4133 votes; Thurston, V. B. 3461; scattering, 15. Childs' majority, 662. The average whig majority for senators is 872 and a fraction. All the senators, 10 in number, are whigs. The house consists of 72 members, 45 of whom are whigs, and 27 loco focus. Whig majority in the house 18; in joint ballot, adding the Lt. governor, who presides over the senate, 29. Last year, says the Providence Journal, there was a majority of 41 the other way.

The elections of 1836, 1837, and 1838. Since Mr. Van Buren's inauguration as president on the 4th of March, 1837, there have been general elections in twenty-one of the twenty-six states which compose the federal union—Maryland, Mississippi, Michigan, New Hampshire, and Connecticut, have held two elections each—Rhode Island three. Virginia held an election last April, but the result was such that it could not be presented in a tabular form; which is of little consequence—it indicates no chance of opinion from the presidential contest. The same of Ohio. The states of Delaware, South Carolina, Louisiana, Missouri, and Illinois, have held no general election since 1836. The following table presents the vote of all the states which have held elections since 1836—the right hand columns giving the vote at the last state election; the left, that of the presidential contest—November, 1836:

STATES.	1836.		1837-8.	
	Adminis- tration.	Opposi- tion.	Adminis- tration.	Opposi- tion.
Maine,	22,900	15,229	33,679	34,353
New Hampshire,	18,722	6,223	27,678	25,221
Vermont,	14,039	20,990	17,730	22,206
Massachusetts,	33,237	41,099	32,987	50,595
Rhode Island,	2,964	2,710	3,600	4,000
Connecticut,	19,234	18,719	21,482	27,096
New York,	166,815	138,543	140,460	153,833
New Jersey,	25,592	26,137	25,856	27,368
Pennsylvania,	91,475	87,111	91,182	85,890
Maryland,	22,163	25,852	23,000	25,000
North Carolina,	26,910	23,363	30,000	35,000
Georgia,	22,101	24,736	33,417	34,179
Kentucky,	33,435	36,955	23,955	47,415
Indiana,	32,473	41,281	23,125	53,867
Tennessee,	26,120	35,962	33,696	53,479
Alabama,	20,506	15,612	21,800	17,753
Mississippi,	9,979	9,638	12,823	13,651
Arkansas,	2,400	1,238	2,745	1,788
Total in 18 states,	591,128	571,518	604,325	714,813
Van Buren majority Nov., 1836,				19,610
Whig majority last election,				604,325

The table of votes at the late elections have been compiled with great care, but may not be entirely correct. They are near enough, however, for all purposes. We have not yet the official return from Rhode Island

—the average whig majority there is something higher than we have placed it. [*New Yorker.*]

U. S. circuit court. This court was engaged yesterday, without a trial, respecting some woollen goods of which much has of late been said in the papers. The present action is brought against three cases of woollen goods, claimed by Wm. Downes, but which the United States, by the district attorney, alleges are forfeited, as they were knowingly and intentionally much undervalued in the invoice, thereby intending to lessen the duties upon them. As the trial is not yet concluded, we refrain from giving the evidence on either side, but on its termination, if deemed of sufficient importance, we shall present to our readers a full report.

[*New York Courier.*]

Mr. Thomas Bradford. This venerable relic of the last age, died yesterday afternoon, at the great age of 94, and his funeral will proceed from the house of his son, Mr. Thomas Bradford, in Sansom street, to-day, at 11 o'clock A. M. Mr. Bradford entered upon the profession of an editor in 1763, the year signalized by the peace of Paris, which terminated that bloody war called "The Old French War" in this country, and "The Seven Years' War" in Europe. During our revolution, he was commissary general of the Pennsylvania division, and printer to the continental congress. The first was a very important public trust, and proves the high estimation in which he was held for integrity and knowledge of business. The second shows that he was favorably known to one of the worthiest bodies of men that ever assembled for the good of mankind. We presume that just before his death, he was the oldest member of the editorial corps in this country, and perhaps the only person then living, in any manner directly connected with the body of men that signed the declaration of independence.

[*Public Ledger.*]

The Moselle. The Louisville Journal contains the following paragraph respecting the mad ambition of capt. Perin, to which is justly attributable the late melancholy accident, and the loss of life attendant on it:

There is no doubt, that the deplorable occurrence is to be attributed to the overweening anxiety of capt. Perin to gain for his boat the reputation of unrivalled speed. We have always had the kindest feelings for capt. P. and when, a few weeks ago, he made a swift trip to this city from above, we cheerfully, in compliance with his request, took notice of the fact. From Louisville he made an extraordinary passage to St. Louis, whence he wrote as by express mail, requesting that we would again proclaim his matchless speed, and say that his boat was and would be "the eagle of the waters." We declined to comply with this second request for we saw that his ambition was already roused to a most dangerous pitch. The dreadful result is before the world.

The ship *Science* arrived at Portland, Maine, last week, from a whaling voyage of four years. Her appearance created as great a sensation among the good people of Portland as that of the steam ship from England did at New York. She has brought home a cargo of 2200 barrels of oil. Four of her crew are natives of the Sandwich Islands.

Astonishing despatch in travelling. The arrival of the *Neptune* from Charleston in 61 hours gives us an idea of the possible and actual rapidity of travelling in this country. She left Charleston after the arrival of the rail road cars from Augusta. Passengers may have started from Augusta on Saturday morning at 6 o'clock, and coming in the *Neptune* to New York, could arrive in Boston on Wednesday, having ten hours to spare in New York, making the whole distance from Augusta to Boston, (more than a thousand miles,) in about 89 hours running time, and 73 hours from Augusta to New York.

[*N. Y. American.*]

Indian Relics. A mound in this city has been partially opened this week, and our citizens are picking up beads, arrow points, stone knives, and various other instruments and ornaments. One skeleton has been discovered entire, and portions of others. On counting the grains of the stump of a tree that stands upon the top of the mound, it appears that this tree must have been about one hundred and fifty years old. It has been cut down about sixteen years. We suppose that this ancient receptacle of the dead must have been formed about two hundred years ago.

[*Ohio City Argus.*]

New York canals. The Albany Argus states that the quantity of flour brought to tide water on the New York canals in the month of April in 1837 and 1838, is as follows, viz:

	1837.	1838.
Albany	11,227	24,772
Troy	4,921	9,271
	16,148 bbls.	34,043 bbls.

Increase 17,895
There came over the rail road in 1838, 948 bbls. of flour.

There arrived at Troy in April, 1837, 2300 bushels of wheat, and in 1838, 39,235 bushels; at Albany, in April, 1837, 1436 bushels, and in 1838, 4498 bushels. Increase in 1838 over 1837, 89,997 bushels.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

It will be seen by our abstracts of congressional proceedings, that the bill to authorize the issuing of treasury notes to meet the current expenses of the government, passed the house of representatives on Wednesday last, after one of the most close and ardent contests that has yet occurred in that body. On Thursday it was reported to the senate by the chairman of the committee on finance, without amendment. Yesterday it was taken up, and, after an animated debate, at about 7 o'clock, passed—Ayes 27, noes 13. Particulars in our next.

SEVATOR TALLMADGE. The Madisonian states that senator Tallmadge's private opinions were always adverse to the expunging resolution, and that he voted for that resolution only in obedience to the express instructions of the legislature of his state.

MEXICAN BLOCKADE. The New Orleans Bulletin of the 23d ult., states that the schooner Sarah Ann, which left that port for Tampico, with a valuable cargo of dry goods, and thirty-two passengers, arrived off her place of destination 22d ult., where she was boarded by a boat from a French brig of war of twenty-four guns, and informed that she could proceed no further under penalty of being sunk, nor be allowed to have any communication with the shore. The papers of the schooner were endorsed by the boarding officer, and, although the captain pleaded a scarcity of provisions and a large number of passengers, there was no alternative but to return. The Bulletin of the 10th inst., says that the schooner Essex, capt Carroll, had also been ordered off by the squadron before Tampico, and had returned to New Orleans. The French officers conducted themselves with the courtesy characteristic of their nation. Although intercepted off the port of her destination, she was allowed all communication with the shore, and ordered off after her papers had been endorsed. The same treatment is meted out without partiality to the vessels of all nations. A French brig, the Louise, from Bordeaux, bound also for Tampico, met with a like reception on the same day. One Yankee vessel, however, had the temerity to break the blockade. She was a barque heavily laden, and the captain not liking to miss a chance at speculation, dashed through the blockading squadron, and succeeded in running his vessel safe into port.

New Orleans, April 29. By a letter which has just been brought by the schooner which quitted Tampico the moment before the operation of the blockade, we learn that the government commissioners, at the head of whom were Cuevas and Mozan, secretaries of state and war, had started from Mexico for Vera Cruz, in order to treat with Baron D'Esclapart, and that the conference was to be held aboard the principal blockading vessel. It is presumed that the result of this mission will be satisfactory to both parties.

We see by a note from captain Page, commander of the U. S. ship Natchez, that that vessel was off the Mississippi, with the intention of proceeding to Tampico, and that he would convey any letters which the merchants of New Orleans might wish to transmit. A letter bag was, for this purpose, deposited at one of the insurance offices.

United States sloop-of-war Concord, Fitzhugh, commanding, from Tampico, touched at the Balize on the 4th inst., having on board \$71,000 specie, which she put on board a tow boat, and then proceeded to Pensacola.

A passenger, who came by the Concord, reports, that, having remained three days at Vera Cruz, he felt convinced, from the rumors in circulation, that the Mexican government was in no wise disposed to pay the indemnity claimed by France.

VIRGINIA ELECTIONS. Mr. Banks, and not Mr. Slaughter, as stated in our last, has received the return for the Spotsylvania district—his majority over Mr. S. is thirteen votes. The Richmond Enquirer, of yesterday, says: "The want of form in holding the poll of Green county did not consist, as we originally heard, in the commissioners' not being sworn, but it is now said in the sheriff of Orange (from which Green had been taken) superintending the taking of the poll; and in the irregular manner in which the poll was presented to the assembled sheriffs."

The state of parties in the legislature may be ascertained from the following summary which we find in the last Enquirer:

"The Richmond Whig of yesterday morning assigns Mr. O'Ferral to the list of the friends of the administration. The "Winchester Republican" (also whig, and near to Mr. O'Ferral's residence,) ranks him among the administration men, as a conservative. The Whig also allows us the delegate from Lee, and puts up the

friends of the administration as 61. The Whig claims 73 whigs; but among these is Mr. Samuel Jones, the deceased delegate of Buckingham. Correcting this error, therefore, it would leave the parties, according to the Whig tale, 71—61; and two vacancies, in Buckingham and King George. Should we assign both Lee and Morgan to the administration, then the joint vote of both houses will stand:

Administration,	83
Whigs,	81
Vacancies,	2

Even though the whigs should carry both the vacancies, the parties will be tied, on joint vote. Should we carry one, it will be 84—82; two majority for the administration. Should we carry both, it will be 85—81; four majority."

NOTICE. Baltic Sea. The hydrographic section of the marine department makes known to navigators, that since the opening of the navigation in the year 1838, an ordinary signal buoy is placed at the northern extremities of the reefs of Perespe and of the land bank of Wikala, in the gulf of Finland, and that the buoy, with a flag, that was until now placed near the island of Eckholm, will be removed, as it has thus been rendered useless. [Globe.

DOCTOR ANTONMARCHI, the physician who accompanied Napoleon to St. Helena, and remained with him during his life, died of yellow fever at St. Jago de Cuba, on the 2d of April. Dr. A. arrived at New Orleans from France about three years ago, travelled through Mexico, and was on his return to this country.

STATE LOAN. The Albany Argus says that the state loan of half a million of dollars for the enlargement of the Erie canal, was taken on Saturday last by Prime, Ward & King, at \$100 25 for each \$100 of 5 per cent. stock, redeemable in 1855, having 17 years to run.

FROM FRANCE. By the *Silvie de Grasse*, from Havre, the editor of the New York American has received advices from Paris to the 20th of April. The approaching coronation of the emperor of Austria, at Milan, divides public attention with that of queen Victoria. Marshal Soult is to represent Louis Philippe at London, and the Marquis de St. Aulaire, at Milan. The king of Naples has pardoned all those concerned in the late insurrection at Sicily. A *Marseilles* paper gives an account of a great victory gained by the Circassians over the Russian army, near Erzerum in Armenia. From Spain we learn that count Negri, the Carlist chief, who had advanced near to Madrid with a corps of 6,000 men, had retreated and was followed by Iriarte.

In giving an account of the proceedings of the slavery committee of the chamber of deputies, the *Quotidienns* says:—"M. Berryer has convinced the majority, that, before a population of slaves is enfranchised, it ought to be civilized, and that the only means of civilizing a race of blacks, is to entrust them to the care and instruction of the ministers of God. The mission of the catholic clergy is naturally pointed out, and M. Berryer has insisted on the advantage of a religious congregation which would devote itself to this laborious task. The committee, with the exception of M. Isambert, acknowledged all the difficulties presented by the present condition of the slaves as opposed to the glorious reminiscences of the old French missions, and even M. Guizot, zealous protestant as he is, repelled the idea of an evangelical mission as suggested by M. Isambert. The committee did not stop here; it acknowledged, with the concurrence also of M. Berryer, that before liberty was granted to the blacks, they should be led into forming families, and that in order to give to the ceremony of marriage all the solemnity required, it ought to be proposed that the registers of the marriages, births, and deaths of the blacks should be placed in the hands of catholic missionaries only."

Defeat of the Russians by the Circassians. We extract the following from the *Semaphore* of Marseilles, of the 14th inst: "We have received a letter of the 26th ult. from Constantinople, from which we take the following passages: The Circassians have just gained a complete victory. The Russian army is destroyed; all the works raised by the besiegers of the shore have been levelled to the earth. Thousands of Russians who have escaped from the

carnage, have taken refuge in Erzerum. This has given rise to a report that they had taken forcible possession of the town."

Turkey and Egypt. A report is current that a formidable expedition against Egypt is in contemplation, and that the sultan, with the Sandiak sheikh, will place himself at the head of it. It is stated that Khosrow Pacha will represent the sultan during his absence, and that Halil Pacha will accompany his father-in-law.

BANKS, CURRENCY, &c. A letter from New York, under date 12th inst. says, the Bank of the United States has offered to arrange with the government for the entire six millions of its stock in the bank. This day she has in her vaults in specie \$3,000,000 In Europe - 7,000,000 Stocks, &c. convertible in an hour to specie - 10,000,000

25,000,000
Her circulation, paper, silver, and liabilities - 15,000,000

Surplus - 10,000,000

The Pennsylvania Bank of the United States received last week one million of dollars from the west, which, with the million and a half of dollars purchased here, and, as is stated, about six hundred thousand dollars that was held here in special deposit, swells the actual amount of specie now in its vaults to about seven millions of dollars.

The New York Commercial Advertiser says, the committee of the board of trade of that city, which visited Philadelphia for the purpose of inviting Mr. Biddle and his associates in the Pennsylvania Bank of the United States to establish a bank in that city with a large capital, under the late banking law, has returned.

We learn, says the Commercial; that the committee were received with the greatest courtesy and kindness by Mr. Biddle who entered at once into their feelings upon the subject. He appeared quite favorable to the project, and promised to bring the question before the directors at the earliest day. The design is to establish a bank, one of from ten to fifteen millions capital. We believe the new bank law does not go into operation until the 19th of the present month; and from the complexion of our advices, we should not be surprised if the new bank went into operation on the 20th.

Specie in New York. The exact amount of importations of specie last week, at this port, were:

Gold	\$1,100,223
Silver	28,175

Total last week	\$1,129,398
Yesterday	1,363,748

The last eight days - \$2,498,146

The Louisiana state bank at New Orleans resumed specie payments on the 7th inst.

Bicknell's (Philadelphia) Reporter says "The banks discount good business paper with sufficient liberality, while unexceptionable notes find ready sale out of doors, at from 8 1-2 to 9 per cent. The tone generally is wholesome, and confidence is gradually reviving. Our banks have not yet designated a day for the general resumption of specie payments, but we incline to the opinion that they will do so much sooner than was expected. We may add, that at a recent meeting of the bank delegates of this city, Mr. Lewis, cashier of the Girard bank, offered a resolution pledging the banks to resume in full as the action of the government would authorize such a course. This resolution was not acted on, but will be on the first Wednesday in June. In the mean time, we may remark that none of the Philadelphia banks (not even the Bank of the United States) will resume or pay specie more generally than at present."

Sales at the New York stock exchange, May 16.
50 shares U. S. bank, 560 ds. 117
180 do do do cash 117 1-2
75 do Amer. Trust co., Balto. 106 1-2 a 107
20 do Canton comp. Balto. 35 7-8 a 36
Treasury notes. Sales of \$5,000 six per cent. notes at par.

A large business was done at the board of brokers this morning in stocks, at an improvement in prices

MR. TYLER. We publish the annexed letter with pleasure; and although we have unwillingly been guilty of a want of courtesy, in making a public, instead of a private call upon Mr. Tyler, yet we hope no harm has in reality been done. It has afforded him an opportunity of speaking out—and we are happy to find that he does so in a frank and manly manner. [Richmond Whig.]

[To the editors of the Whig.]

Williamsburg, May 11th, 1838.

Gentlemen: An article in your paper of the 8th inst. under the editorial head, has, in no small degree, excited my astonishment and regret—and but for the direct reference made to me by name in the latter part of the article, I would have been at a loss to know what "prominent whig" was intended in the very urgent call made by you for the disclosure of his opinions. The expressions in the first paragraph of that article, are as follows:—"A prominent whig has been named as likely to succeed 'Mr. Rives, and the party' at Washington have intimated their satisfaction with his nomination. It therefore becomes the friends of this gentleman at once to let his opinions be known without hesitation. The mere fact that his election can not only 'now be tolerated by the corrupt crew at Washington, but hailed with pleasure, renders it necessary that the public mind should forthwith be disabused in relation to the opinions imputed to him.'" Now I cannot for a moment believe that you designed me injury by the above paragraph, but most certainly nothing could be better calculated to inflict it. My opinions are not only doubtful, but imputations are made which render it necessary that the public mind should be instantly disabused. Nor is this all—the administration party at Washington are clapping their hands in an ecstasy of joy at my being named for the senate as the successor of Mr. Rives. Such is the fair inference from the paragraph—and yet I readily acquit you of all improper motive in penning it, but will ascribe it to the friendship which you declare to be its sole dictator.

You also place me in a position of a candidate for the senate, to succeed Mr. Rives. Now this is to place me, during the entire interval of time between this and the meeting of the legislature, in no enviable predicament. In the first place, the thing is altogether unusual, and would be on my part, wholly unwarrantable. The legislature will, in its own wisdom, select a suitable person to represent the sovereignty of the state in the senate of the United States. It is a matter entrusted by the constitution to the hands of the legislature, and I do not doubt that it will acquit itself of its duty in that behalf as will best become it.

As to my opinion on the sub-treasury bill, I might, under the above views, well content myself with saying emphatically, "ask my constituents"—men who have not blenched when the storm was at the highest, and have been firm in maintaining their faith through the agitations of the last five years. I have, however no disposition to conceal my opinions, on any political question, from the public, and therefore answer, that I am no advocate of the sub-treasury scheme, and that I regard it as but a continuation of that series of disastrous measures which have plunged the country into the present state of difficulty and embarrassment—that I regard it as a part of that system of humbuggery which has been played off, but too successfully, for the last five years. I say, moreover, that upon all proper occasions, my opinions have been frankly expressed—that, if I have not published them from the house tops, I have been influenced by no selfish motive. Those around me, with whom I am in the habit of exchanging political views, have all along had knowledge of them. The few correspondents that I have in Washington on public affairs, have long since known them. Those correspondents are exclusively attached to the party to which I belong.

An after paragraph in your paper speaks of advances made to "a prominent whig." If you design me by that remark, I utterly disclaim it. No such advance had been made, and no lures thrown out—and if the administration party at Washington rejoice at the prospect of my re-election to the senate, your paper brings me the first intelligence of the fact. I stand where I did three years ago, and there I shall always stand. If that party desires my election, it must arise from the apprehension that they cannot elect a man of their party, and preference for me, if felt, of which I am not aware, arises solely out of a mere personal preference. Of that, I have no cause to complain—but of this, all of all parties may be assured, that I shall upon all subjects think as a freeman, and shall always dare to act as such.

I regret, gentlemen, that you, or either of you had not seen cause to address me in a private letter, requesting me to remove any doubt as to my opin-

ions, under which you may have labored. It would have saved me from the unpleasant alternative of appearing in the public prints. My apology to the public will be found in the character of your call.

Very respectfully,

Your obedient servant,

JOHN TYLER.

IMPORTANT DISCOVERY. One of the most important geographical discoveries of the age (says the Journal of Commerce) is made known to us through the London Morning Chronicle of April 19th. It is no less than a solution of the long pending problem whether or not there is a communication by water from the Atlantic to the Pacific Ocean, around the northern portion of the American continent. It is now ascertained that there is such a communication. The narrative of its discovery is published in the Morning Chronicle.

The following abbreviation of the contents of this interesting narrative is copied from the New York Evening Post of Monday:

"The scientific expedition undertaken at the expense of the Hudson's Bay Company, to survey the extreme northern coast of America, has, in part, fulfilled its object. Messrs. Dease and Simpson, with ten attendants, reached Fort Good Hope, the northernmost settlement of the company, on the 4th of July last, and descended the Mackenzie river in boats. They reached the ocean on the 9th of July, and, proceeding westerly, followed the line of coast to Point Barrow. They thus completed the survey of the coast between the extreme points laid down by captain Beechey and captain Franklin.

"They passed a few days with the Esquimaux at the point, and, setting out on their return, reached Fort Norman on the 4th of September, having been sixty-four days absent. From Fort Norman, they were, at the time the despatches were sent, preparing to proceed to a settlement which had been got ready for them at the east end of Great Bear Lake. Here they were to winter, and in July next to resume their labors. Proceeding to the eastward, they hope to connect the discoveries of Franklin and Back, and then complete the survey of the whole coast of North America."—*Nat. Intel.*

DR. THELLER. Senator Norvell has addressed a letter to the editor of the Detroit Morning Post, stating that he had suggested to the secretary of state the propriety of interposing with the British government to save Dr. Theller's life. The application, however, it seems by the following correspondence, had been anticipated, and Mr. Norvell trusts "that the life of the unhappy and apparently ill-fated individual may be saved." [Globe.]

Department of State,
Washington, April 25, 1838.

Sir: Your communication of yesterday, with its enclosure, relating to the case of Dr. Theller, recently sentenced to death at Toronto, Upper Canada, for high treason, has been received, and I have the honor to transmit to you, in reply, the copy of a letter addressed to a committee of citizens of Philadelphia, in answer to their request for the intervention of this department in behalf of the same person.

I am, sir, your obedient servant,

JOHN FORSYTH.

Hon. John Norvell,
Of the senate of the United States.

Department of State,
Washington, April 23, 1838.

Gentlemen: Your letter of the 22d instant, requesting the interposition of this department, in behalf of Dr. Theller, now under sentence of death at Toronto, in Upper Canada, for alleged treason against the British government, has just been received. I have the honor to inform you, in reply, that a special agent was recently despatched to Canada, and is, probably, now there, who was instructed to inquire into the situation of all persons claiming to be American citizens, who had been imprisoned by the local authorities, on the charge of being implicated in the recent disturbances in the British provinces; and, it is presumed that, if the case of Dr. Theller is one in which the intervention of his good offices is justifiable, they will, without doubt, be exerted in his favor.

I am, gentlemen,

Your obedient servant,

JOHN FORSYTH.

To Messrs. John Oakford, and others, committee, &c. Philadelphia.

NEW MAIL ARRANGEMENT. Mail cars, constructed under the directions of the post office department, are now running on the railroads between Washington and Philadelphia. They contain two apart-

ments; one appropriated to the accommodation of the great mails, and the other to the way mails, and a post office agent. The latter apartment is fitted up with boxes, labelled with the names of all the small offices on or near the railroad lines. It has also a letter-box in front, into which letters may be put up to the moment of starting the cars, and any where on the road.

The agent of the post office department attends the mail from the post offices at the ends of the route, and sees it safely deposited in his car. As soon as the cars start, he opens the letter-box and takes out all the letters, marking them so as to designate the place where they are put in. He then opens the way mail bag, and distributes its contents into the several boxes. As the cars approach a post office, the agent takes out the contents of the proper box and puts them into a pouch. The engineer slackens the speed of the train, and the agent hands the pouch to the postmaster, or carrier, who stands beside the track to take it, receiving from him, at the same time, another pouch, with the matter to be sent from that office. This the agent immediately opens, and distributes its contents into the proper boxes. Having supplied thus all the way offices, the agent, when arrived at the end of the route, sees the mail safely delivered into the post office.

The mail leaves Washington at 6 o'clock, A. M. All letter-writers should, if possible, put their letters into the post office the preceding evening. The letter box at the cars will not be open until after 5 o'clock in the morning. It is not a post office; and letters will not be received at it while the post office is open. Its object is to allow all persons, until the last moment before departure, to send letters by mail, even although the mail has been closed at the post office, and even placed in the car.

The letter box will be open after the mail closes in the post office at Baltimore, and all the intermediate points. Philadelphia cannot at present enjoy its advantages fully, because the cars do not run into the city.

In this arrangement, the post office department has sought to give the greatest security to the mails, and to afford the community the best possible accommodation. Well executed, the plan must be almost the perfection of mail arrangements. It is intended, when it can be conveniently done, to extend a similar arrangement through to New York.

[Globe.]

DEATH OF MR. THORNTON. Extract from a letter received at the department of state, from the consul of the United States at Lima:

Consulate of the United States,
Lima, Jan. 29, 1838.

SIR: The painful duty devolves upon me, of communicating to you the death of James B. Thornton, United States charge d'affaires to Peru. He arrived at Callao, from Valparaiso, in the United States ship Falmouth, capt. McKeever, on the 22d instant, and expired on the 25th. His remains were interred on the 26th inst. in the British cemetery at Bella Vista, with all the honors due to his rank, being accompanied to the grave by a detachment of the United States, British, and French marines and sailors; by the officers of all the foreign vessels of war in Callao; by the members of the diplomatic corps; by officers of all the foreign vessels of war in Callao; by the members of the diplomatic corps; by officers delegated for that purposes by the supreme government to which he was accredited, and by a numerous concourse of his fellow-citizens and foreigners resident in the capital and Callao. Minute guns were fired from the Falmouth during the procession, and all the vessels in Callao had their flags at half-mast during the day of the funeral.

WHIG NATIONAL CONVENTION. It having been proposed by various meetings of the opponents of the present administration, in different parts of the United States, that there should be a general meeting of delegates from all the states, for the purpose of agreeing on and recommending suitable persons as candidates for the offices of president and vice president at the next election; and a desire having been expressed by several of said meetings that the time and place for holding such meeting should be fixed by the opposition members of congress, those members have authorized us to announce that, in compliance with what thus appears to be the general wish they have met and consulted on the subject, and, after due consideration and reflection, they are of opinion that the borough of Harrisburg, in the state of Pennsylvania, is a suitable place, and the first Wednesday in December, 1839, a proper time, for holding a general meeting for the purposes above mentioned, to be composed of delegates from all the states, in proportion to their representation in the two houses of congress. [National Intelligencer.]

NEW YORK BANK LAW.

An act to authorize the business of banking, passed April 18, 1838.

The people of the state of New York, represented in senate and assembly, do enact as follows:

Sec. 1. The comptroller is hereby authorized and required to cause to be engraved and printed in the best manner, to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes in blank, of the different denominations authorised to be issued by the incorporated banks of this state, as he may from time to time deem necessary to carry into effect the provisions of this act, and of such form as he may prescribe. Such bank circulating notes shall be countersigned, numbered, and registered in proper books to be provided and kept for that purpose in the office of the said comptroller, under his direction, by such person or persons as the said comptroller shall appoint for that purpose, so that each denomination of such circulating notes shall all be of the same similitude and bear the uniform signature of such register, or one of such registers.

Sec. 2. Whenever any person or association of persons, formed for the purpose of banking, under the provisions of this act, shall legally transfer to the comptroller any portion of the public debt now created or hereafter to be created by the United States or by this state, or such other states of the United States as shall be approved by the comptroller, such person or association of persons shall be entitled to receive from the comptroller an equal amount of such circulating notes, of different denominations, registered and countersigned as aforesaid; but such public debt shall in all cases be, or be made to be, equal to a stock of this state producing five per cent. per annum; and it shall not be lawful for the comptroller to take any stock at any rate above its par value.

Sec. 3. Such person or association of persons are hereby authorized, after having executed and signed such circulating notes in the manner required by us, to make them obligatory promissory notes payable on demand, at the place of business within this state of such person or association, to loan and circulate the same as money, according to the ordinary course of banking business as regulated in the laws and usages of this state.

Sec. 4. In case the maker or makers of any such circulating notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand during the usual hours of business between the hours of ten and three o'clock, at the place where such note is payable, fail or refuse to redeem such note in the lawful money of the United States, the holder of such note making such demand may cause the same to be protested for non-payment by a notary public, under his seal of office in the usual manner; and the comptroller on receiving and filing in his office such protest, shall forthwith give notice in writing to the maker or makers of such note to pay the same; and if he or they shall omit to do so for ten days after such notice, the comptroller shall immediately thereupon, (unless he shall be satisfied that there is a good and legal defence against the payment of such note or notes,) give notice in the state papers that all the circulating notes issued by such person or association will be redeemed out of the trust funds in his hands for that purpose; and it shall be lawful for the comptroller to apply the said trust funds beginning to the maker or makers of such protested notes to the payment and redemption of such notes, with costs of protest, and to adopt such measures for the payment of all such circulating notes put in circulation by the maker or makers of such protested notes, pursuant to the provisions of this act, it will in his opinion most effectually prevent loss to the holders thereof.

Sec. 5. The comptroller may give to any person or association of persons so transferring stock in pursuance of the provisions of this act, powers of attorney to receive interest or dividends thereon, which such persons or association may receive and apply to their own use; but such powers may be invoked upon such person or association failing to redeem the circulating notes so issued, or whenever, in the opinion of the comptroller, the principal of such stock shall become an insufficient security; and the said comptroller, upon the application of the owner or owners of such transferred stock in trust, may, in his discretion, change or transfer the same for other stocks of the kind before specified in this act, or may re-transfer the said stocks, or any part thereof, or the mortgages, or any of them hereinafter mentioned and provided for, upon receiving and cancelling an equal amount of such circulating notes delivered by him to such person or association, in such manner that the circulating notes shall always be secured in full, either by stocks or by stocks and mortgages, as in this act provided.

Sec. 6. The bills or notes so to be countersigned, and the payment of which shall be so secured by the transfer of public stocks, shall be stamped on their face, "Secured by the pledge of public stocks."

Sec. 7. Instead of transferring public stocks as aforesaid to secure the whole amount of such bills or notes, it shall be lawful for such person or association of persons, in case they shall so elect before receiving any of the said bills or notes, to secure the payment of one half of the whole amount so to be issued, by transferring to the comptroller bonds and mortgages upon real estate, bearing at least six per cent. interest of this state, payable annually or semi-annually; in which case all such bills or notes issued by the said person or association of persons, shall be stamped on their face, "Secured by pledge of public stocks and real estate."

Sec. 8. Such mortgages shall be only upon improved, productive, unincumbered lands within this state, worth, independently of any buildings thereon, at least double the amount for which they shall be so mortgaged; and the comptroller shall prescribe such regulations for ascertaining the title and the value of such lands as he may deem necessary; and such mortgages shall be payable within such time as the comptroller may direct.

Sec. 9. The comptroller may, in his discretion, resign the said bonds and mortgages, or any of them, to the person or association who transferred the same, on receiving other approved bonds and mortgages of equal amount; and when any sum of the principal of the bonds and mortgages transferred to the comptroller shall be paid to him, he shall notify the person or association that transferred the bonds and mortgages of such payment, and may pay the same to such person or association on receiving other approved bonds and mortgages of equal amount.

Sec. 10. The person or association of persons assigning such bonds and mortgages to the comptroller, may receive the annual interest to accrue thereon, unless default shall be made in paying the bills or notes to be countersigned as aforesaid, or unless in the opinion of the comptroller the bonds and mortgages or stocks so pledged shall become an insufficient security for the payment of such bills or notes.

Sec. 11. In case such person or association of persons shall fail or refuse to pay such bills or notes on demand in the manner specified in the fourth section of this act, the comptroller, after the ten day's notice herein mentioned, may proceed to sell at public auction the public stocks so pledged or the bonds and mortgages so assigned, or any or either of them, and out of the proceeds of such sale shall pay and cancel the said bills or notes, default in paying which shall have been made as aforesaid; but nothing in this act contained shall be considered as implying any pledge on the part of the state for the payment of the securities pledged to the comptroller for their redemption.

Sec. 12. The public debt and bonds and mortgages to be deposited with the comptroller by such person or association, shall be held by him exclusively for the redemption of the bills or notes of such person or association put in circulation as money, until the same are paid.

Sec. 13. The plates, dies and materials to be procured by the comptroller, for the printing and making of the circulating notes provided for hereby, will all remain in his custody and under his direction; and the expenses necessarily incurred in executing the provisions of this act, shall be audited and settled by the comptroller, and paid out of any moneys in the treasury not otherwise appropriated, and for the purpose of reimbursing the same, the said comptroller is hereby authorized and required to charge against and receive from such person or association applying for such circulating notes, such rate per cent. thereon as may be sufficient for that purpose, and as may be just and reasonable.

Sec. 14. It shall not be lawful for the comptroller, or other officer, to countersign bills or notes for any person or association of persons, to an amount in the aggregate exceeding the public debt, or public debt and bonds and mortgages at their value, as provided in the second section of this act, deposited with the comptroller by such person or association; and any comptroller or other officer who shall violate the provisions of this section shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years, or by both such fine and imprisonment.

Sec. 15. Any number of persons may associate to establish offices of discount, deposit and circulation, upon the terms and conditions, and subject to the liabilities prescribed in this act; but the aggregate amount of the capital stock of any such asso-

ciation shall not be less than one hundred thousand dollars.

Sec. 16. Such persons, under their hands and seals, shall make a certificate which shall specify:

1. The name assumed to distinguish such association, and to be used in its dealings:

2. The place where the operations of discount and deposit of such association are to be carried on, designating the particular city, town, or village:

3. The amount of the capital stock of such association, and the number of shares into which the same shall be divided:

4. The names and places of residence of the shareholders, and the number of shares held by each of them respectively:

5. The period at which such association shall commence and terminate; which certificate shall be proved or acknowledged and recorded in the office of the clerk of the county where any office of such association shall be established, and a copy thereof filed in the office of the secretary of state.

Sec. 17. The certificate required by the last preceding section to be recorded and filed in the offices of the clerk of the county and secretary of state as aforesaid, or copies thereof, duly certified by either of those officers, may be used as evidence in all courts and places for and against any such association.

Sec. 18. Such association shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt; by receiving deposits; by buying and selling gold and silver bullion; foreign coins and bills of exchange in the manner specified in their articles of association for the purposes authorized by this act; by loaning money on real and personal security; and by exercising such incidental powers as shall be necessary to carry on such business; to choose one of their number as president of such association, and to appoint a cashier, and such other officers and agents as their business may require, and to remove such president, cashier, officers, and agents at pleasure, and appoint others in their place.

Sec. 19. The shares of said association shall be deemed personal property, and shall be transferable on the books of the association in such manner as may be agreed on in the articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of prior shareholders; and no change shall be made in the articles of association by which the rights, remedies of security of its existing creditors shall be weakened or impaired. Such association shall not be dissolved by the death or insanity of any of the stockholders therein.

Sec. 20. It shall be lawful for any association of persons organized under this act by their articles of association, to provide for an increase of their capital and of the number of the associates, from time to time, as they may think proper.

Sec. 21. Contracts made by any such association, and all notes and bills by them issued and put in circulation as money, shall be signed by the president or vice-president and the cashier thereof; and all suits, actions and proceedings brought or prosecuted by or on behalf of such association, may be brought or prosecuted in the name of the president thereof; and no such suit, action or proceeding shall abate by reason of the death, resignation or removal from office of such president, but may be continued and prosecuted according to such rules as the courts of law or equity may direct, in the name of his successor in office, who shall exercise the powers, enjoy the rights, and discharge the duties of his predecessor.

Sec. 22. All persons having demands against any such association, may maintain actions against the president thereof; which suits or actions shall not abate by reason of the death, resignation or removal from office of such president, but may be continued and prosecuted to judgment against his successor; and all judgments and decrees obtained or rendered against such president for any debt or liability of such association, shall be enforced only against the joint property of the association, and which property shall be liable to be taken and sold by execution under any such judgment or decree.

Sec. 23. No shareholder of any such association shall be liable in his individual capacity for any contract, debt or engagement of such association, unless the articles of such association by him signed shall have declared that the shareholder shall be so liable.

Sec. 24. It shall be lawful for such association to purchase, hold and convey real estate for the following purposes:

1. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business; or,

2. Such as shall be mortgaged to it in good faith, by way of security for loans made by, or moneys due, to such association; or,

3. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as it shall purchase at sales under judgments, decrees or mortgages held by such association.

The said association shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all conveyances of such real estate shall be made to the president, or such other officer as shall be indicated for that purpose in the articles of association; and which president or officer, and his successors, from time to time may sell, assign and convey the same, free from any claims thereon, against any of the shareholders, or any person claiming under them.

Sec. 25. Upon the application of creditors or shareholders of any such association, whose debts or shares shall amount to one thousand dollars, and stating facts, verified by affidavit, the chancellor may, in his discretion, order a strict examination to be made by one of the masters of his court, of all the affairs of such association, for the purpose of ascertaining the safety of its investments, and the produce of its management; and the result of every such examination, together with the opinion of the master and of the chancellor thereon, shall be published in such manner as the chancellor shall direct, who shall make such order in respect to the expenses of such examination and publication as he may deem proper.

Sec. 26. Such association shall, on the first Mondays of January and July in every year after having commenced the business of banking as prescribed by this act, make out and transmit to the comptroller, in the form to be provided by him, a full statement of the affairs of the association, verified by the oaths of the president or cashier, which statement shall contain,

1. The amount of the capital stock paid in according to the provisions of this act or secured to be paid;

2. The value of the real estate of the association; specifying what portion is occupied by the association as necessary to the transaction of its business;

3. The shares of stock held by such association, whether absolutely or as collateral security; specifying each kind and description of stock, and the number and value of the shares of each;

4. The amount of debts due to the association; specifying such as are due from moneyed or other corporations or associations; and also specifying the amount secured by bond and mortgage of judgment; and the amount which ought to be included in the computation of losses;

5. The amount of debts due by such association; specifying such as are payable on demand, and such as are due to moneyed or other corporations or associations;

6. The amount of claims against the association not acknowledged by it as debts;

7. The amount of notes, bills, or other evidences of debt issued by such association;

8. The amount of the losses of the association; specifying whether charged on its capital or profits, since its last preceding statement, and of its dividends declared and made during the same period;

9. The average amount in each month during the preceding six months of the debts due to and from the association; the average amount of specie possessed by the same during each month, and the amount of bills and notes issued by such association and put in circulation as money, and outstanding against the association, on the first day of each of the preceding six months;

10. The average amount in each month during the preceding six months due to the association, from all the shareholders in the association, also the greatest amount due to the association in each of the said preceding six months, from all the shareholders in such association;

11. The amount which the capital of the said association has been increased during the preceding six months, if there shall have been any increase of the said capital; and the names of any persons who may have become parties to the said articles of association, or may have withdrawn therefrom since their last report.

It shall be the duty of the comptroller to cause the statement required to be made by this section to be published in a newspaper printed in the county where the place of business of such association is situated, and in the state paper; the expense of which shall be paid by such association.

Sec. 27. If such association shall neglect to make out and transmit the statement required in the last preceding section, for one month beyond the period when the same is required to be made, or shall violate any of the provisions of this act, such association may be proceeded against and dissolved by the court of chancery, in the same manner as any

moneyed corporation may be proceeded against and dissolved.

Sec. 28. If any portion of the original capital of any such association shall be withdrawn for any purpose whatever, whilst any debts of the association remain unsatisfied, no dividends or profits on the shares of the capital stock of the association shall thereafter be made, until the deficit of capital shall have been made good, either by subscription of the shareholders, or out of the subsequently accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of the chancellor to make the necessary orders and decrees for closing the affairs of the association, and distributing its property and effects among its creditors and shareholders.

Sec. 29. Such association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for non-payment thereof, in lieu of interest, at and after the rate of fourteen per cent. per annum, from the time of such refusal until the payment of such evidence of debt, and the damages thereon.

Sec. 30. The president and cashier of every association formed pursuant to the provisions of this act, shall at all times keep a true and correct list of the names of the shareholders of such association, and shall file a copy of such list in the office of the clerk of the county where any office of such association may be located, and also in the office of the comptroller, on the first Mondays of January and July in every year.

Sec. 31. It shall not be lawful for any association formed under the provisions of this act, to make any of its bills or notes of a denomination less than one thousand dollars, to be put in circulation as money, payable at any other place than at the office where the business of the association is carried on and conducted.

Sec. 32. The legislature may at any time alter or repeal this act.

Sec. 33. No association of persons authorized to carry on the business of banking under this act, shall at any time, for the space of twenty days, have on hand at their place of business, less than twelve and a half per cent. in specie on the amount of the bills or notes in circulation as money.

State of New York. } This bill having been approved by the } proved and signed by the governor of this state on the 18th day of April, 1838, I do hereby certify that the same became a law on that day.

JOHN A. DIX, secretary of state.

SPEECH OF MR. CALHOUN, OF S. C.

In reply to Mr. Clay on the sub-treasury bill. Delivered in the senate of the United States, March 10, 1838.

I rise to fulfil a promise I made some time since to notice at my leisure the reply of the senator from Kentucky farthest from me (Mr. Clay) to my remarks, when I first addressed the senate on the subject now under discussion.

On comparing with care the reply with the remarks, I am at a loss to determine whether it is the most remarkable for its omissions or misstatements. Instead of leaving not a hair in the head of my arguments, as the senator threatened, (to use his not very dignified expression,) he has not even attempted to answer a large, and not the least weighty portion; and of that which he has, there is not one fairly stated or fairly answered. I speak literally, and without exaggeration; nor would it be difficult to establish to the letter what I assert, if I could reconcile it to myself to consume the time of the senate in establishing a long series of negative propositions, in which they could take but little interest, however important they may be regarded by the senator and myself. To avoid so idle a consumption of the time, I propose to present a few instances of his misstatements, from which the rest may be inferred; and, that I may not be suspected of having selected them, I shall take them in the order in which they stand in his reply.

The senate will recollect, that when the senator from Virginia farthest from me (Mr. Rives) introduced his substitute, he accompanied it with the remark, that it was his first choice, and the second choice of those who are allied with him on this occasion. In noticing this remark, I stated, that if I might judge from appearances, which could scarcely deceive one, the senator might have said, not only the second but, under existing circumstances, it was their first choice, and that, despairing of a bank for the present, they would support his substitute. Assuming this inference to be correct, I stated that the question was narrowed down, in fact, to the bill and substitute, of which one or the other must be selected. The senator from Kentucky, in his reply, omitted all these qualifications, and represented me as making the absolute assertion that, in the nature of the case, there was no other alternative but the bill or the substitute, and then gravely pointed out two others; to do nothing, or adopt a national bank, as if I could possibly be ignorant of what was so obvious. After he had thus replied, not to what I really said, but his own misstatement of it, as if to make compensation, he proceeded in the same

breath to confirm the truth of what I did say by giving his support to the substitute, which he called a half way house, where he could spend some pleasant hours. Nothing is more easy than to win such victories.

Having inferred, as has turned out to be the fact, that there was no other alternative at present but the bill and substitute, I next showed the embarrassment to which the gentlemen opposite to me would be involved from having, four years ago, on the question of the removal of the deposits, denounced a league of state banks, similar to that proposed to be revived by the substitute. After enlarging on this point, I remarked that, if I might be permitted to state my opinion, the gentlemen had taken a course unfortunate for themselves and the country—unfortunate for them, for let what would come they would be responsible. If the bill was lost, there would be the responsibility; if the substitute was carried, on them the responsibility would fall; and, if nothing was done, they would be held responsible; and, unfortunate for the country, because it had prevented the decision of the question at the extra session, which could not have failed to put an early termination to the present commercial and pecuniary embarrassment. This the senator, in his reply, met by stating that I had called on him and his friends to follow my lead; and thus regarding it, he made it the pretext of some ill-natured personal remarks, which I shall notice hereafter. I never dreamed of making such a call; and what I said cannot be tortured, by the force of construction, to bear a meaning having the least semblance to it.

After making these preliminary remarks, I took up the substitute, and showed that it proposed to make a bargain with the banks. I then stated the particulars and the conditions of the proposed bargain; that its object was to enable the banks to pay their debts, and for that purpose it proposed to confer important privileges; to give them the use of the public funds from the time of deposits to disbursement, and to have their notes received as cash in the dues of the government. I then asked, if we had a right to make such a bargain? The senator, leaving out all of these particulars, represented me as saying that the government had no right to make a bargain with the banks; and then undertakes to involve me in an inconsistency, in supporting the bill, because it proposes to bargain with the banks for the use of their vaults, as a place of safe-keeping for the public money, as if there was a possible analogy between the two cases. Nothing is more easy than to refute the most demonstrative argument in this way. Drop an essential part of the premises, and the most irresistible conclusion, of course, fails.

In the same summary and easy mode of replying to my argument, the senator perverted my denial that the government had a right to receive bank notes as cash, into the assertion that it had no right to receive any thing but cash; and then accuses me with inconsistency, because I voted, at the extra session, for the bill authorizing the receipt of treasury notes in the dues of the government; as if any one ever doubted that it could receive its own paper, or securities, in payment of its debts. Such are the misstatements of the senator taken in their regular order, as they stand in his reply, and they present a fair specimen of what he chooses to consider an answer to my argument. There is not one less unfairly stated, or unfairly met, than the instances I have cited.

The senator presented two difficulties in reply to what I said against receiving bank notes by the government, which demand a passing notice before I dismiss this part of the subject. He objected, first, that it was contrary to the provision of the bill itself, which authorizes the receipts of the notes of specie-paying banks for a limited time. To answer this objection, it will be necessary to advert to the object of the provision. By the provisions of the joint resolutions of 1816, the notes of specie paying banks are made receivable in the dues of the government; and, of course, on the resumption of specie payments, bank notes would again be received by the government as heretofore, without limitation as to time, unless some provision be adopted to prevent it. In a word, the government, though separated in fact at present from the banks, is not legally separated; and the object of the provision is to effect the separation as well in law as it is in fact. This it proposes to do by a gradual repeal of the joint resolution of 1816, in order to prevent, as far as possible, any injurious effects to the community or the banks. The senator, in making his objection, overlooks the broad distinction between the doing and undoing of an unconstitutional act. There are some unconstitutional acts that are difficult, if not impossible, to be undone; such, for instance, as the admission of Louisiana into the union, admitting it to be unconstitutional, which I do not. There are others which cannot be undone suddenly, without widespread distress and ruin; such as the protective tariff, which, accordingly, the compromise act allowed upwards of eight years for the gradual repeal. Such also is the case under consideration, which, under the provisions of the bill, would be effected in seven years. In all such cases I hold it to be not only clearly constitutional for congress to make a gradual repeal, but its duty to do so; otherwise it would be often impossible to get clear of an unconstitutional act short of revolution. His next objection was, that the reasons which would make the receipt of bank notes unconstitutional, would also make the China trade so, which he represented as absorbing a large portion of the specie of the country. There is no analogy whatever between the two cases. The very object of specie is to carry on trade, and it would be idle to attempt to regulate the distribution and

fluctuation which result from its operation. Experience proves that all attempts of the kind must either prove abortive or mischievous. In fact, it may be laid down as a law, that the more universal the demand for specie, and the less that demand is interrupted, the more steady and uniform its value, and the more perfectly, of course, it fulfils the great purpose of circulation, for which it was intended. There are, however, not a few who, taking a different view, have thought it to be the duty of the government to prohibit the exportation of specie to China, on the very ground which the senator assumes, and I am not certain but that he himself has been in favor of the measure.

But the senator did not restrict himself to a reply to my arguments. He introduced personal remarks, which neither self-respect, nor a regard to the cause I support, will permit me to pass without notice, as adverse as I am to all personal controversies. Not only my education and disposition, but, above all, my conception of the duties belonging to the station I occupy, indisposes me to such controversies. We are sent here, not to wrangle, or indulge in personal abuse, but to deliberate and decide on the common interests of the states of this union, as far as they have been subjected by the constitution to our jurisdiction. Thus thinking and feeling, and having perfect confidence in the cause I support, I addressed myself, when I was last up, directly and exclusively to the understanding, carefully avoiding every remark which had the least personal or party bearing. In proof of this, I appeal to you, senators, my witnesses and judges on this occasion. But it seems that no caution on my part could prevent what I was so anxious to avoid. The senator, having no pretext to give a personal direction to the discussion, made a premeditated and gratuitous attack on me. I say having no pretext, for there is not a shadow of foundation for the assertion that I called on him and his party to follow my lead, at which he seemed to take offence, as I have already shown. I made no such call, or any thing that could be construed into it. It would have been impertinent, in the relation between myself and his party, at any stage of this question; and absurd at that late period, when every senator had made up his mind. As there was, then, neither provocation nor pretext, what could be the motive of the senator in making the attack? It could not be to indulge in the pleasure of personal abuse, the lowest and basest of all our passions, and which is so far beneath the dignity of the senator's character and station. Nor could it be with the view to intimidation. The senator knows me too long and too well to make such an attempt. I am sent here by constituents as respectable as those he represents, in order to watch over their peculiar interests, and take care of the general concern; and if I were capable of being deterred by any one, or any consequence, in discharging my duty, from denouncing what I regarded as dangerous or corrupt, or giving a decided and zealous support to what I thought right and expedient, I would, in shame and confusion, return my commission to the patriotic and gallant state I represent, to be placed in more resolute and trustworthy hands.

If, then, neither the one nor the other of these be the motive, what, I again repeat, can it be? In casting my eyes over the whole surface, I can see but one, which is, that the senator, despairing of the sufficiency of his reply to overthrow my arguments, had resorted to personalities, in the hope, with their aid, to effect what he could not accomplish by main strength. He well knows that the force of an argument on moral or political subjects depends greatly on the character of him who advances it, and that to cast suspicion on his sincerity or motive, or to shake confidence in his understanding, is often the most effectual mode to destroy its force. Thus viewed, his personalities may be fairly regarded as constituting a part of his reply to my argument; and we, accordingly, find the senator throwing them in front, like a skillful general, in order to weaken my arguments before he brought on his main attack. In repelling, then, his personal attacks, I also defend the cause which I advocate. It is against that his blows are aimed, and he strikes at it through me, because he believes his blows will be the more effectual.

Having given this direction to his reply, he has imposed on me a double duty to repel his attacks: duty to myself and the cause I support. I shall not decline its performance; and when it is discharged, I trust I shall have placed my character as far beyond the darts which he has hurled at it, as my arguments have proved to be above his abilities to reply to them. In doing this, I shall be compelled to speak of myself. No one can be more sensible, than I am, how odious it is to speak of one's self. I shall endeavor to confine myself within the limits of the strictest propriety; but if any thing should escape me that may wound the most delicate ear, the odium ought in justice to fall not on me, but the senator who, by his unprovoked and wanton attack, has imposed on me the painful necessity of speaking of myself.

The leading charge of the senator—that on which all others depend, and which, being overturned, they fall to the ground—is that I have gone over; have left his side, and joined the other. By this vague and indefinite expression, I presume he meant to imply that I had either changed my opinion, or abandoned my principle, or deserted my party. If he did not mean one, or all; if I have changed neither opinions, principles, nor party, then the charge meant nothing deserving notice. But if he intended to imply, what I have presumed he did, I take issue on the fact—I meet and repel the charge. It happened fortunately for me, fortunately

for the cause of truth and justice, that it was not the first time that I had offered my sentiments on the question now under consideration. There is scarcely a single point in the present issue on which I did not explicitly express my opinion, four years ago, in my place here, when the removal of the deposits and the questions connected with it were under discussion—so explicitly as to repel effectually the charge of any change on my part, and to make it impossible for me to pursue any other course than I have without involving myself in gross inconsistency. I intend not to leave so important a point to rest on my bare assertion. What I assert stands on record, which I now hold in my possession, and intend, at the proper time, to introduce and read. But, before I do that, it will be proper I should state the questions now at issue, and my course in relation to them, so that, having a clear and distinct perception of them, you may, senators, readily and satisfactorily compare and determine whether my course on the present occasion coincides with the opinions I then expressed.

There are three questions, as is agreed by all, involved in the present issue. Shall we separate the government from the banks, or shall we revive the league of state banks, or create a national bank? My opinion and course in reference to each are well known. I prefer the separation to either of the others; and, as between the other two, I regard a national bank as a more efficient and a less corrupting fiscal agent than a league of state banks. It is also well known that I have expressed myself on the present occasion hostile to the banking system, as it exists, and against the constitutional power of making a bank, unless on the assumption that we have the right to receive and treat bank notes as cash in our fiscal operations, which I, for the first time, have denied on the present occasion. Now, I entertained and expressed all these opinions, on a different occasion, four years ago, except the right of receiving bank notes, in regard to which I then reserved my opinion; and if all this should be fully and clearly established by the record, from speeches delivered and published at the time, the charge of the senator must, in the opinion of all, however prejudiced, sink to the ground. I am now prepared to introduce, and have the record read. I delivered two speeches in the session of 1833-'34, one on the removal of the deposits, and the other on the question of the renewal of the charter of the late bank. I ask the secretary to turn to the volume lying before him, and read the three paragraphs marked in my speech on the deposits. I will thank him to raise his voice, and read slowly, so that he may be distinctly heard, and I must ask you, senators, to give your attentive hearing, for on the coincidence between my opinions then and my course now my vindication against this unprovoked and groundless charge rests.

"If (said Mr. C.) this was a question of bank or no bank; if it involved the existence of the banking system, it would indeed be a great question—one of the first magnitude; and, with my present impression, long entertained, and daily increasing, I would hesitate, long hesitate, before I would be found under the banner of the system. I have great doubts (if doubts they may be called) as to the soundness and tendency of the whole system, in all its modifications. I have great fears that it will be found hostile to liberty and the advance of civilization; fatally hostile to liberty in our country, where the system exists in its worst and most dangerous form. Of all institutions affecting the great question of the distribution of wealth; a question least explored, and the most important of any in the whole range of political economy; the banking institution has, if not the greatest, among the greatest, and, I fear, most pernicious, influence on the mode of distribution. Were the question really before us, I would not shun the responsibility, great as it might be, of freely and fully offering my sentiments on these deeply important points; but, as it is, I must content myself with the few remarks which I have thrown out.

"What, then, is the real question which now agitates the country? I answer, it is a struggle between the executive and legislative departments of the government; a struggle, not in relation to the existence of the bank, but which, congress or the president, should have the power to create a bank, and the consequent control over the currency of the country. This is the real question. Let us not deceive ourselves. This league, this association of banks, created by the executive, bound together by its influence, united in common articles of association, vivified and sustained by receiving the deposits of the public money, and having their notes converted, by being received every where by the treasury, into the common currency of the country, is, to all intents and purposes, a bank of United States, the executive bank of the United States, as distinguished from that of congress.

"However it might fail to perform satisfactorily the useful functions of the Bank of the United States as incorporated by law, it would outstrip it, far outstrip it, in all its dangerous qualities, in extending the power, the influence, and the corruption of the government. It was impossible to conceive any institution more admirably calculated to advance these objects. Not only the selected banks, but the whole banking institutions of the country, and with them the entire money power, for the purpose of speculation, speculation and corruption, would be placed under the control of the executive. A system of menaces and promises will be established; of menaces to the banks in possession of the deposits, but which might not be entirely subservient to executive views; and of promises of future favors to those who

may not as yet enjoy its favors. Between the two, the banks would be left without influence, honor, or honesty, and a system of speculation and stock-jobbing would commence, unequalled in the annals of our country.

"So long as the question is one between a bank of the United States, incorporated by congress, and that system of banks which has been created by the will of the executive, it is an insult to the understanding to discourse on the pernicious tendency and unconstitutionality of the Bank of the United States. To bring up that question fairly and legitimately, you must go one step farther—you must divorce the government and the banking system. You must refuse all connection with banks. You must neither receive nor pay away bank notes; you must go back to the old system of the strong box, and of gold and silver. If you have a right to receive bank notes at all—to treat them as money by receiving them in your dues, or paying them away to creditors, you have a right to create a bank. Whatever the government receives and treats as money, is money; and, if it be money, then they have the right, under the constitution, to regulate it. Nay, they are bound by a high obligation to adopt the most efficient means, according to the nature of that which they have recognized as money, to give to it the utmost stability and uniformity of value. And if it be in the shape of bank notes, the most efficient means of giving those qualities is a bank of the United States, incorporated by congress. Unless you give the highest practical uniformity to the value of bank notes—so long as you receive them in your dues and treat them as money, you violate that provision of the constitution which provides that taxation shall be uniform throughout the United States. There is no other alternative. I repeat, you must divorce the government entirely from the banking system, or, if not, you are bound to incorporate a bank as the only safe and efficient means of giving stability and uniformity to the currency. And should the deposits not be restored, and the present illegal and unconstitutional connection between the executive and the league of banks continue, I shall feel it my duty, if no one else moves, to introduce a measure to prohibit government from receiving or touching bank notes in any shape whatever, as the only means left of giving safety and stability to the currency, and saving the country from corruption and ruin."

Such were my sentiments, delivered four years since, on the question of the removal of the deposits, and now standing on record; and I now call your attention senators, while they are fresh in your minds, and before other extracts are read, to the opinions I then entertained and expressed, in order that you may compare them with those that I have expressed, and the course I have pursued on the present occasion. In the first place, I then expressed myself explicitly and decidedly against the banking system, and intimated, in language too strong to be mistaken, that, if the question was then bank or no bank, as it now is, as far as government is concerned, I would not be found on the side of the bank. Now, I ask, I appeal to the candor of all, even the most prejudiced, is there any thing in all this contradictory to my present opinions or course? On the contrary, having entertained and expressed these opinions, could I, at this time, when the issue I then supposed is actually presented, have gone against the separation without gross inconsistency? Again, I then declared myself to be utterly opposed to a combination or league of state banks, as being the most efficient and corrupting fiscal agent the government could select, and more objectionable than a bank of the United States. I again appeal, is there a sentiment or a word in all this contradictory to what I have said or done on the present occasion? So far otherwise, is there not a perfect harmony and coincidence throughout, which, considering the distance of time and the difference of the occasion, is truly remarkable, and this extending to all the great and governing questions now at issue?

But the removal of the deposits was not the only question discussed at that remarkable and important session. The charter of the United States Bank was then about to expire. The senator from Massachusetts nearest to me, (Mr. Webster,) then at the head of the committee on finance, suggested, in his place, that he intended to introduce a bill to renew the charter. I clearly perceived that the movement, if made, would fail; and that there was no prospect of doing any thing to arrest the danger approaching, unless the subject was taken up on the broad question of the currency; and that if any connection of the government with the banks could be justified at all, it must be in that relation. I am not among those who believe that the currency was in a sound condition when the deposits were removed in 1834. I then believed, and experience has proved I was correct, that it was deeply and dangerously diseased; and that the most efficient measures were necessary to prevent the catastrophe which has since fallen on the circulation of the country. There was then not more than one dollar in specie, on an average, in the banks, including the United States Bank and all, for six of bank notes in circulation; and not more than one in eleven compared to liabilities of the banks, and this while the United States Bank was in full and active operation, which proves conclusively that its charter ought not to be renewed, if renewed at all, without great modifications. I saw also that the expansion of the circulation, great as it then was, must still farther increase; that the disease lay deep in the system; that the terms on which the charter of the bank

of England was renewed would give a western direction to specie, which, instead of correcting the disorder, by substituting specie for bank notes in our circulation, would become the basis of new banking operations that would greatly increase the swelling tide. Such were my conceptions then, and I honestly and earnestly endeavored to carry them into effect, in order to prevent the approaching catastrophe.

The political and personal relations between myself and the senator from Massachusetts (Mr. Webster) were then not the kindest. We stood in opposition at the preceding session on the great question growing out of the conflict between the state I represented and the general government, which could not pass away without leaving unfriendly feelings on both sides; but where duty is involved, I am not in the habit of permitting my personal relations to interfere. In my solicitude to avoid coming dangers, I sought an interview, through a common friend, in order to compare opinions as to the proper course to be pursued. We met, and conversed freely and fully, but parted without agreeing. I expressed to him my deep regret at our disagreement, and informed him that, although I could not agree with him, I would throw no embarrassment in his way, but should feel it to be my duty, when he made his motion to introduce a bill to renew the charter of the bank, to express my opinion at large on the state of the currency and the proper course to be pursued, which I accordingly did. On that memorable occasion I stood almost alone. One party supported the league of state banks, and the other the United States Bank, the charter of which the senator from Massachusetts (Mr. Webster) proposed to renew for six years. Nothing was left me but to place myself distinctly before the country on the ground I occupied, which I did fully and explicitly in the speech I delivered on the occasion. In justice to myself, I ought to have every word of it read on the present occasion. It would of itself be a full vindication of my course. I stated and enlarged on all the points to which I have already referred; objected to the recharter as proposed by the mover, and foretold that what has since happened would follow, unless something effectual was done to prevent it. As a remedy, I proposed to use the Bank of the United States as a temporary expedient, fortified with strong guards, in order to resist and turn back the swelling tide of circulation. With this view, I proposed to prohibit the issue of any note under ten dollars, at first, and after a certain interval, under twenty; and to refuse to receive the notes of any bank that issued notes under five dollars, or that received the notes of any bank that issued less, in order to make a total separation between the banks that should refuse to discontinue the issue of small notes and the others, in the hope that the influence of the latter, with the voice of the community, would ultimately compel a discontinuance. I proposed, that the charter, with these and other provisions that might be devised by a committee appointed for the purpose, should be renewed for twelve years, two years longer than the Bank of England had been, in order to avail ourselves of the experience and wisdom of that great and enlightened nation. All this I proposed expressly on the ground of undoing the system, gradually and slowly, till a total disconnection should be effected, if experience should show that it could be carried to that extent. My object was double; to get clear of the system, and to avoid the catastrophe which has since befallen us, and which I then saw was approaching.

To prove all this, I again refer to the record. If it shall appear from it that my object was to disconnect the government gradually and cautiously from the banking system, and with that view, and that only, I proposed to use the United States Bank for a short time, and that I explicitly expressed the same opinions then as I now have on almost every point connected with the system, I shall not only have vindicated my character from the charge of the senator from Kentucky, but shall do more, much more, to show that I did all an individual, standing alone as I did, could do to avert the present calamities, and, of course, I am free from all responsibility for what has since happened. I have shortened the extracts, as far as was possible to do myself justice, and have left out much that ought, of right, to be read in my defence, rather than to weary the senate. I know how difficult it is to command attention to reading of documents; but I trust that this, where justice to a member of the body, whose character has been assailed, without the least provocation, will form an exception. The extracts are numbered, and I will thank the secretary to pause at the end of each, unless otherwise desired.

The secretary here read the following extract:

"After a full survey of the whole subject, I see none, I can conjecture no means of extricating the country from its present danger, and to arrest its farther increase, but a bank; the agency of which, in some form or under some authority, is indispensable. The country has been brought into the present diseased state of the currency by banks, and must be extricated by their agency. We must, in a word, use a bank to unbank the banks, to the extent that may be necessary to restore a safe and stable currency—just as we apply snow to a frozen limb in order to restore vitality and circulation, or hold up a burn to the flame to extract the inflammation. All must see that it is impossible to suppress the banking system at once. It must continue for a time. Its greatest enemies, and the advocates of an exclusive specie circulation, must make it a part of their system to tolerate the banks for a longer or a shorter period. To suppress them at once

would, if it were possible, work a greater revolution—a greater change in the relative condition of the various classes of the community, than would the conquest of the country by a savage enemy. What, then, must be done? I answer, a new and safe system must gradually grow up under, and supplant, the old; imitating, in this respect, the beautiful process we sometimes see, of a wounded or diseased part in a living organic body, gradually superseded by the healing process of nature."

After having so expressed myself, which clearly shows that my object was to use the bank for a time in such a manner as to break the connexion with the system, without a shock to the country or currency, I then proceeded and examine the question, whether this could be best accomplished by the renewal of the charter of the United States Bank, or through a league of state banks. After concluding what I had to say on the subject, in my deep solicitude I addressed the three parties in the senate separately, urging such motives as I thought best calculated to act on them, and pressing them to join me in the measure suggested, in order to avert approaching danger. I began with my friends of the state rights party and with the administration. I have taken copious extracts from the address to the first, which will clearly prove how exactly my opinion then and now coincide on all questions connected with the banks. I now ask the secretary to read the extract numbered two.

"Having now stated the measure necessary to apply the remedy, I am thus brought to the question—can the measure succeed? which brings up the inquiry of how far it may be expected to receive the support of the several parties which compose the senate, and on which I shall next proceed to make a few remarks.

"First, then, can the state rights party give it their support? that party of which I am proud of being a member, and for which I entertain so strong an attachment—the stronger because we are few among many. In proposing this question, I am not ignorant of their long-standing constitutional objection to the bank, on the ground that this was intended to be, as it is usually expressed, a hard-money government—a government whose circulating medium was intended to consist of the precious metals, and for which object the power of coining money and regulating the value thereof was expressly conferred by the constitution. I know how long and how sincerely this opinion has been entertained, and under how many difficulties it has been maintained. It is not my intention to attempt to change an opinion so firmly fixed, but I may be permitted to make a few observations, in order to present what appears to me to be the true question in reference to this constitutional point—in order that we may fully comprehend the circumstances under which we are placed in reference to it. With this view, I do not deem it necessary to inquire whether, in conferring the power to coin money and to regulate the value thereof, the constitution intended to limit the power strictly to coining money and regulating its value, or whether it intended to confer a more general power over the currency; nor do I intend to inquire whether the word coin is limited simply to the metals, or may be extended to either substances, if, through a gradual change, they may become the medium of the general circulation of the world."

"The very receipt of bank notes on the part of the government, in its dues, would, it is conceded, make them money, as far as the government may be concerned, and by a necessary consequence, would make them, to a great extent, the currency of the country. I say nothing of the positive provisions in the constitution which declare that 'all duties, imposts, and excises, shall be uniform throughout the United States,' which cannot be, unless that in which they are paid should also have, as nearly as practicable, a uniform value throughout the country. To effect this, where bank notes are received, the banking power is necessary and proper within the meaning of the constitution; and consequently, if the government has the right to receive bank notes in its dues, the power becomes constitutional. Here lies, said Mr. C. the real constitutional question: has the government a right to receive bank notes or not? The question is not upon the mere power of incorporating a bank, as it had been commonly argued; though, even in that view, there would be a great constitutional objection to any act on the part of the executive, or any other branch of the government, which should unite any association of state banks into one system, as the means of giving the uniformity and stability to the currency which the constitution intends to confer. The very act of so associating or incorporating them into one, by whatever name called, or by whatever department performed, would be in fact an act of incorporation.

"But, said Mr. C., my object, as I have stated, is not to discuss the constitutional questions, nor to determine whether the bank be constitutional or not. It is, I repeat, to show where the difficulty lies—a difficulty which I have felt from the time I first came into the public service. I found then, as now, the currency of the country consisting almost entirely of bank notes. I found the government intimately connected with the system, receiving bank notes in its dues, and paying them away under its appropriations as cash. The fact was beyond my control; it existed long before my time, and without my agency; and I was compelled to act on the fact as it existed, without deciding on the many questions which I have suggested, as connected with this subject, and on many of which I have never yet formed a definite opinion. No one can pay less re-

gard to precedent than I do, acting here in my representative and deliberative character, on legal or constitutional questions; but I have felt from the beginning the full force of the distinction so sensibly taken by the senator from Virginia, [Mr. Leigh,] between doing and undoing an act, and which he so strongly illustrated in the case of the purchase of Louisiana. The constitutionality of that act was doubted by many at the time, and among others by its author himself; yet he would be considered a madman, who, coming into political life, at this late period, would now seriously take up the question of the constitutionality of the purchase, and, coming to the conclusion that it was unconstitutional, should propose to rescind the act, and eject from the union two flourishing states, and a growing territory."

I next ask the attention of the senators, especially from the northern states, while the secretary reads the short address to the opposition, that they may see how distinctly I foresaw what was coming, and how anxious I was to avert the calamity that has fallen on the section where I anticipated it would. I ask the secretary to read the extract numbered three.

"I next address myself to the members of the opposition, who principally represent the commercial and manufacturing portions of the country, where the banking system has been the farthest extended, and where a larger portion of the property exist in the shape of credit than in any other section; and to whom a sound stable currency is most necessary, and the opposite most dangerous. You have no constitutional objection; to you it is a mere question of expediency; viewing in this light, can you vote for the proposed measure?—a measure designed to arrest the approach of events which I have demonstrated must, if not arrested, create convulsions and revolutions; and to correct a disease which must, if not corrected, subject the currency to continued agitations and fluctuations; and in order to give that permanence, stability, and uniformity which is so essential to your safety and prosperity. To effect this may require some diminution on the profits of banking; some temporary sacrifice of interest; but if such should be the fact, it will be compensated in more than a hundred-fold proportion, by increased security and durable prosperity. If the system must advance in the present course without a check, and if explosion must follow, remember that where you stand will be the crater: should the system quake, under your feet the chasm will open that will engulf your institutions and your prosperity."

I regret to trespass on the patience of the senate, but I wish, in justice to myself, to ask their attention to one more, which, though not immediately relating to the question under consideration, is not irrelevant to my vindication. I not only expressed my opinions freely in relation to the currency and the bank, in the speech from which such copious extracts have been read, but had the precaution to define my political position distinctly in reference to the political parties of the day, and the course I would pursue in relation to each. I then, as now, belonged to the party to which it is my glory ever to have been attached exclusively; and avowed, explicitly, that I belonged to neither of the two parties, opposition or administration, then contending for superiority, which of itself ought to go far to repel the charge of the senator from Kentucky, that I have gone over from one party to the other. The secretary will read the last extract:

"I am the partisan, as I have said, of no class, nor, let me add, of any political party. I am neither of the opposition nor of the administration. If I act with the former in any instance, it is because I approve of their course on the particular occasion; and I shall always be happy to act with them when I do approve. If I oppose the administration; if I desire to see power change hands, it is because I disapprove of the general course of those in authority; because they have departed from the principles on which they came into office; because, instead of using the immense power and patronage put in their hands to secure the liberty of the country and advance the public good, they have perverted them into party instruments for personal objects. But mine has not been, nor will it be, a systematic opposition. Whatever measure of theirs I may deem right, I shall cheerfully support; and I only desire that they shall afford me more frequent occasions for support, and fewer for opposition, than they have heretofore done."

Such, senators, are my recorded sentiments in 1831. They are full and explicit on all the questions involved in the present issue, and prove, beyond the possibility of doubt, that I have changed no opinion, abandoned no principle, nor deserted any party. I stand now on the ground I stood then, and, of course, if my relations to the two opposing parties are changed—if I now act with those I then opposed, and oppose those with whom I then acted, the change is not in me. I at least have stood still. In saying this, I accuse none of changing. I leave others to explain their position, now and then, if they deem explanation necessary. But, if I may be permitted to state my opinion, I would say that the change is rather in the questions and the circumstances, than in the opinions or principles of either of the parties. The opposition were then and are now national bank men, and the administration, in like manner, were anti-national bank, and in favor of a league of state banks, while I preferred then, as now, the former to the latter, and a divorce from banks to either. When the experiment of the league failed, the administration were reduced to the option between a national bank and a divorce. They chose the latter, and such, I have no reason to doubt, would have been their choice, had the option been the same four years ago. Nor have I any

doubt, had the option been then between a league of banks and divorce, the opposition then, as now, would have been in favor of the league. In all this there is more apparent than real change. As to myself, there has been neither. If I acted with the opposition and opposed the administration then, it was because I was openly opposed to the removal of the deposits and the league of banks, as I now am; and if I now act with the latter and oppose the former, it is because I am now, as then, in favor of a divorce, and opposed to either a league of state banks or a national bank, except indeed as the means of effecting a divorce gradually and safely. What, then, is my offence? What but refusing to abandon my first choice, the divorce from the banks, because the administration has selected it, and of going with the opposition for a national bank, to which I have been and am still opposed? That is all; and for this I am charged with going over—leaving one party and joining the other.

Had some guardian angel, Mr. President, whispered in my ear at the time, "be cautious what you say; this question will not terminate here; four years hence it will be revived, under very different circumstances, when your principles and duty will compel you to act with those you now oppose, and oppose those with whom you now act, when you will be charged with desertion of principles," I could not have guarded myself more effectually than I have done. Yet, in the face of all this, the senator has not only made the charge, but has said, in his place, that he heard, for the first time in his life, at the extra session, that I was opposed to a national bank! I could place the senator in a dilemma from which there is no possibility of escape. I might say to him, you have either forgot or not what I said in 1834. If you have not, how can you justify yourself in making the charge you have? But if you have—if you have forgot what is so recent, and what from the magnitude of the question and the importance of the occasion, was so well calculated to impress itself on your memory, what possible value can be attached to your recollection or opinions, as to my course on more remote and less memorable occasions, on which you have undertaken to impeach my conduct? He may take his choice.

Having now established by the record that I have changed no opinion, abandoned no principle, nor deserted any party, the charge of the senator, with all the aspersions with which he accompanied it, falls prostrate to the earth. Here I might leave the subject, and close my vindication. But I choose not. I shall follow the senator up, step by step, in his unprovoked, and, I may now add, groundless attack, with blows not less decisive and victorious.

The senator next proceeded to state, that in a certain document (if he named it, I did not hear him) I assigned as the reason why I could not join in the attack on the administration, that the benefit of the victory would not accrue to myself, or my party, or, as he explained himself, because it would not place myself and them in power. I presume he referred to a letter, in answer to an invitation to a public dinner offered me by my old and faithful friends and constituents of Edgefield, in approval of my course at the extra session.

[Mr. Clay. I do.]

The pressure of domestic engagements would not permit me to accept their invitation, and, in declining it, I deemed it due to them and myself to explain my course, in its political and party bearing, more fully than I had done in debate. They had a right to know my reasons, and I expressed myself with the frankness due to the long and uninterrupted confidence that had ever existed between us.

Having made these explanatory remarks, I now proceed to meet the assertion of the senator. I again take issue on the fact. I assigned no such reason as the senator attributes to me. I never dreamed nor thought of such a one; nor can any force of construction extort from what I said. No; my object was not power or place, either for myself or party. I was far more humble and honest. It was to save ourselves and our principles from being absorbed and lost in a party more numerous and powerful, but differing from us on almost every principle and question of policy.

When the suspension of specie payments took place in May last, (not unexpected to me,) I immediately turned my attention to the event earnestly, considering it as an event pregnant with great and lasting consequences. Reviewing the whole ground, I saw nothing to change in the opinions and principles I had avowed in 1834, and I determined to carry them out, as far as circumstances and my ability would enable me. But I saw that my course must be influenced by the position which the two great contending parties might take in reference to the question. I did not doubt that the opposition would rally either on a national bank, or a combination of state banks, with Mr. Biddle's at the head, but I was wholly uncertain what course the administration would adopt, and remained so until the message of the president was received and read by the secretary at his table. When I saw he went for a divorce, I never hesitated a moment. Not only my opinions and principles long entertained, and, as I have shown, fully expressed years ago, but the highest political motives, left me no alternative. I perceived, at once, that the object, to accomplish which we had acted in concert with the opposition, had ceased; executive usurpations had come to an end for the present; and that the struggle with the administration was no longer for power but to save themselves. I also clearly saw that if we should unite with the opposition in their attack on the administration, the victory over them in the

position they occupied, would be a victory over us and our principles. It required no sagacity to see that such would be the result. It was as plain as day. The administration had taken position, as I have shown, on the very ground I occupied in 1834, and which the whole state rights party had taken at the same time in the other house, as its journals will prove. The opposition, under the banner of the bank, were moving against them for the very reason that they had taken the ground they did.

Now, I ask, what would have been the result if we had joined in the attack? No one can now doubt that the victory over those in power would have been certain and decisive, nor would the consequences have been the least doubtful. The first fruit would have been a national bank. The principles of the opposition, and the very object of the attack would have necessarily led to that. We would have been not only too feeble to resist, but would have been committed by joining in the attack with its avowed object to go for one, while those who support the administration would have been scattered in the winds. We should then have had a bank—that is clear; nor is it less certain, that in its train there would have followed all the consequences which have and ever will follow, when tried—high duties, overflowing revenue, extravagant expenditures, large surpluses; in a word, all those disastrous consequences which have well near overthrown our institutions, and involved the country in its present difficulties. The influence of the institution, the known principles and policy of the opposition, and the utter prostration of the administration party, and the absorption of ours, would have led to these results as certainly as we exist.

I now appeal, senators, to your candor and justice, and ask, could I, having all these consequences before me, with my known opinions and that of the party to which I belong, and to which only I owe fidelity, have acted differently from what I did? Would not any other course have justly exposed me to the charge of having abandoned my principles and party, with which I am now accused so unjustly? Nay, would it not have been worse than folly—been madness in me to have taken any other? And yet, the grounds which I have assumed in this exposition are the very reasons assigned in my letter, and which the senator has perverted most unfairly and unjustly into the pitiful, personal and selfish reason, which he has attributed to me. Confirmative of what I say, I again appeal to the record. The secretary will read the paragraph marked in my Edgefield letter, to which, I presume, the senator alluded.

"As soon as I saw this state of things, I clearly perceived that a very important question was presented for our determination, which we were compelled to decide forthwith—shall we continue our joint attack with the nationals with those in power, in the new position which they have been compelled to occupy? It was clear, with our joint forces, we could utterly overthrow and demolish them, but it was not less clear that the victory would enure not to us, but exclusively to the benefit of our allies and their cause. They were the most numerous and powerful, and the point of assault on the position which the party to be assailed had taken in relation to the banks would have greatly strengthened the settled principles and policy of the national party, and weakened, in the same degree, ours. They are, and ever have been, the decided advocates of a national bank, and are now in favor of one with a capital so ample as to be sufficient to control the state institutions, and to regulate the currency and exchanges of the country. To join them, with their avowed object in the attack to overthrow those in power, on the ground they occupied against a bank, would, of course, not only have placed the government and country in their hands without opposition, but would have committed us, beyond the possibility of extrication, for a bank, and absorbed our party in the ranks of the national republicans. The first fruits of the victory would have been an overshadowing national bank, with an immense capital, not less than from fifty to a hundred millions, which would have centralized the currency and exchanges, and with them the commerce and capital of the country, in whatever section the head of the institution might be placed. The next would be the indissoluble union of the political opponents, whose principles and policy are so opposite to ours, and so dangerous to our institutions, as well as oppressive to us."

I now ask, is there any thing in this extract which will warrant the construction that the senator has attempted to force on it? Is it not manifest that the expression on which he fixes, that the victory would enure, not to us, but exclusively to the benefit of the opposition, alludes not to power or place, but to principle and policy? Can words be more plain? What then becomes of all the aspersions of the senator, his reflections about selfishness and the want of patriotism, and his allusions and illustrations to give them force and effect? They fall to the ground without deserving a notice, with his groundless accusation.

But, in so premeditated and indiscriminate an attack, it could not be expected that my motives would entirely escape, and we accordingly find the senator very charitably leaving it to time to disclose my motives for going over! I, who have changed no opinion, abandoned no principle, and deserted no party; I, who have stood still and maintained my ground against every difficulty, to be told that it is left to time to disclose my motive! The imputation sinks to the earth with the groundless charge on which it rests. I stamp it with scorn in the dust. I pick up the dart, which fell harmless at my feet. I hurl it back. What the senator charges on me unjustly, he has actually done. He went over on a memorable

occasion, and did not leave it to time to disclose his motive.

The senator next tells us that I bore a character for stern fidelity, which he accompanied with remarks implying that I had forfeited it by my course on the present occasion. If he means by stern fidelity a devoted attachment to duty and principle, which nothing can overcome, the character is indeed, a high one, and, I trust not entirely unmerited. I have, at least, the authority of the senator himself for saying that it belonged to me before the present occasion, and it is, of course, incumbent on him to show that I have since forfeited it. He will find this task a herculean one. It would be by far more easy to show the opposite, that, instead of forfeiting, I have strengthened my title to the character; instead of abandoning any principles, I have firmly adhered to them, and that, too, under the most appalling difficulties. If I were to select an instance in the whole course of my life on which, above all others, to rest my claim to the character which the senator attributed to me, it would be this very one, which he has selected to prove that I have forfeited it. I acted with the full knowledge of the difficulties I had to encounter, and the responsibility I must incur. I saw a great and powerful party, probably the most powerful in the country eagerly seizing on the catastrophe which had befallen the currency, and the consequent embarrassments that followed, to displace those in power; against whom they had been long contending. I saw that, to stand between them and their object, I must necessarily incur their deep and lasting displeasure. I also saw that, to maintain the administration in the position they had taken, to separate the government from the banks, I would draw down on me, with the exception of some of the southern banks, the whole weight of that extensive, concentrated, and powerful interest—the most powerful by far of any in the whole community; and thus I would unite against me a combination of political and moneyed influence almost irresistible. Nor was this all. I could not but see that, however pure and disinterested my motives, and however consistent my course with all I had ever said or done, I would be exposed to the very charges and aspersions which I am now repelling. The ease with which they could be made, and the temptation to make them, I saw were too great to be resisted by the party morality of the day, as groundless as I have demonstrated them to be. But there was another consequence that I could not but foresee, far more painful to me than all others. I but too clearly saw that, in so sudden and complex a juncture, called on as I was to decide on my course instantly, as it were, on the field of battle, without consultation, or explaining my reasons, I would estrange for a time many of my political friends, who had passed through with me so many trials and difficulties, and for whom I feel a brother's love. But I saw before me the path of duty, and, though rugged, and hedged on all sides with these and many other difficulties, I did not hesitate a moment to take it. Yes, alone, as the senator sneeringly says. After I had made up my mind as to my course, in a conversation with a friend about the responsibility I would assume, he remarked that my own state might desert me. I replied that it was not impossible; but the result has proved that I underestimated the intelligence and patriotism of my virtuous and noble state. I ask her pardon for the distrust implied in my answer; but I ask with assurance it will be granted, on the grounds I shall put it—that in being prepared to sacrifice her confidence, as dear to me as light and life, rather than disobey, on this great question, the dictates of my judgment and conscience, I proved myself worthy of being her representative.

But, if the senator, in attributing to me stern fidelity, meant, not devotion to principle, but to party, and especially the party of which he is so prominent a member, my answer is, that I never belonged to his party, nor owed it any fidelity; and, of course, could forfeit, in reference to it, no character for fidelity. It is true, we acted in concert against what we believed to be the usurpations of the executive; and it is true, that, during the time, I saw much to esteem in those with whom I acted, and contracted friendly relations with many which I shall not be the first to forget. It is also true that a common party designation was applied to the opposition in the aggregate, not, however, with my approbation; but it is no less true that it was universally known that it consisted of two distinct parties, dissimilar in principle and policy, except in relation to the object for which they had united: the national republican party, and the portion of the state rights party which had separated from the administration, on the ground that it had departed from the true principles of the original party. That I belonged exclusively to that detached portion, and to neither the opposition nor administration party, I prove by my explicit declaration, contained in one of the extracts read from my speech on the currency in 1834. That the party generally, and the state which I represent in part, stood aloof from both of the parties, may be established from the fact that they refused to mingle in the party and political contests of the day. My state withheld her electoral vote in two successive presidential elections; and, rather than to bestow it on either the senator from Kentucky, or the distinguished citizen whom he opposed, in the first of those elections, she threw her vote on a patriotic citizen of Virginia, since deceased, of her own politics, but who was not a candidate; and, in the last she refused to give it to the worthy senator from Tennessee near me, (Judge White,) though his principles and views of policy approach so much nearer to hers than that of the party to which the senator from Kentucky

belongs. But, suppose the fact was otherwise, and that the two parties had blended so as to form one, and that I owed to the united party as much fidelity as I do to that to which I exclusively belonged; even on that supposition, no conception of party fidelity could have controlled my course on the present occasion. I am not among those who pay no regard to party obligations; on the contrary, I place fidelity to party among the political virtues, but I assign it to a limited sphere. I confine it to matters of detail and arrangement, and to minor questions of policy. Beyond that, on all questions involving principles, or measures calculated to affect materially the permanent interests of the country, I look only to God and country.

And here, Mr. President, I avail myself of the opportunity to declare my present political position, so that there may be no mistake hereafter. I belong to the old republican state rights party of '98. To that, and that alone, I owe fidelity, and by that I shall stand through every change in spite of every difficulty. Its creed is to be found in the Kentucky resolutions, and Virginia resolutions and report, and its policy is to confine the action of this government within the narrowest limits compatible with the peace and security of these states, and the objects for which the union was expressly formed. I, as one of that party, shall support all who support its principles and policy, and oppose all who oppose them. I have given, and shall continue to give, the administration a hearty and sincere support on the great question now under discussion; because I regard it as in strict conformity to our creed and policy, and shall do every thing in my power to sustain them under the great responsibility which they have assumed. But let me tell those who are more interested in sustaining them than myself, that the danger which threatens them lies not here, but in another quarter. This measure will tend to uphold them, if they stand fast and adhere to it with fidelity. But, if they wish to know where the danger is, let them look to the fiscal department of the government. I said, years ago, that we were committing an error the reverse of the great and dangerous one that was committed in 1833, and to which we owe our present difficulties, and all we have since experienced. Then, we raised the revenue greatly, when the expenditures were about to be reduced by the discharge of the public debt; and now, we have doubled the disbursements, when the revenue is rapidly decreasing; an error, although probably not so fatal to the country, will prove, if immediate and vigorous measures be not adopted, far more so to those in power. The country will not, and ought not, to bear the creation of a new debt, beyond what may be temporarily necessary to meet the present embarrassment, and any attempt to increase the duties must and ought to prove fatal to those who may make it, so long as the expenditures may, by economy and accountability, be brought within the limits of the revenue.

But the senator did not confine his attack to my conduct and motives in reference to the present question. In his eagerness to weaken the cause I support, by destroying confidence in me, he made an indiscriminate attack on my intellectual faculties, which he characterized as metaphysical, eccentric, too much of genius, and too little common sense, and of course wanting a sound and practical judgment.

Mr. President, according to my opinion, there is nothing of which those who are endowed with superior mental faculties ought to be more cautious than to reproach those with their deficiency to whom Providence has been less liberal. The faculties of our mind are the immediate gift of our Creator, for which we are no farther responsible than for their proper cultivation, according to our opportunities, and their proper application to control and regulate our actions. Thus thinking, I trust I shall be the last to assume superiority on my part, or reproach any one with inferiority on his; but those who do not regard the rule, when applied to others, cannot expect it to be observed when applied to themselves. The critic must expect to be criticized, and he who points out the faults of others, to have his own pointed out.

I cannot retort on the senator the charge of being metaphysical. I cannot accuse him of possessing the powers of analysis and generalization, those high faculties of the mind (called metaphysical by those who do not possess them) which decompose and resolve into their elements the complex masses of ideas that exist in the world of mind, as chemistry does the bodies that surround us in the material world; and without which those deep and hidden causes which are in constant action, and producing such mighty changes in the condition of society, would operate unseen and undetected. The absence of these higher qualities of the mind is conspicuous throughout the whole course of the senator's public life. To this it may be traced that he prefers the spacious to the solid, and the plausible to the true. To the same cause, combined with an ardent temperament, it is owing that we ever find him mounted on some popular and favorite measure which he whips along, cheered by shouts of the multitude, and never dismounts till he has rode it down. Thus, at one time, we find him mounted on the protective system, which he rode down; at another, on internal improvement; and now he is mounted on a bank, which will surely share the same fate, unless those who are immediately interested shall stop him in his headlong career. It is not the fault of his mind to seize on a few prominent and striking advantages and to pursue them eagerly without looking to consequences. Thus, in the case of the protective system, he was struck with the advantages of manufactures, and, believing that high duties was the proper

mode of protecting them, he pushed forward the system without seeing that he was enriching one portion of the country at the expense of the other, corrupting the one and alienating the other; and, finally, dividing the community into two great hostile interests, which terminated in the overthrow of the system itself. So, now, he looks only to uniform currency and a bank as a means of securing it, without once reflecting how far the banking system has progressed, and the difficulties that impede its farther progress; that banking and politics are running together to their mutual destruction; and that the only possible mode of saving his favorite system is to separate it from the government.

To the defects of understanding, which the senator attributes to me, I make no reply. It is for others, and not me, to determine the portion of understanding which it has pleased the author of my being to bestow on me. It is, however, fortunate for me, that the standard by which I shall be judged is not the false, prejudiced, and, as I have shown, unfounded opinion which the senator has expressed, but my acts. They furnish materials, neither few nor scant, to form a just estimate of my mental faculties. I have now been more than twenty-six years continuously in the service of this government, in various stations, and have taken part in almost all the great questions which have agitated this country during this long and important period. Throughout the whole I have never followed events, but have taken my stand in advance, openly and freely, avowing my opinions on all questions, and leaving it to time and experience to condemn or approve my course. Thus acting, I have often, and on great questions, separated from those with whom I usually acted, and if I am really so defective in sound and practical judgement as the senator represents, the proof, if to be found any where, must be found in such instances, or where I have acted on my sole responsibility. Now, I ask, in which of the many instances of the kind is such proof to be found. It is not my intention to call to the recollection of the senate all such; but that you, senators, may judge for yourselves, it is due, in justice to myself, that I should suggest a few of the most prominent, which at the time were regarded as the senator now considers the present; and then, as now, because, where duty is involved, I would not submit to party trammels.

I go back to the commencement of my public life, the war session, as it was usually called, of 1812, when I first took my seat in the other house, a young man, without experience to guide me, and I shall select, as the first instance, the navy. At that time the administration and the party to which I was strongly attached were decidedly opposed to this important arm of service. It was considered anti-republican to support it; but acting with my then distinguished colleague, Mr. Cheves, who led the way, I did not hesitate to give it my hearty support, regardless of party ties. Does this instance sustain the charge of the senator?

The next I shall select is the restrictive system of that day; the embargo, the non-importation and non-intercourse acts. This, too, was a party measure, which had been long and warmly contested, and of course the lines of party well drawn. Young and inexperienced as I was, I saw its defects and readily opposed it, almost alone of my party. The second or third speech I made, after I took my seat, was in open denunciation of the system; and I may refer to the grounds I then assumed, the truth of which have been confirmed by time and experience, with pride and confidence. This will scarcely be selected by the senator to make good his charge.

I pass over other instances, and come to Mr. Dallas's bank of 1814-1815. That too, was a party measure. Banking was then comparatively but little understood, and it may seem astonishing at this time, that such a project should ever have received any countenance or support. It proposed to create a bank of \$50,000,000, to consist almost entirely of what was called then the war stocks; that is, the public debt created in carrying on the then war. It was provided that the bank should not pay specie during the war, and for three years after its termination, for carrying on which it was to lend the government the funds. In plain language, the government was to borrow back its own credit from the bank, and pay to the institution six per cent. for its use. I had scarcely ever before seriously thought of banks or banking, but I clearly saw through the operation, and the danger to the government and country, and, regardless of party ties or denunciations, I opposed and defeated it in the manner I explained at the extra session. I then subjected myself to the very charge which the senator now makes, but time has done me justice, as it will in the present instance.

Passing the intervening instance, I come down to my administration of the war department where I acted on my own judgement and responsibility. It is known to all, that the department at the time, was perfectly disorganized, with not much less than \$50,000,000 of outstanding and unsettled accounts, and the greatest confusion in every branch of service. Though without experience, I prepared, shortly after I went in, the bill for its organization, and on its passage I drew up the body of rules for carrying the act into execution, both of which remain substantially unchanged to this day. After reducing the outstanding accounts to a few millions, and introducing order and accountability in every branch of service, and bringing down the expenditure of the army from four to two and a half millions annually, without subtracting a single comfort from either officer or soldier, I left the department in a condition that might well be compared to the best in any

country. If I am deficient in the qualities which the senator attributes to me, here in this mass of detail and business it ought to be discovered. Will he look to this to make good his charge?

From the war department I was transferred to the chair which you now occupy. How I acquitted myself in the discharge of its duties, I leave it to the body to decide, without adding a word. The station, from its leisure, gave me a good opportunity to study the genius of the prominent measure of the day, called then the American system, of which I profited. I soon perceived where its errors lay, and how it would operate. I clearly saw its desolating effects in one section, and corrupting influence in the other; and when I saw that it could not be arrested here, I fell back on my own state, and a blow was given to a system destined to destroy our institutions, if not overthrown, which brought it to the ground. This brings me down to the present times, and where passions and prejudices are yet too strong to make an appeal, with any prospect of a fair and impartial verdict. I then transfer this, and all my subsequent acts, including the present, to the tribunal of posterity, with a perfect confidence that nothing will be found in what I have said or done, to impeach my integrity or understanding.

I have now, senators, repelled the attacks on me. I have settled the account and cancelled the debt between me and my accuser. I have not sought this controversy, nor have I shunned it when forced on me. I have acted on the defensive, and if it is to continue, which rests with the senator, I shall throughout continue so to act. I know too well the advantage of my position to surrender it. The senator commenced the controversy, and it is but right that he should be responsible for the direction it shall hereafter take. Be his determination what it may, I stand prepared to meet him.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

May 10. Mr. Webster rose, and said that, a few days ago, one of the honorable members from Maine presented certain proceedings of the legislature of Maine upon the important subject of the northeastern boundary. It is generally known (said Mr. W.) that the commonwealth of Massachusetts has deep stake in this question, and her legislature is sensibly alive to its importance, and to its present state, as a question pending between the United States and England. During its late session, the subject was referred to a committee of the legislature, and a report made, which I think a very able and satisfactory exposition of the matter in controversy. On this report, the legislature adopted sundry resolutions; and I now present both the report and the resolutions, and propose that they be printed for the use of the senators.

It is my purpose, sir, when the subject shall be called up, as I understand it will be in a few days, to say something upon it. The honorable member from Maine will naturally take a lead on this subject, so far as any thing is to be said or done here; but I propose also to take some little part, for the purpose of explaining to the senate, if I can, the true question existing between the two countries, and its great magnitude and importance to the states concerned. It has become indispensably necessary, in my opinion, that the two houses of congress should be induced to give to the subject their immediate and serious attention.

Mr. Williams gave notice that he should ask leave to-morrow to bring in a bill for the survey of the northeastern boundary.

Mr. Buchanan presented the memorial of the trustees of the university of Pennsylvania, asking congress to grant a portion of the public domain to that institution, and to others of a similar character for the purpose of promoting the cause of education, and moved that it be printed, and referred to the committee on public lands; which was ordered accordingly.

Several petitions, memorials, &c. were presented and appropriately referred.

A message was received from the president of the United States, through Mr. A. Van Buren, his private secretary, representing the treasury to be almost wholly destitute of available means, and recommending the prompt passage of some measure of relief by congress, and especially an authority for the secretary of the treasury to reissue the \$10,000,000 of treasury notes authorized by congress at the extra session. The message was accompanied by a report made to the executive by the secretary of the treasury, giving the details of the embarrassments of the treasury. Both documents were read, referred to the committee on finance, and ordered to be printed. [For the message &c. see page 175.]

The Vice President presented from the war department, in pursuance of a senate resolution of March 30th, a report of the commissioner of Indian affairs on the subject of money allowed to the Indians. Laid on the table, and ordered to be printed.

On motion of Mr. Niles, the committee on the library were instructed to inquire whether there was

any thing now due to Hezekiah Orcutt for the bust of chief justice Ellsworth, and, if so, to bring in a bill for his relief.

Mr. Davis, from the committee on commerce, to whom had been referred two senate resolutions relating to light-houses, made a report on the subject which was laid on the table, and ordered to be printed.

Mr. Rives gave notice that he should to-morrow, ask leave to introduce a bill to reorganize the marine cops.

The senate took up, on its third reading, the bill to construct a hospital in the city of Washington. Mr. Niles spoke briefly against the bill, but inaudible to the reporter. Mr. Roane spoke in reply to Mr. Niles, and in favor of the bill.

Mr. Morris argued at some length against the constitutional power of congress to pass the bill on the general ground that they had no power to make appropriations in the District for local purposes. Mr. Buchanan opposed the bill exclusively on the ground of the present destitute condition of the treasury. He moved that the bill be postponed to the first Monday in December, next, and called for the yeas and nays on the question, which were ordered. Mr. Williams spoke in favor of the bill, and in reply to Mr. Niles, who had made a statement which he thought incorrect. Mr. Calhoun opposed the bill, both on the ground of its constitutionality and expediency.

The bill was postponed to the first day of the next session by the following vote:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Lyon, Morris, Nicholas, Niles, Robinson, Ruggles, Smith, of Connecticut, Tipton, Wall, White, Wright—23.

NAYS—Messrs. Clayton, Crittenden, Linn, Lumpkin, Merrick, Norvell, Pierce, Prentiss, Preston, Rives, Roane, Robbins, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Trotter, Webster, Williams, Young—21.

The bill to authorize the sale of the bonds given to the government for stock in the late Bank of the U. States, was read a third time, and passed, and sent to the other house for concurrence.

Mr. Wall, from the committee on the judiciary, reported a bill to prevent the counterfeiting of treasury notes. Read, and ordered to a second reading.

The senate resumed the consideration of the bill to continue the corporate existence of the banks of the District of Columbia.

Mr. Benton moved, as a substitute for the bill, to extend the charters of certain banks named therein (all the banks) to the 4th day of March, 1839, provided said banks should not issue notes of a less denomination than \$5; that they should not pay out the notes of non-specie-paying banks; that they should redeem all their notes of \$5 when required, after the 1st of July next; and should resume specie payments in full on the 1st of September next.

Mr. Roane was understood to speak in opposition to this amendment, and in favor of the bill as it was.

Mr. Hubbard also opposed the amendment, and sent an amendment of his own to the table; the import of which was developed only by the remark of Mr. H. that it proposed to extend farther the existing charters of the banks.

Mr. Tipton spoke with much earnestness in favor of the bill as it was. He said it had been prepared with great care by the committee, and there would be danger of defeating the whole measure if it should be materially altered. Five months of the session were gone, this measure being put off from time to time, and now it already began to be said that too much time was gone for this bill to pass. Mr. T. spoke feelingly of the uncertainty and distractions produced in the District by the delays of congress to legislate in due time on District concerns. He commended one of the banks as being one of the few that had resumed specie payments.

Mr. Knight said he hoped we should not postpone this question, but act on it at this time. He did not agree with the senator from Indiana in regard to one of the banks of this city—he meant the bank that had been paying specie for the last five or six months. I do not (said Mr. K.) consider the conduct of that bank any more meritorious than the others. What would have been the condition of the citizens of this District had the other banks called in their bills, and issued none? Why, sir, many of the citizens would have been bankrupt; they would not have had a circulating medium for the transacting of their business, and of course could not pay the demands against them. As to the banks being able to redeem all their bills in circulation, there can be no doubt of that fact. Let the people pay a small part of what they owe

the banks, and the banks will be able to redeem all their bills. If the debtors will pay ten per cent. of what they owe to the banks in gold and silver the banks will pay all their paper in circulation without the least delay; but, until this is done, it is better to let them go on as they now do; the public will be safe, the banks will sustain the business of the community, and no loss will accrue to any body. But to break them up, and compel them to close their business, would only injure the men and business of the District, and do no good to others.—Therefore, it seems to me the better course would be to continue their present charters for a limited time, which may be done by striking out all the amendment of the senator from Missouri except the first clause, and alter its date to the time that shall be agreed on, and this is all that may be necessary at this time. The banks then may go on, and they will resume specie payments as soon as the people are able to pay them. I will not make the motion to amend the amendment, but will only suggest it for the consideration of the senate.

Mr. Benton uttered a strong and earnest condemnation of those banks which had resumed specie payments. They had no notes out of their own, and were helping to circulate the notes of other and non-specie-paying banks. He considered them as the worst and most culpable of all, and Mr. B. was not to be bamboozled by any such pretence of resuming specie payments.

Mr. Tipton again spoke earnestly in favor of giving these banks a fair opportunity to resume with the other banks of the country, without destroying themselves and distressing the community. He entreated the senate not to give this bill the go-by, but to act upon it promptly and definitively. He expressed some surprise at Mr. B.'s condemnation of specie-paying banks.

Mr. Benton reiterated that condemnation in strong and unqualified terms.

Mr. Grundy commended the Bank of Washington, so far as it redeemed its own paper when it was presented. In doing this it only fulfilled its engagement; and it was uncertain whether it was to be condemned for aiding in circulating the bills of other banks. If it did it in the course of its useful and necessary business, it was still in the way of its duty; but if it did it under an engagement to benefit other banks by a circulation of their notes, it was highly censurable. Mr. G. spoke also in favor of delaying action on this subject till congress could see whether these banks would actually resume specie payments. He was wholly opposed to acting at all at this time on the subject.

Mr. Hubbard spoke in vindication of specie-paying banks, in reply to Mr. Benton. He opposed, also, the continuance of the banks for twenty years, as proposed by the bill, and advocated their continuance for a shorter period, till congress should have time to consider and determine what ought to be done.

Mr. Niles spoke earnestly against the bill, as sanctioning the violation of law, and as enlisting congress under the banner of non-resumption, which he described as already triumphant over the laws and the country.

Mr. Davis spoke in opposition to all measures of delay or postponement on this subject. The committees of this house and the other had examined the condition of these banks, and, on the whole, had become entirely satisfied that they were right. If congress were not now prepared to act, Mr. D. regretted it, for they ought to be prepared. A kind of rod in pickle had for some time been held over these banks, and it had operated to produce very great injury to the banks themselves, and through them to the community. Restrictive and menacing propositions had been made in congress from time to time, and a determination had been expressed to carry them into effect. This, of itself, had imposed restraint upon the operations of the banks, so as to prevent their affording the necessary facilities for business, and had thus distressed and embarrassed the community, and, in some cases, had produced bankruptcy. Mr. D. also, in reply to Mr. Benton, vindicated those banks which, like those in his own state, were now endeavoring to resume specie payments.

Mr. Benton explained that he meant his remarks to apply only to those banks that pretended to pay specie, when they had no notes in circulation.—Such, he said, was the case with the Bank of Washington; its specie-paying was a humbug.

Mr. Davis could not deny that it was so; he had not seen the notes of the Bank of Washington in circulation; but he insisted that, from the very nature of the case, their notes could not circulate. They would be immediately returned upon them for specie, till specie should be at par with paper, by a general resumption.

After a few further remarks from Mr. Niles, in favor of acting on high legislative principles, without regard to temporary inconvenience, and from Mr. Davis, in reply, the amendments or substitutes of Messrs. Benton and Hubbard were ordered to be printed, and the action on the bill was informally suspended, at the request of Mr. Buchanan, who wished to examine further the original bill.

The senate adjourned, after an executive session. May 11. After the presentation of memorials, &c., Mr. Moulton, on leave, introduced a bill to authorize goods, wares, and merchandise imported into the United States to be deposited in warehouses. Read twice, and referred.

On motion of Mr. Robbins, the secretary of the treasury was directed to inform the senate, as soon as practicable, of the amount of goods imported into the United States from May 10, 1837, to May 10, 1838, and also the amount of duties received in the same period.

On motion of Mr. Linn, the secretary of the senate was directed to deliver to the solicitor of the treasury, for the use of his office, a copy of the documents and laws on the public lands, published by Duff Green.

On motion of Mr. Preston, the bill for the relief of Hard & Longstreet was taken up, and ordered to be engrossed for a third reading.

The bill for the relief of Anthony Gale was indefinitely postponed.

The senate resumed the consideration of the bill to continue the corporate existence of the banks of the District of Columbia.

Mr. Niles spoke and read extracts at much length in opposition to the bill.

Mr. Buchanan said he should be pleased to vote for this bill, and he should do so if it could be brought to the form in which he thought it ought to be; but he could not vote for it in its present form. He would, therefore, offer two or three amendments, which, if not adopted, he should feel compelled to vote against the bill.

Mr. B. accordingly moved to strike out the second section of the bill, which allows to each of the banks a capital of \$500,000. He thought a \$3,000,000 bank capital for this District quite too much, making a direct increase of \$1,200,000.—His object was to continue the capital of each bank as it now actually was.

Mr. Roane said he should rest satisfied in the end with this bill, in any form which its friends might think proper to give it. But he was opposed to this amendment. It was the design of the committee not to fix the capital at the amount actually employed, but to give room for increase in case the business of the District should require it, in consequence of the expected increase of trade with the west. But they had taken it for granted that there would be no actual increase of capital, unless the state of business should demand it. Mr. R. thought it very important that the contingent privilege should be granted to each bank, of increasing its capital, if necessary, to \$500,000.

Mr. Williams was understood to speak in favor of fixing a limit suitable to the actual capital, leaving it to congress hereafter to extend that limit if it should be found necessary. He also argued in favor of allowing all individuals in a community to partake equally of the benefits of banking.

Mr. Hubbard spoke in favor of retaining the second section, and modifying it so as to reduce the capital of each bank, if thought best, from \$500,000 to \$335,000 which was the present actual capital of the Bank of Washington.

Mr. King said he happened to be chairman of the committee appointed to examine into the condition of the District banks at the time (1834) when some of them had suspended specie payments. He was then prejudiced against them, and therefore was disposed to examine with great strictness, whether, in suspension, they had been subject to any improper influence, and the committee were fully satisfied, after examination, that there had been no such influence; they had done all they could to continue specie payments, but had been compelled to suspend by the banks in Baltimore; they had then acted a most honorable part, by giving public notice that they would be able to redeem all their notes, and calling on the holders to make no sacrifice upon them.

Mr. K. also stated that the purchase of their own stock by the banks had been done in an honorable manner, not to enrich themselves, but they had purchased it at the market price from individuals in order to enable them to free themselves from debt.

Mr. K. also argued in favor of equalizing the capital among the different banks, if it should be thought best to reduce it.

Mr. Buchanan, in reply to Mr. Hubbard, who wished the second section to be modified so as to

equalize the capital, said he wished the old stock and the old stockholders to remain as they were.

Mr. Davis advocated the bill in its original form. He thought the committee had the best means of judging what was best for the District. He argued that a large capital was both better and safer for the community; that the danger was not in a large capital, but a false capital; that it was better for the community to have banks numerous enough to admit of free competition in their efforts to accommodate the public; and that bank stock was almost invariably purchased up by the corporation, for the exclusive purpose of maintaining its credit.

Mr. Buchanan said he thought \$1,000,000 of capital sufficient for the city of Washington alone.—With a population of 40,000, and without much commerce, their actual capital was now \$940,000.

Mr. Merrick expressed much regret at the condition which Mr. Buchanan had attached to his vote, and he spoke with great earnestness in favor of the original bill. He argued that the amount of capital proposed by the bill was not equal in proportion to the capital in the larger cities of the country.

Mr. Webster said he was rather disposed to reduce the capital, if it could be properly done; but the reduction proposed by Mr. Buchanan would cause very great inequality, to which he could not agree.

After a few further remarks on this point by Messrs. Williams, Buchanan, Merrick, Webster and Hubbard,

Mr. Buchanan modified his motion so as to leave the second section in the bill, and to amend it by making the capital of the Bank of Washington \$335,000 to be divided into 16,750 shares, of \$20 dollars each, instead of a capital of \$500,000, divided into 25,000 shares of the same amount.

Mr. Southard argued at considerable length, and with much earnestness, chiefly from statistical data, in favor of the bill as it was. He also commented on the apparent inconsistency of denouncing bank paper as bank rags, and then denouncing the banks for drawing in their paper. Mr. Benton spoke at much length, partly in reply, but mainly on the general subject of the bill. Mr. Southard showed that by the act of 1811 each of these banks was allowed a capital of \$500,000. This bill, therefore, proposed no increase of capital.

Mr. Buchanan said his object was to continue the actual capital of the banks as they now were, and as they had themselves made them. He was opposed to allowing them any actual increase at this time.

Mr. B.'s amendment, was agreed to, as follows: YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Alabama, Clayton, Cuthbert, Fulton, Hubbard, King, Knight, Liun, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Rives, Robinson, Ruggles, Smith, of Connecticut, Trotter, Wall, White, Williams, Wright, Young—29.

NAYS—Messrs. Crittenden, Davis, Merrick, Roane, Robbins, Sevier, Smith, of Indiana, Southard, Spence, Swift, Tipton, Webster—12.

Mr. Buchanan moved further to amend the bill, by requiring the banks to keep an amount of specie in their vaults equal to one-fourth of their private deposits as well as of their circulation.

Mr. Roane explained the ground on which the committee had required specie only to the amount of one fourth of the circulation.

Mr. Buchanan argued, from the practice in England and other places, that safety required specie to the amount proposed by his amendment.

On motion of Mr. Benton, who expressed a desire to obtain some additional evidence on the subject, The senate adjourned.

May 12. Several memorials, petitions, &c. in reference to the treaty with the Cherokees were presented and laid on the table.

A resolution before offered by Mr. Hubbard was taken up, and modified by the mover to the following import:

Resolved, That no original paper relative to any private claims shall be withdrawn from the files of the senate after they shall have been referred to committees and reported upon; but the secretary of the senate, when required, shall give certified copies of the same, for the same fees as are now charged for similar duties in the state department; which fees shall be placed by the secretary to the credit of the contingent fund of the senate.

Mr. Sevier objected to this increase of duty on the part of the secretary, without allowing him any additional compensation.

Mr. Hubbard remarked that the oversight of this was one of the appropriate duties of the secretary as such, for which he received a regular salary. He would of course be authorized to employ another clerk, if he should have occasion for more assistance.

Mr. Clayton suggested the propriety of furnishing the copies required free of expense to the with-

drawers, as they had heretofore withdrawn their original papers without expense.

Mr. Hubbard would prefer this to the withdrawal of the original papers; the detention of which he insisted was of great importance.

Mr. Davis spoke strongly in favor of the resolution as calculated to prevent the maturing and bolstering of fraudulent claims. He believed, if the resolution should be adopted, very few copies of the papers would be called for, whether or not any charge for them should be made.

The resolution, as stated above, was then agreed to.

The senate took up the bill to prevent the counterfeiting of treasury notes, and other obligations and securities of the government.

Mr. Preston objected strongly to the second section of the bill, which provides that no person accused shall escape conviction, as by the common law, on account of the mere want of literal, technical or formal accuracy. He argued that this principle of the common law often rescued the innocent from the impetuosity of power, and he was unwilling that this principle of the common law should in this way be invaded. Mr. Wall stated that this principle had been given up in England and in this country to a considerable extent, as often affording an escape for rogues. Mr. Preston said it was better that ten rogues should escape than that one innocent person should suffer. He regarded these technicalities, difficulties, and delays in prosecutions as among the encroachments of liberty which he was unwilling to abandon.

On motion of Mr. Smith, of Indiana, and with the assent of Mr. Wall, the above described second section of the bill was stricken out, and the bill so amended was ordered to be engrossed for a third reading.

The bill for the relief of Hard & Longstreet was read a third time, earnestly opposed by Mr. King and Mr. Morris, as earnestly advocated by Mr. Preston, also by Mr. Robinson, and was then passed without division. On motion of Mr. Benton, the senate held a short executive session. After the executive session, Mr. Buchanan (having called up the bill for that purpose) modified his motion of yesterday in regard to specie in the bank of Washington, so as to require it, after the 1st of January next, to have an amount of specie "equal to at least one-fourth of its circulation and average private deposits, excluding special deposits." This provision is of course designed to be made general.

The senate then adjourned.

May 14. Mr. Webster presented the memorial of the citizens of Stoneham, in Massachusetts, relative to the Cherokee treaty, and praying congress not to enforce that treaty.

Mr. W. said it was evident that a very general feeling existed in the country, that injustice had been done to the Cherokees; that the treaty was never assented to by the tribe; that it was founded in injustice, and obtained by fraud and bribery; and that it is due to honor, justice, and national character, that the whole proceedings should be revised, in a spirit of fairness and equity, and all done that can be done to do right to these people. He fervently hoped those who had the power over the case would give their immediate and serious attention to the subject.

The memorial was laid on the table.

Mr. McKean presented a memorial from citizens of Bedford county, Pennsylvania, complaining of the great inconvenience by reason of the regulations of the general post office department requiring the payment of postage to be made in specie; that, owing to the scarcity of specie now in circulation, there is not a sufficiency to be obtained for that purpose; and that all the small change in specie is concentrated in the post office, to the injury of the citizens generally; and praying that a law may be passed compelling the postmasters throughout the United States to receive current bank notes in payment of postage. Referred to the committee on the post office and post roads.

Mr. McK. also presented seven memorials, signed by a large number of citizens of Pennsylvania, remonstrating against carrying into effect the treaty of New Echota, made with the Cherokee Indians. Laid on the table.

Mr. Prentiss presented the memorial of a number of citizens of Montpelier, Vermont, remonstrating against the execution of the Cherokee treaty. Laid on the table.

Mr. Swift presented the petition of Andrew Norton. Referred.

Mr. Norvell presented the petitions of Benjamin F. Potts and another individual. Referred.

Mr. Williams asked leave, in pursuance of previous notice, to introduce a bill for the survey of the northeastern boundary of the United States.

Mr. W. accompanied his motion for leave by a history of the circumstances to which the bill (according with the treaty on which the United States rely) owed its origin, and made some remarks in favor of its passage, speaking, in all, about an hour and a half.

Mr. Webster said he had already expressed a desire to say something on this subject, but he would prefer another occasion. With the consent of the senator from Maine, he would therefore now move to lay his motion for leave to bring in a bill on this subject on the table for the present, with a view to call it up in a day or two. Mr. Williams' motion for leave was accordingly laid on the table.

Mr. Webster said that since he had last addressed the senate on this subject, he had received, in a more formal shape, the resolutions of the legislature of Massachusetts in relation to the northeastern boundary, which he would now present, and move that they be laid on the table and ordered to be printed; which was done accordingly.

Attached to the report of the committee of the Massachusetts legislature, on the subject of the northeastern boundary, were two maps relating to the same subject; which, on motion of Mr. Webster, were ordered to be printed.

On motion of Mr. Rives, the bill for the relief of Vespasian Ellis was taken up, amended, and ordered to be engrossed for a third reading.

The senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia.

The question being on Mr. Buchanan's amendment, requiring the Bank of Washington to keep an amount of specie equal to one-fourth of its circulation and of the average amount of its private deposits, excluding special deposits, Mr. Webster said, in relation to this amendment, and to all similar propositions, that it was their object to create a certain relation between specie in the banks and the debts of the banks as shown by the amount of their private deposits, which, in his opinion, was not the true one; and could not be regarded so much as a security that the banks would pay all their debts, as for another purpose. Banks might have a very large amount of specie in proportion to their deposits and circulation, and yet not be able to pay their debts, and vice versa. The amount of specie in banks was to some extent a security for their soundness; but Mr. W. thought the primary object of it was or ought to be to require a certain proportion of specie to be always in the vaults of the banks, to prevent an excessive issue of paper.

Mr. Benton spoke at much length in favor of the largest proportion between the specie in the banks and all their liabilities, and moved to strike the word "private" from Mr. Buchanan's amendment.

Mr. Buchanan said he did not think they ought to endeavor to make model banks of the small banks in this District. If Mr. B. were at home, he would be in favor of acting on the rule of the Bank of England, of having one dollar in specie for every three of their circulation and deposits. But he thought the rule too severe, under the circumstances, for the banks of this District, and he should therefore vote against the amendment. Mr. Benton's amendment was lost—Ayes 13, noes 15.

Mr. Webster said he was convinced, by his own observations and those of others, that the Bank of England had, on this subject, acted on an erroneous principle. Experience had shown fully that the mere convertibility of bank paper was no absolute security for the soundness and safety of the bank. What then was the security? He thought the only reasonable and perpetual security was to maintain a direct relation between the specie in the banks and their circulation, and this was much less a security than the debts of the banks would be all paid, than as a security that the issues of paper would not run beyond a certain limit.

Mr. Clay, of Alabama, spoke in favor of Mr. Buchanan's amendment, and argued that banks were just as much bound to redeem their general deposits as their bills in circulation.

Mr. Buchanan spoke in reply to Mr. Webster, urging that although the amendment would not provide absolute security that the banks would be able to pay their debts, it would yet tend to increase that security.

Mr. Hubbard also argued in favor of the amendment from statistical premises relating to the proportion of the specie and liabilities of banks in various states.

Mr. Rives spoke at much length, and with great earnestness, in favor of something more indulgent than this amendment, to the banks in this District, or rather to the people themselves, for whose benefit alone they were or ought to be legislating. He showed, from statistics compiled by Mr. Gallatin, that in 1829, when banks and banking were re-

arded as in a high state of security, the proportion of specie to notes and deposits was far below what was proposed by this amendment. He also showed, by a report of Samuel Jones Lloyd, that in the case of the Bank of England, though it proposed to have one in specie for three in liabilities of deposits and currency, yet the average actual proportion was only as one to eight. Mr. R. was in favor of high security in this respect, but he wished to make it practicable in fact as well as in law.

Mr. Buchanan spoke in reply to Mr. Rives, and earnestly in favor of his amendment. He was unwilling to be guided in legislation by these general facts, resulting from a strong desire of profit by banking. He mentioned several states in which the present average was the same or nearly the same as that proposed by his amendment. The amendment, he maintained, was a practicable proposition, for the banks, though desirous to make the best bargain they could, would gladly receive their charters even with this provision.

Without any further action, the senate adjourned.

May 15. The Vice President presented a report from the treasury department, in pursuance of a senate resolution of the 9th March last, in relation to the clerks employed in that department. Laid on the table and ordered to be printed.

Mr. Davis presented the memorial of Jacob Cummings and others, citizens of Southboro', Massachusetts, setting forth their reasons for believing the treaty with the Cherokees to be illegal, and praying, if said treaty is enforced, it may be done with humanity.

Also the memorial of David Daggett and 439 others, of New Haven, in the state of Connecticut, setting forth their belief that the Cherokees never assented to the treaty of New Echota, and praying that the honor of the nation may not be stained, and the retribution of heaven provoked, by enforcing the conditions of that instrument against the will of the Cherokees.

Also a like memorial of 27 citizens of Hamden, Connecticut.

Also a like memorial of 72 citizens of Durham, Connecticut.

Mr. Davis also presented the memorial of citizens of Orange county, New York, upon the same subject.

Mr. McKean also presented remonstrances on the same subject from citizens of Pennsylvania. All laid on the table.

Mr. Lumpkin here rose and said he held in his hand a letter from John Ridge, a full blooded native Cherokee, which contained much interesting information in relation to the true condition of the Cherokees who had emigrated west of the Mississippi, and asked that the letter might be read. No objection having been made, he read the letter and then thanked the senate for their indulgence, &c. Mr. Davis, when Mr. L. had concluded, presented another remonstrance of the same kind, and then commented upon the letter just read—this gave rise to a brief debate, which did not result in any legislative action. The debate shall have a place in our next.

Mr. Brown presented the proceedings of a meeting in North Carolina, (subject unheard.) Referred.

Mr. Niles, from the committee on commerce, reported a bill imposing a duty on starch. Read, and ordered to a second reading.

Mr. Crittenden, from the committee on revolutionary claims, made unfavorable reports, which were agreed to, on the claims of various individuals, (unheard.)

Mr. Allen presented the following resolution, which, being objected to, lies over one day:

Resolved, That the committee for the District of Columbia procure and report to the senate statements of the condition of the several banks in the District of Columbia, that have applied for an extension of their charters, in relation to the following particulars:

1. The names of the officers and directors of the banks, the amount of stock owned by each, and the debts due from each to the banks respectively, discriminating between the executive, legislative, and judicial officers of the government among them, and also between residents and non-residents.

2. The stockholders of the banks respectively, the amount of stock owned by each, and of debts due from each, discriminating as above.

3. The debtors to the banks respectively, and the amount due from each, discriminating as above.

4. The number of suits that the banks respectively have instituted against their debtors since the suspension of specie payments, and the amount due from each, discriminating as above.

The objection to an immediate decision on this resolution was made by Mr. Roane, who said he was willing that any information on the subject should be procured, but he did not like to have the

bill delayed, especially as the greater portion of the information called for by the resolution, and all that was proper and of any real importance, was already on the table of the senate. Mr. R. spoke with strong disapprobation on the part of the resolution which called for an examination into the private affairs of the banks in their dealings with individuals. It could not be made without a violation of the high principles of morality.

The resolution was consequently laid on the table for to-day, and ordered to be printed.

The bills to prevent the counterfeiting of treasury notes, and for the relief Vespasian Ellis, were severally read a third time and passed.

The senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia.

The question being on Mr. Buchanan's amendment to require the banks to retain an amount of specie equal to their circulation, and to the average amount of their private deposits, excluding special deposits.

Mr. Niles spoke a long time in favor of the amendment, and in reply to Mr. Rives' remarks of yesterday.

Mr. Knight said: The senator from Connecticut is for protecting the people against extraordinary issues of bank paper. So am I. It is for the protection of the people in their business concerns that I shall vote against this amendment. I consider it best to take the circulation only as the rule to govern the specie, and not the deposits, and circulation, as proposed by the amendment. If we include the deposits also, it will cause such a fluctuation in the business of the banks as to operate on the merchants and others owing and doing business with them.—Every additional deposit will disturb the relations of those whose business is connected with these institutions. We all know that every bank has accounts with merchants whose daily business changes their situation in regard to deposits in the bank, and by the change of their accounts the proportions of the deposits and circulation are disturbed also, making it almost impossible for the banks to prevent calling on their customers in a manner that would prevent all reliance for accommodation on the banks. It is well known that most banks have a general rule in regard to the payments on notes falling due. Some cut off, as it is called, 25, others 50 per cent. and some more, when a note falls due. This is understood by the merchant, and he arranges his business accordingly. But if you make the deposits the rule of circulation, there can be no dependence on the amount that will be needed by the bank; the larger the deposit is made, the more must be paid by the person on his note to sustain the proper proportions. Suppose a bank of Philadelphia should send drafts and notes to the amount of ten thousand dollars to a bank of this district to be collected, and the bank receives the money in the bills of the Bank of Georgetown, then the bank must immediately call on its customers to pay more money in consequence of having received the deposit of the ten thousand dollars, than it otherwise would have done had circulation only been regarded. Or the bank receiving the bills of the Bank of Georgetown must immediately send for the specie, and thereby disturb the relations existing between the Bank of Georgetown and its customers. And it is this continued fluctuation and disturbance of the merchants, traders, and others in their business, which is the reason of my objection to the amendment. If the circulation only was the rule, it would be avoided, and the Bank of Philadelphia would be paid without incommencing the business community of this district.

I am not in favor of over issues of paper. I would restrict them to three for one, and am inclined to favor but two for one as the rule. Whenever there shall be a general run for specie, I do not think that any bank can stand with three paper dollars in circulation for one of specie. A sufficient number of its bills can be collected to draw all its specie from it; but two for one, and I think it would stand any run that could be made on it.

It is stated that the banks, in 1829, had but one dollar in specie for eight in circulation. That was a very hard year for the banking business of the country; and, if there had been as great demand for specie in the year 1829 as there was in 1837, I believe the banks must have failed to pay specie. One to eight is too great an extension. I am inclined to the belief that there was more specie in the banks the last year than there was in 1829, but the demand for it was much greater.

But, sir, what is the penalty if the banks should go beyond the limitation? It is not a forfeiture of the charter, but only to make the directors liable for the excess. In Rhode Island, the directors are liable for any improper conduct of the bank; and, in many of the banks, the stockholders are liable for the bills issued. There the billholders have a pre-

ference; the bills in circulation must be first paid out of the assets or effects of the bank. They have a lien, by law, on the effects of the bank, before all others. The banks of that state, as a general average, issue about three of paper to one of specie in their vaults. There may be, at times, some variation; but that is very near, as a general rule.

If this amendment should not be carried, it will be necessary to move to strike out the one-fourth part, and insert one-third, or one-half as shall be thought best, if the principle of circulation only should be adopted.

Mr. Niles spoke briefly in reply to Mr. Knight.

Mr. Benton spoke at considerable length in favor of the amendment, or something yet more rigid.

Mr. Hubbard spoke briefly against the amendment, and said he would rather increase the proportion of specie to the circulation, than to fix, as by the amendment, a part of the proportion on the deposits.

Mr. Allen, on account of the absence of Mr. Buchanan, and with a view to obtain the information called for by his resolution, moved to lay the bill on the table. Negatively as follows:

YEAS—Messrs. Allen, Benton, Brown, Clay, of Alabama, Cuthbert, Fulton, Grundy, Morris, Niles, Norvell, Robinson, Smith, of Connecticut, Strange, Trotter, Williams—15.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis Hubbard, King, Knight, Lumpkin, Mouton, Nicholas, Pierce, Prentiss, Preston, Rives, Roane, Ruggles, Sevier, Smith, of Indiana, Spence, Tallmadge, Tipton, Webster, White—23.

Mr. Roane, as no one appeared desirous to speak, expressed his willingness to delay the vote on Mr. Buchanan's amendment till he should be present. The action on the bill was accordingly, by consent, suspended, and, after a short executive session,

The senate adjourned.

May 16. Mr. Wright, from the committee on finance, to whom was referred the joint resolution introduced by Mr. Clay, of Ky., prohibiting discrimination in the media of the different branches of the revenue, and requiring, under suitable regulations, the reception, by the government, of the notes of sound specie-paying banks, reported the same, without amendment, accompanied by a report adverse to the resolution; which report Mr. W. stated, had not received the unanimous sanction of the committee, but accorded with the views of the majority.

The report was read by Mr. W., occupying nearly three hours. It consisted, to a great extent, of a minute history of the various kinds of money received and receivable for the public dues since the formation of the government, and of incidental and collateral subjects, partly with a view to show the expediency and propriety of the treasury (specie) order of July, 1837, and of allowing the secretary of the treasury discretionary power on this subject. It also argued that the resolution of 1816 was merely permissive. But its main direction was to oppose the resolution offered by Mr. Clay.

Mr. Allen moved the printing of 30,000, and Mr. Morris of 52,000 extra copies of the report.

These motions occasioned a debate (to be given hereafter) which terminated in the order for 30,000, by a vote of 23 to 19.

On motion of Mr. Hubbard, the resolution of Mr. Clay was made the special order for Monday next; after which,

Mr. Webster rose and said he would send an amendment to the chair, which he intended to offer when the resolution should come up, and which he now asked might be printed. It was as follows:

Strike out the first clause of the resolution, and insert the following: "That it shall not be lawful for the secretary of the treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the funds, or medium of payment, in which debts, or dues to the United States, may be paid."

This amendment, said Mr. W. is offered as a substitute for the first clause of the resolution. When the sub-treasury bill was before the Senate, I moved an amendment to it, which was in the very words of that which I now offer. The amendment was then adopted by a vote of 37 to 14.

As it seems, at least, to be doubtful whether that bill will become a law, I concur in the expediency of presenting the same provision in some other bill, or resolution. My general object on this occasion is the same as that of the mover of these resolutions: but I think this common object will be best answered by proposing the provision in the form in which I now offer it. When presenting it to the Senate, on the former occasion, I had well considered its effect on existing laws, and endeavored to limit its operation to the precise purpose in view. It met the general concurrence of the senate, as

the vote showed; and I fully intended, if the sub-treasury bill should not pass, to bring forward the provision again, in the course of the session, in the same form, and as a separate measure.

There is this distinction between the resolution as it now stands and the amendment which I propose. The resolution would alter existing laws. It would either repeal the act of congress allowing Virginia land scrip to be received in payment for land, or else it would extend the receipt of such scrip to the customs. Probably the first would be the construction.

Now the amendment does not affect any existing act of congress. It leaves all such discriminations as the laws have created, to remain as they are. But it takes away from the secretary of the treasury the power of making, by his own sole authority, or continuing, such discriminations. It puts an end to the treasury order of the 11th of July, 1836, and takes away all authority to make such orders in future, and here its operation stops. As there is then this difference between the resolution and the proposed amendment, and as the amendment is in the very form which the senate has already sanctioned by a very large majority, when I proposed it as an amendment to the sub-treasury bill, it will be expedient, I think, to adopt it in place of that clause of the resolution which I propose to strike out.

The amendment was ordered to be printed, and then

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, May 10. This day's proceedings was given in sufficient detail in our last, with the exception of the yeas and nays on laying the report of the committee on the late duel, with the accompanying documents, on the table. They were as follows:

YEAS—Messrs. John W. Allen, Andrews, Atherton, Ayer, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Cambreleng, William B. Campbell, John Campbell, Casey, Chapman, Clark, Cleveland, Clowney, Coles, Connor, Craig, Cray, Crockett, Cushman, Deberry, DeGraff, Duncan, Dunn, Edwards, Farrington, Foster, Fry, Gallup, James Garland, Rice Garland, Grantland, Grant, Gray, Griffin, Haley, Halsted, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, William H. Hunter, Robert M. T. Hunter, Ingham, Thomas B. Jackson, Nathaniel Jones, John W. Jones, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Loomis, Lyon, James M. Mason, Martin, Maury, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Prentiss, Rhett, Rives, Augustin H. Shepherd, Charles Sheppard, Shields, Snyder, Spencer, Stuart, Stone, Taylor, Thomas, Titus, Turney, Underwood, Vail, Wagener, Webster, Weeks, Albert S. White, Thomas T. Whittlesey, Jared W. Williams, and Joseph L. Williams—102.

NAYS—Messrs. Adams, Alexander, Heman Allen, Beatty, Bell, Biddle, Briggs, William B. Calhoun, John Calhoun, Carter, Chambers, Cheatham, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Darlington, Davies, Dennis, Everett, Richard Fletcher, Fillmore, Goode, James Graham, William Graham, Hall, Harlan, Harper, Hastings, Herod, Hopkins, Hubley, Jenifer, Henry Johnson, Wm. Cost Johnson, Keim, Kennedy, Lincoln, Logan, Marvin, Samson Mason, McKennan, Menefee, Mercer, Milligan, Calvary Morris, Noyes, Ogle, Patterson, Peck, Pope, Potts, Potter, Rariden, Randolph, Reed, Ridgway, Robertson, Rumsey, Russell, Sergeant, Sheffer, Sibley, Slade, Southgate, Stanley, Stratton, Taliaferro, Tillinghast, Vanderveer, John White, Elisha Whittlesey, Lewis Williams, Sherrod Williams, Christopher H. Williams, and Yorke—76.

The following was the vote on printing the report of the majority and minority.

YEAS—Messrs. Adams, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Beattie, Beirne, Bicknell, Birdsall, Boon, Borden, Brodhead, Bronson, Bynum, Cambreleng, Casey, Chapman, Clark, Cleveland, Clowney, Coffin, Coles, Connor, Craig, Cray, Cushing, Cushman, Darlington, Davee, Davies, DeGraff, Duncan, Edwards, Farrington, Fairfield, R. Fletcher, Foster, Fry, Gallup, Goode, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Henry Herod, Holsey, Holt, Hopkins, Howard, Hubley, William H. Hunter, Ingham, T. B. Jackson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kilgore, Klingensmith, Leadbetter, Lewis, Lincoln, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, Calvary Morris, Murray, Noble, Noyes, Ogle, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikin, Phelps, Potts, Potter, Pratt, Prentiss, Rariden, Rencher, Rhett, Rives, Sheffer, Augustin H. Shepherd, Snyder, Spencer, Stuart, Taylor, Thomas, Tillinghast, Titus, Toucey, Turney, Vail, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, Thomas T. Whittlesey, Jared W. Williams, and Yell—123.

NAYS—Messrs. Ayer, Biddle, Bouldin, Briggs, John Calhoun, William B. Campbell, John Campbell, Carter, Chambers, Cheatham, Childs, Corwin, Cran-

ton, Crockett, Curtis, Deberry, Dennis, Dunn, Everett, Fillmore, James Garland, Rice Garland, James Graham, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Hoffman, R. M. T. Hunter, Jenifer, Henry Johnson, Wm. Cost Johnson, Kennedy, Legare, Lyon, James M. Mason, Samson Mason, Maury, McKennan, Menefee, Mercer, Milligan, Mitchell, Naylor, Patterson, Peck, Pope, Randolph, Reed, Ridgway, Robertson, Rumsey, Sergeant, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanley, Stone, Stratton, Taliaferro, Thompson, Underwood, Albert S. White, John White, Lewis Williams, Sherrod Williams, Joseph L. Williams, Christopher H. Williams, and Yorke—74.

The gentlemen who voted against printing the evidence and journal of the committee, were Messrs. Hawes, Underwood, Sherrod Williams, and Christopher H. Williams.

Friday, May 11. Mr. Bouldin stated that, by an accidental error in the journal, his name had been recorded as voting on the questions taken yesterday as to laying the subject of the duel report on the table and on printing, when, in fact he had not been in the house when those questions were put. He exonerated the clerk from all intention to commit the error, which arose, doubtless, from the noise in the hall. Had he been present, he should have voted against laying the subject on the table, and in favor of the printing.

Mr. Williams, of North Carolina, obtained leave to offer the following resolutions for consideration:

Resolved, That the president of the United States be requested to cause to be furnished, for the information of this house, the names of the topographical and assistant topographical engineers who, during any time in 1837, have been employed on civil works of internal improvement, distinguishing, first, such works as may be required to be erected by the general government pursuant to acts of congress; second, such civil works as may be prosecuted by the state government or under the authority of incorporated companies, specifying under each class the description and location of each particular work.

Resolved, That the president of the United States be requested to cause to be furnished, for the information of the house, a statement in such form as will exhibit at one view the sums expended in 1837 on the several objects of internal improvement, specifying the description, use and location of each work; in what state or territory situated; the amount expended on each object; the name of the officer, superintendent, or agent employed; the amount of compensation of every description allowed him, whether an officer of any corps of the army, or a civilian; if the latter, specify his profession and avocation, and when employed by the government.

Resolved, That the president of the United States be requested to cause to be furnished for the information of this house, the names of the topographical engineers who have been serving with the army in Florida, during the recent campaign. Also, the names of such officers of that corps as may now be employed, or are intended to be employed the ensuing season, on any civil works of internal improvement; specifying the description and location of each work; distinguishing, also, such as may be under the direction of the general government from those prosecuted by the states or by incorporated companies.

Resolved, That the president of the United States be requested to cause to be furnished for the information of this house the names of all the civil engineers and superintendents or agents now employed or intended to be employed in 1839, on civil works of internal improvement of any kind whatever, specifying the description and location of each work, in what state or territory situated, the amount contemplated to be expended on each object, the amount or rate of compensation allowed or to be allowed to each civil engineer, superintendent, or agent; and, if compensation be allowed at this time, state when the pay commenced, the funds from which drawn, and whether the rates be a per diem or a per annum.

The resolutions are of a nature which, under the rules, lie on the table for one day.

Mr. Graves rose to ask the leave of the house to submit a motion to print twenty thousand extra copies of the evidence and journal of the select committee raised on the 28th of February. The reason of his asking for the printing this large number was, that he understood that tens of thousands of the report of the majority of that committee had been printed on private account, and circulated under the franks of members of this house in every quarter of the union. He thought, in justice to himself and others, that this evidence should be given to the public to counteract the injurious effect of the report of the majority of the committee.

The motion was agreed to.

Mr. Pennybacker obtained leave to offer the following for consideration.

Resolved, That the secretary of war be directed to inform this house if the annuities engaged to be paid by the United States, in specie, to the Ottawa and Chippewa nations of Indians, by the fourth section of the treaty concluded between the said United States and said nations of Indians on the 28th day of March, 1836, have been paid; and if paid, whether they were paid in specie or not; and if not paid, the reasons why. And that he be further directed to communicate to the house any information that he may possess in regard to the purchase, by the agent of the government, for the use of the Indians, of large quantities of goods from Suydam, Jackson & Co. of the city of New York the qualities and prices of the goods so purchased whether good and at reasonable prices, and the kind of money and manner in which they were paid for by the government; and whether any of the said goods are on the hands of the government, and where.

This resolution also was agreed to.

Mr. Fairfield said that as the house had ordered the printing of 20,000 copies of the evidence and journal of the select committee on the late duel, he would now move that 20,000 copies of the report of the majority and minority be also printed.

Mr. Graves said that, although he should have preferred that the evidence and journal alone should be printed, he had no objection that the report should be included, if such were the pleasure of the house.

Mr. Fairfield now withdrew his motion, and moved a reconsideration of the vote on Mr. Graves' motion. The reconsideration was agreed to.

Mr. Graves then said that, in order to test the sense of the house, he would first make a motion for the printing of the evidence and journal only; and if that should be voted down, he would then enlarge his motion so as to cover the reports also. He accordingly moved for the printing of the evidence and journal.

Mr. Fairfield moved to amend the motion of Mr. Graves so as to include the reports.

Mr. Campbell, of South Carolina, disclaiming all intention of entering into the merits of the question appealed to the house to say if it were just that after determining not to try these gentlemen, it was just to order the printing of 20,000 copies of a document which was, in substance against them? Mr. C. had no personal feeling on the subject.

Mr. Graves said that he had always regarded the report of the majority as, in substance, an argument against himself, and of course had no desire that it should be sent forth under the authority of the house but he had rather that this should be done than the evidence should not be printed.

Mr. Parker, of New York, denied that the house had determined not to enter on the trials of the individuals concerned in the late duel; it had merely laid the subject on the table, whence it might be taken at any time, as he hoped it would. As to the argument that the report of the majority was an argument against the gentleman from Kentucky, (Mr. Graves,) it was to be accompanied by the report of the minorities—one of which, at least, was as much an argument in his favor. He was for printing both, and sending the whole to the people.

Mr. Whittlesey had never voted for the printing of more than 10,000 extra copies of any document. He hoped the motion would be so amended as to reduce the proposed number to 10,000.

Mr. Harlan inquired of Mr. Fairfield whether it was in his knowledge that a very large edition of the report of the majority of the select committee on the late duel had been printed in this city on private account; and, if so, whether he could say how large a number?

Mr. Fairfield replied that he did not admit any right in the gentleman from Kentucky to question him on this subject. He had, however, no objection to state that he did understand that an edition had been so printed, but of what number it consisted he was not informed. He was understood to add that he had himself franked a number of copies.

Mr. Hopkins, (of Va.,) moved to lay the resolution to print upon the table.

On this motion Mr. Boon demanded the yeas and nays, which being ordered, were taken, and stood as follows: Yeas 57, nays 119.

So the house refused to lay the motion to print an extra number of copies of the evidence and journal of the committee, with Mr. Fairfield's amendment thereto, on the table.

Mr. Mason, of Ohio, then addressed the house in opposition to the amendment, and continued his remarks until they were cut short by the expiration of the morning hour.

Mr. Cambreleng now moved that the house go into committee of the whole on the state of the

tion; but, after some conversation, on the appeal of Mr. Whittlesey, consented to withdraw the motion for the present.

Reports of committees were then called for, when the following among other reports were presented. Mr. Curtis, from the committee on commerce, reported a bill making appropriations for the improvement of certain harbors therein mentioned, and for surveys of certain harbors therein mentioned for 1838.

Mr. Boon, from the same committee, reported a bill to grant to the states and incorporated companies engaged in the construction of roads and canals the right of way through the public lands of the United States, without amendment.

Mr. McKay, from the committee on military affairs, reported a bill to amend the act entitled "an act for the punishment of frauds committed on the government of the United States, approved March 1823," and to provide for the punishment of frauds committed on pensioners of the United States.

Mr. Wagener, from the committee on the militia, reported a bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States.

Mr. McKay, offered the following resolution: *Resolved*, That the map of the seat of war in Florida, prepared in the topographical bureau, be reduced and printed under the direction of the bureau, at the use of congress.

Mr. Paynter, from the committee on naval affairs, reported a bill making an appropriation for the building of a dry dock at Philadelphia.

Mr. Bronson, from the committee on the territories, reported a resolution, setting apart the 29th and 30th of May inst. for the consideration of business relating to the territories; which resolution was rejected.

Also, a bill to enable the people of East Wisconsin to form a constitution and state government, and for the admission of each state into the union.

Also, a bill to authorize the people of Florida to form a constitution and state government, and to provide for the admission of said state into the union.

Mr. Lincoln, from the committee on the public buildings and grounds, made a report against the petition of the laborers employed on the public buildings in the city of Washington, for regulating the daily hours of labor; against the resolution of the house of the 26th of March last, instructing the committee to inquire into the expediency of leasing the public grounds west of the capitol, for the purposes of draining, fencing, &c.

Mr. Cushing gave notice that he would, at an early day, move to commit the president's message, on the subject of the northwestern territory of the United States, to the committee on foreign affairs, with instructions to inquire into the expediency of establishing a post on the river Columbia, for the defence and occupation of the territory of the United States watered by said river; and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign powers with the Indians of the United States.

The house then, on motion of Mr. Cambreleng, resolved itself into a committee of the whole on the state of the union, (Mr. Ingham in the chair,) on the bill authorizing the secretary of the treasury to re-issue the amount of treasury notes paid in.

Mr. Cambreleng addressed the committee, in exposition of the views of the committee and of the administration in support of this bill, and in sustenance of its financial plans and conduct generally.

Mr. Cushing replied, in a full and able argument upon the subject.

Mr. Thompson, of South Carolina, followed, in decided and warm opposition to the bill. Before getting through with what he had to say, he gave way to a motion for the committee's rising for this day; and the committee rose, and the house adjourned at half past four o'clock.

Saturday, May 12. After a desultory debate, 3,000 copies of the report of the secretary of war upon the survey of the Alleghany river, were ordered to be printed.

Mr. Hopkins asked leave to offer the following joint resolution.

Resolved by the senate and house of representatives of the United States, in congress assembled, That the secretary of the treasury be, and he is hereby, authorized to re-issue, to the amount of \$2,000,000, the treasury notes authorized by the act approved on 12th day of October, 1837, entitled "an act to authorize the issuing of treasury notes," under the restrictions, conditions, and limitations therein prescribed.

Mr. Hopkins notified the house that it was his object to move its reference to the committee of the whole on the state of the union. Mr. Thomas objected. Mr. Hopkins moved that the rules be sus-

pended, in order to enable him to offer this joint resolution. Mr. Reed demanded the yeas and nays. Ordered.

Mr. Campbell asked if this proposition could not be offered as an amendment to the bill under consideration at present, in the committee of the whole. The Chair responded affirmatively.

Mr. Hopkins' motion to suspend the rules was rejected, as follows:

YEAS—Messrs. Alexander, H. Allen, J. W. Allen, Ayer, Bell, Biddle, Bond, Buchanan, Wm. B. Calhoun, John Calhoun, William B. Carter, Casey, Chambers, Chapman, Childs, Clark, Cleveland, Coffin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Dennis, Dunn, J. Garland, R. Garland, Graves, Halsted, Harlan, Hastings, Hawes, Herod, Hopkins, J. Jackson, H. Johnson, Kilgore, Lincoln, J. M. Mason, Samson Mason, Maury, McKennan, Menefee, Mercer, Mitchell, Morgan, Noyes, Patterson, Peck, Reed, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sheffer, Southgate, Stuart, Stone, Taliaferro, Tillinghast, Underwood, J. White, D. Williams, J. L. Williams, C. H. Williams, Yorke—68.

NAYS—Messrs. Adams, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Bronson, Cambreleng, J. Campbell, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, Deberry, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Everett, Farrington, Fairfield, Fillmore, Fry, Glascock, Goode, William Graham, Grant, Griffin, Halsey, Hammond, Hamer, Hawkins, Haynes, Henry, Holsey, Holt, Howard, Hubley, R. M. T. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kennedy, Klingensmith, Legare, Leadbetter, Lewis, Logan, Marvin, May, McKay, R. McClellan, Abraham McClellan, Milligan, Miller, Moore, M. Morris, C. Morris, Murray, Naylor, Noble, Owens, Palmer, Parker, Paynter, Pennybacker, Petrikin, Phelps, Potts, Polter, Prentiss, Rariden, Reilly, Rencher, Rhett, Rives, Robertson, Augustin H. Shepperd, C. Shepard, Sibley, Snyder, Spencer, Stanly, Stratton, Taylor, Thomas, Thompson, Titus, Toucey, Vail, Vanderveer, Wagener, Webster, Weeks, Elisha Whittlesey, Sherrod Williams, Yell—107.

Mr. Bell then asked leave to offer the following resolution:

Resolved, That the committee of ways and means be instructed to report to this house, forthwith, a bill authorizing the secretary of the treasury to raise, by law, the sum of \$7,000,000, to supply any immediate demand upon the treasury to meet which there are no available means on hand.

Mr. Cambreleng objected. Mr. Bell moved that the rules be suspended, to enable him to offer it. Mr. Cambreleng demanded the yeas and nays. Ordered.

The motion to suspend the rules (requiring a vote of two-thirds) was rejected, by the following vote: Yeas 82, nays 24.

On motion of Mr. Cambreleng, the house resolved itself into a committee of the whole, (Mr. Ingham in the chair,) and resumed the consideration of the following bill:

A bill to carry into effect an act approved the twelfth day of October, eighteen hundred and thirty-seven, "to authorize the issuing of treasury notes."

Be it enacted by the senate and house of representatives of the United States of America, in congress assembled, That the secretary of the treasury, with the approbation of the president of the United States, is hereby authorized to cause treasury notes to be issued, according to the provisions of an act, entitled "an act to authorize the issuing of treasury notes, approved the twelfth day of October last, in place of such notes as have been, or may be, issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the treasury and cancelled.

Mr. Thompson resumed and concluded his remarks in opposition to the bill; and the debate was further continued by Messrs. Rhett and Menefee; after which, Mr. Southgate said he wished to address the committee upon this question; and he moved that the committee (at 4 o'clock) do now rise. The count was made by tellers, and resulted as follows. Ayes 80, nays 97. So the committee refused to rise.

Mr. Southgate then proceeded in opposition to the bill, and was followed by Mr. Hopkins, who moved a substitute for the whole bill, empowering the president of the United States to borrow, on the credit of the United States, a sum of \$10,000,000, at a rate of interest of 6 per cent. payable quarterly, and reimbursed at the will of the government; to be applied, in addition to the moneys now in the treasury, or which may be received therein from other sources, to defray the expenses of the government, and to be transferable by stock. The foregoing was the substance of the first section of Mr. H's

amendment. The remainder was of great length, substantially the same as the project of Mr. Rives' in the senate, being a revival of the state bank system, by twenty-five banks, to be selected by the secretary of the treasury, and approved of by the senate. During the reading of this amendment, Mr. Cambreleng raised a question of order as to the admissibility of the amendment, under the bill before the committee. Mr. Bell was of the opinion that it was strictly in order, inasmuch as it went to the present supply and future regulation of the treasury. Mr. Hopkins contended that the proposition he had made was in order. He was unwilling to vote a dollar until some mode of keeping safely and disbursing safely the public money should be established. Mr. Adams defended the motion as strictly regular. The debate on the question of order was continued by Messrs. Cambreleng, Haynes, and Mercer; and then, the Chair decided the amendment to be out of order.

The debate was then continued by Messrs. Bell and Cambreleng, when Mr. Halsted moved that the committee rise. Decided by tellers as follows: Yeas 88, nays 93. So the committee (at a quarter after 6 o'clock) refused to rise.

Mr. Robertson offered an amendment, embracing the substance of the first clause of the amendment before offered by his colleague, (Mr. Hopkins.)

This amendment was supported by Mr. Robertson, and then,

Mr. Mason, of Virginia, moved that the committee rise; which motion was rejected by a vote of 64 yeas to 86 nays. So the committee (at three quarters past 6 o'clock) refused to rise.

Mr. Mason, of Virginia, proceeded until 7 o'clock when he gave way to Mr. Menefee, who moved that the committee rise; which motion was rejected, 60 yeas, 84 noes; and Mr. Mason continued his remarks until half past 7 o'clock, when he gave way to Mr. Hopkins, who moved that the committee rise; which motion was rejected by a vote of 79 yeas to 85 noes; and Mr. Mason continued his remarks until after 8 o'clock; when he yielded to Mr. Legare, who moved that the committee rise; which motion was lost by a vote of 81 yeas to 88 noes.

Mr. Mason resumed, and finished.

Mr. Stuart next spoke, and moved an amendment, of which the reporter could not obtain a copy.

The debate was further continued by Mr. Wm. Cost Johnson until a quarter before 9 o'clock, when he gave way to Mr. Chambers, of Kentucky, who moved that the committee rise. This motion was decided by the following vote: 89 yeas, 88 noes.

The Chair announced the vote, and said the motion to rise was decided in the affirmative.

Mr. Lewis asked how the chair votes.

Mr. Ingham (the chairman) said he voted in the negative.

Mr. Hopkins took exception to the regularity of this, the chair having announced the vote, and decided that it was carried in the affirmative, before he voted.

At this point, the motion was renewed, and another count (at nine o'clock) was ordered; which resulted as follows: 92 yeas, 84 noes.

Mr. Robertson, recapitulating the facts above stated, insisted that, by the announcement of the chair, the committee had determined to rise. The committee were sitting irregularly.

Messrs. Curtis, Duncan, Adams, and W. C. Johnson spoke to this point, and the Chair decided that it was now too late to make that point.

Mr. Johnson, of Maryland, then resumed the floor, and continued his remarks upon the bill and amendments until twenty minutes past nine o'clock when he again gave way to Mr. Chambers, who moved that the committee rise; which motion was rejected by the following vote: 90 yeas, 89 nays; the chair voting in the negative.

Mr. Yorke then moved that the committee rise. The Chair decided that that motion was not then in order.

Mr. Johnson, of Maryland, then resumed and continued his remarks until half past nine, when he gave way to Mr. Graham, of North Carolina, who appealed to the oldest members of the house, whether any good were ever done by sitting out a debate on Saturday night. He moved that the committee rise.

This motion was negatived by a vote of 88 yeas to 90 noes.

Mr. Johnson, of Maryland, resumed and continued his remarks until a quarter before ten o'clock, when he gave way to Mr. Mitchell, who moved that the committee rise; which motion was lost by the vote of 83 yeas to 91 noes; and Mr. Johnson went on till five minutes before ten o'clock, when he gave way to Mr. Halsted, who moved that the committee rise: yeas 89, noes 90.

Mr. Johnson, of Maryland, resumed, and, at five minutes after ten, gave way to Mr. Dunn, who moved that the committee rise: 87 ayes, 89 noes; and Mr. Johnson resumed the floor, who gave notice that he should not again give way to a motion to rise. The next that should be made he would make himself. After speaking a few moments, he moved that the committee rise, which he withdrew at the request of Mr. Harper, of Ohio, who made some remarks in opposition to the bill, as reported by the chairman of the committee of ways and means, and at a quarter before eleven o'clock gave way to Mr. Coffin, who moved that the committee rise 86 ayes, 87 noes.

Mr. Briggs, one of the tellers, then announced that two other gentlemen had asked to be counted in the affirmative since the house was divided, but before the vote was announced to the chair.

Much confusion here arose, and the chair, at length, ordered another count, which was decided as follows: Ayes 88, noes 91.

Mr. Harper resumed the floor, and continued his remarks till 20 minutes before 12 o'clock, when he gave way to Mr. Thomas, who proposed to rise now and come to the determination to go through with the subject on Monday, at all events. [Cries of no! no! !].

Mr. Hawes then moved (a quarter before 12) that the committee rise. Yeas 85, nays 87.

Mr. Harper resumed and continued until (at 5 minutes before 12) he gave way to Mr. Robertson, who appealed to gentlemen who professed to have regard for the sabbath, not to violate their creed by compelling the house to sit on that day. By doing so, they would bring the credit of the country into contempt. If, however, the chairman of the committee of ways and means would say that the government could not get on for one day, he would consent to this course. Not otherwise. He moved that the committee rise. Ayes 80, noes 88.

Mr. Harper proceeded until 5 minutes after 12 o'clock, when Mr. Chambers rose to order. He made the point that, it being the Sabbath day, the house ought not to do business.

The Chairman decided that it was in order to sit after 12 o'clock, if the committee so desired.

Mr. Chambers took an appeal.

Mr. Pope did not deny that Sunday was a legislative day, if the house should make it so. But the speaker ought to take the chair and decide this point. He would therefore, for this purpose, move that the committee rise. (This was a quarter after 12 o'clock.) Yeas 88, nays 82. The chair voted in the negative, and the motion was lost.

Mr. Reed spoke to the question of order raised by Mr. Chambers. At the very close of the session, as a matter of necessity, the house has sometimes sat during the sabbath hours, but there is no such necessity now. He hoped the decision of the chair would not be sustained.

Mr. Cushman contended that no appeal lay from this decision of the chair.

Mr. Pope submitted to the candor of the chair if it was proper for him to vote to sustain his own decision, upon an appeal taken therefrom. His object was not to embarrass the course of this bill, but he did think that those who objected to bills like these had a right to be heard to give their views thereupon, and to deliberate upon the public business, and decide upon it calmly and candidly. He would not vote to legislate on the sabbath day, unless imperiously required by the exigencies of the country. He hoped an opportunity would be given to the house to record their votes by yeas and nays on this question; and, therefore, hoped that the committee would rise.

Mr. Thompson thought the rule giving the speaker the power to vote in such cases did not apply to the case of the chairman of the committee.

Mr. Duncan said a few words in reply to Messrs. Pope and Thompson.

Mr. Pope urged that, upon the score of delicacy and propriety, the chairman ought not to vote in such a case.

Mr. Underwood was of opinion that an appeal from the decision of the chair was not to be negatived by the chair voting so as to produce a tie.

The Chairman maintained the propriety of his course, as sanctioned by usage and precedent.

Mr. Pope moved that the committee rise. He wanted the question to be settled whether or not the house would legislate on the sabbath. (This division took place at twenty-five minutes before one o'clock.) Yeas 83, nays 82. The chair voted again in the negative.

Mr. Haynes spoke to the question of appeal. It was the privilege of every member of the house to vote on all questions.

Mr. Thomas suggested that nothing could be effected by deciding that questions in either way. It

was not a question of order, but a question of words, patriotism, and propriety.

Mr. Everett hoped that those who held the opinion that the house, under present circumstances, ought not to sit on the sabbath, would with him retire from the hall. He should do so with perfect respect to the house, and should not be found in it again until Monday at 11 o'clock, unless brought in in the custody of the sergeant-at-arms.

Mr. Briggs thought it was impossible to get ahead at all in the present mode of doing business. The two parties to this question were trying their strength, without any prospect of success to either. He hoped that the committee would consent to rise, and come together with better feelings upon another day.

Mr. Morgan was in favor of rising and adjourning. He believed no good could come of a longer session to-night. He would be among the last to adopt this course on any other night; but he now felt constrained to move that the committee rise. (Ten minutes before one.) Yeas 82, nays 76. So the committee decided to rise.

The Speaker took the chair at five minutes before one o'clock, and Mr. Briggs moved that the house do now adjourn.

The yeas and nays were demanded by several voices, and ordered.

The house, at a quarter past one o'clock on Sunday morning, decided to adjourn by the following vote: Yeas 85, nays 72.

And then the house adjourned.

Monday May 11. Mr. Boon asked the consent of the house to submit the following joint resolution:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That from and after the 1st day of June, eighteen hundred and thirty-eight, there shall be no discrimination in the kind or description of currency receivable by the government, for customs, for the sale of the public lands, or for any debt or duty due or owing to the United States.

Mr. Williams of Kentucky raised the question of order against the introduction of this resolution, on the ground that there were already two resolutions of a similar character before the house; one offered by a gentleman from Ohio, and the other by himself, on the 16th ultimo.

The Chair said if that was the case, the resolution could not be entertained.

Mr. Boon explained that he had offered this resolution in obedience to what he knew to be the will of his constituents, and, further, in compliance with the joint resolution of the legislature of the state of Indiana. Mr. Bronson said, if it was in order, he would move a suspension of the rule, for the purpose of considering this resolution. The Chair ruled it not to be so, but suggested that it would be in order to move a suspension, to take up the other resolution. Mr. Bronson doubted if there was a resolution identical with this before the house. The chair referred to it and showed the object to be the same.

Mr. Boon said he was perfectly willing to remove the obstacle to the present consideration of the subject, by withdrawing the resolution he had offered. Leave being granted, he accordingly withdrew it.

Mr. Boon now renewing his request, and objection being again made—Mr. Bronson moved for a suspension of the rules to enable Mr. Boon to offer it.

On which motion Mr. Briggs demanded the yeas and nays; which were ordered.

Mr. Cambreleng remonstrated with Mr. Boon, and asked him not to press the motion.

Mr. Boon insisting, the yeas and nays were taken on suspending the rules, and decided as follows: Yeas 95 nays 53. There not being two thirds, the rules were not suspended.

Mr. Cambreleng now moved to suspend the rules in order that the house might immediately resume, in committee of the whole, the consideration of the bill which was in discussion on Sunday morning, when the house adjourned.

On this motion Mr. Turney demanded the yeas and nays; which were ordered. Mr. Harlan asked of Mr. Cambreleng whether it was the purpose of himself and his friends to press through that bill this day?

Mr. Cambreleng said he could not tell what the house would be disposed to do.

The question was then taken on Mr. Cambreleng's motion that the house go into committee of the whole on the state of the union to resume the consideration of the treasury note bill, and resulted as follows: Yeas 132, nays 50.

The house accordingly went into committee (Mr. Ingham again in the chair.)

Mr. Harper, who had the floor from Sunday morning, resumed and concluded his remarks in decided opposition to the bill.

Mr. Hawes, of Kentucky, next obtained the floor and took the same side of the question; but, before he had proceeded far he was taken suddenly ill, and disabled from speech or action. Much confusion ensued in the house. Mr. H. was taken to one of the great south windows of the hall—where, being bled, he soon recovered so far as to be able to retire from the hall.

Mr. Dunn, of Indiana, succeeded, and entered at large into an argumentative speech, in the course of which he traced the conduct of the administration from the beginning toward the banks, arguing to show that its policy was utterly hostile to them, and insisting that the present measure was intended to supersede them by an issue of government paper.

Mr. Goode took the floor, and was going on with some remarks in opposition to the bill when he was interrupted by

Mr. William, of Kentucky, who rose to a point of order, and inquired if there was a quorum present. Mr. W. moved that the committee rise, in order to have a call of the house, for he wished to get out of that place before night.

Mr. Goode begged the gentleman to withdraw his motion, and allow him to proceed. He would not detain the committee long, and not having before expressed his opinions on the subject of the present bill, and the subjects immediately connected with it, he felt bound to do so, and would rather do it then than at such an hour as that at which the house adjourned on Sunday morning.

Mr. Williams consented to withdraw his motion, again repeating that he wanted to go home before midnight.

Mr. Goode then went on at some length into an examination of the messages of the president at the special and present sessions, and into a history of the various propositions of the secretary of the treasury, in order to show that the pretence that something was necessary to be done to relieve the wants of the treasury, and the manner pointed out to obtain that relief, all ended in the prosecution of a plan to establish a sub-treasury, or government bank. He was willing to afford the government all the money that was necessary to carry on its operations, and he would, at any time, vote for supplies; but he was opposed to the sub-treasury, and the issuing of treasury notes. He hoped that the bill would be put into a shape that would enable him to support it; but in its present shape he could not vote for it, for a great many reasons, which he then went on at large to assign.

Mr. Sergeant, of Pennsylvania, then took the floor, and, after a severe examination of the speech with which Mr. Cambreleng had introduced the bill, went into an argument in opposition to the measure proposed by the bill.

He yielded to a motion for the rising of the committee, which failed: Ayes 79 noes 85. Mr. S. then resumed, and further addressed the committee in conclusion. Mr. Tillinghast then appealed to the house, stating that, from the number of gentlemen who wished to address the committee on the bill, it would be impossible to get a vote on the bill to-night, and thereupon, at half past 5 o'clock, moved that the committee rise. The motion was rejected: Ayes 90, noes 94. Mr. Tillinghast then addressed the committee in opposition to the bill, and, having proceeded till five minutes after six o'clock, yielded to another motion, by Mr. Davies, for the rising of the committee. This motion was negatived: Ayes 87, noes 93. Mr. Tillinghast continued his argument, and spoke till twenty minutes before seven, when, Mr. Robertson moved that the committee rise, proposing that it be with the understanding that the bill should be gotten out of committee to-morrow. The motion was carried: Ayes 91, noes 86. So the committee rose at 7 o'clock, and reported progress.

A motion being made to adjourn, the yeas and nays were demanded by Mr. Bronson, but the house refused to order them; and thereupon adjourned.

Tuesday, May 15. The Chair laid before the house a communication from the secretary of the navy, in reply to the resolution of the house of the 31st of March last, calling for the names of all pension agents, the authority by which such agents were appointed, copies of commissions issued to such agents, &c.

It appears by the said report, that there was at the time of the last settlement with the several agents for paying navy pensions, an unexpended balance of \$103,658 47 remaining in their hands. Settlements have been made with all of them, except one or two, since the commencement of the present year.

Committees were then called on for reports when a number were received, chiefly on private claims, which will be noticed hereafter.

Mr. Boon said that under the peculiar circumstances of the case, he felt constrained again to offer the same resolution which he had proposed to offer yesterday, and which the house had refused to receive.

The Chair stated that, on examination, he found another resolution had been offered, on the same subject, by the gentleman from Kentucky, (Mr. S. Williams,) which lay on the table; in consequence of which, it would not be in order for the gentleman from Indiana to offer another; but he could move that the house take up the resolution now on the table.

The following resolution, moved by Mr. S. Williams on the 16th of April last, was then read:

Resolved, That the committee of ways and means be instructed to report a bill making it unlawful for the secretary of the treasury, or any other officer of this government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands or from any other source) of the United States shall be collected."

Objection being made to its consideration at this time, Mr. Boon moved to suspend the rules to allow of its being considered. On this motion Mr. Williams demanded the yeas and nays. Mr. Bronson inquired whether the two resolutions were identically the same. The Chair thought them the same in substance.

Mr. Casey moved a call of the house.

Mr. Boon stated a difference between his resolution and that of Mr. Williams, in this, viz. that Mr. W.'s resolution specified the particular kind of money that should be received; whereas his own only required that no discrimination should be made in the kind of money to be received, but did not say what that should be.

The Chair still adhered to the decision that the resolution of Mr. Boon was not in order.

The question on suspending the rules to take up the resolution of Mr. Williams was then put, and decided by yeas and nays in the negative, as follows—(not two-thirds:)

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Bell, Biddle, Bond, Boon, Borden, Briggs, Bronson, Wm. B. Calhoun, John Calhoun, William B. Carter, Casey, Chambers, Cheatham, Childs, Clark, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darling, Deberry, Dennis, Dunn, Evans, Everett, R. Fletcher, Fillmore, Foster, R. Garland, Goode, William Graham, Graves, Grennell, Haley, Halsted, Hamer, Harlan, Harper, Hastings, Henry, Herod, J. Jackson, Kilgore, Marvin, Samson Mason, Maury, May, Maxwell, McKennan, Mercer, Milligan, Mitchell, Montgomery, M. Morris, C. Morris, Naylor, Noyes, Patterson, Pope, Potts, Rariden, Randolph, Robinson, Russell, Sergeant, Augustin H. Shepperd, C. Shepperd, Shields, Sibley, Snyder, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Vanderveer, A. S. White, J. White, Elisha Whittlesey, D. Williams, Sherrod Williams, J. L. Williams, C. H. Williams, Wise, Yell, Yorke—94.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Buchanan, Bynum, Cambreleng, Chapman, Clowney, Craig, Cushman, Davee, DeGraff, Dromgoole, Edwards, Farrington, I. Fletcher, Fry, J. Garland, Glascock, Grantland, Grant, Griffin, Harrison, Hopkins, Haynes, Hopkins, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, Keim, Keimble, Klingensmith, Legare, Leadbetter, Lewis, Logan, J. M. Mason, Martin, McKay, R. McClellan, Abraham McClellan, McClure, Miller, Morgan, Parker, Paynter, Pennybacker, Petrikio, Phelps, Potter, Pratt, Reilly, Rhett, Rives, Robertson, Sheffer, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Wagener, Webster, Weeks, T. T. Whittlesey, Jared W. Williams—76.

Mr. Boon gave notice he should renew his motion every day until the house should act upon it.

Mr. Southgate presented the following, which lies on the table one day:

Resolved, That ten thousand copies of the report and bill reported by the committee on the militia be printed.

On motion of Mr. Cambreleng, the house resolved itself into a committee of the whole on the state of the union, (Mr. Ingham in the chair,) and resumed the consideration of the bill authorizing the reissue of treasury notes.

The house was addressed at length by Mr. Tillinghast, Mr. Cushman, Mr. Biddle, Mr. Bell, and Mr. Randolph, upon the merits of the bill.

Mr. Randolph having concluded his remarks, loud calls were heard all over the hall for the rising of the committee. Mr. Hoffman, of New York, said that he had been desirous of addressing the committee on the subject of this bill; but, as he under-

stood that an arrangement or mutual understanding had been agreed upon, that the committee should rise this evening and report the bill, he was willing to waive the delivery of his remarks at this time, reserving them until the bill should come into the house. Mr. Pope said that he too had the same desire, but would follow the example of the gentleman from New York. As he had had some instrumentality in bringing about the understanding to which the gentleman alluded, he hoped it would be acted on, and that the bill would now be reported. Mr. Stuart, of Virginia, withdrew the amendment he had offered. Mr. W. Cost Johnson expressed a desire for a decision before the rising of the committee, upon the amendment still pending. Mr. Russell said that, if the question was to be taken on that amendment, he had a proviso to append to it; without which he should object to its adoption. Mr. Rencher said he also had an amendment to offer. Mr. Menefee wished to offer an amendment as a substitute for that of Mr. Stuart. Mr. Robertson proposed that all the amendments should be printed, and the question on them deferred till the bill came into the house. Mr. Cambreleng reminded the gentleman that all amendments which did not go to enlarge the amount of money in the bill could as well be offered in the house as in committee.

Mr. Wise, said that two gentlemen had given notice of their wish to speak on this bill; and he believed that ten times two had the same desire. He would now caution all such gentlemen not to trust to any general understanding, informally entered into, but to speak at once; for to-morrow the bill would be in the house, and they would have the previous question sprung upon them.

Mr. Owens, of Georgia, moved that the committee do now rise and report the bill. Mr. Adams gave notice of a purpose to move to amend the title of the bill.

The question being put on rising and reporting the bill, it was carried by a very large majority. Whereupon, the committee, at twenty minutes before eight, rose, and reported the bill to the house, without amendment.

On the suggestion of Mr. Mercer, it was agreed that all gentlemen having amendments to offer should bring them to the clerk's table, that they might be printed, and laid on the tables of the members to-morrow, in time for the action of the house.

The Chair laid before the house a message from the president of the United States, transmitting information required by a resolution of the house of representatives of the 30th ultimo, in relation to the introduction of foreign paupers into the United States; which was laid on the table, and ordered to be printed.

And then the house adjourned.

Wednesday, May 16. Mr. Boon moved to suspend the rules for one hour to take up the following resolution of Mr. Williams, of Kentucky, being nearly identical with that offered by himself a few days since:

Resolved, That the committee of ways and means be instructed to report a bill making it unlawful for the secretary of the treasury, or any other officer of this government, to continue in force or make any general or special order making a distinction or discrimination in the medium or kind of currency in which the different branches of the revenue (either from the sales of the public lands or from any other source) of the United States shall be collected."

Mr. Williams, of Kentucky, gave notice that, as some had perhaps voted against this motion yesterday, under the apprehension that the proposition offered by himself differed materially from that of Mr. Boon, he should, if the House agreed to take it up, modify it so as to make it identical with that of Mr. Boon.

Mr. Grennell demanded the yeas and nays on the motion to suspend. No quorum voted on this proposition, the division being 52 to 42.

Mr. Briggs demanded a call of the House. Ordered.

The House was called till nearly the end of the roll, when, on motion, the call was suspended, and the question was put on the motion of Mr. Boon, to suspend the rules for one hour, in order to take up the above resolution, and decided as follows:

YEAS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Bell, Boon, Bouldin, Briggs, Bronson, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Casey, Chambers, Cheatham, Clark, Cleveland, Coffin, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darling, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, R. Fletcher, Fillmore, Foster, Gallup, James Garland, Rice Garland, Goode, William Graham, Grantland, Graves, Grennell, Haley, Hall, Halsted, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, R. M. T. Hunter, William Cost Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, Samson Mason, Maury, May, Max-

well, Robert McClellan, McKennan, Mercer, Mitchell, Montgomery, Mathias Morris, Calvary Morris, Noyes, Parmenter, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, A. H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Snyder, Southgate, Stanly, Stone, Stratton, Taliaferro, Tillinghast, Toland, Vanderveer, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yell, Yorke—111.

NAYS—Messrs. Anderson, Atherton, Beatty, Beirne, Bicknell, Birdsall, Cambreleng, Chapman, Clowney, Coles, Connor, Craig, Cushman, Davee, Dromgoole, Farrington, Fairfield, Isaac Fletcher, Fry, Glascock, Grant, Griffin, Hammond, Harrison, Hawkins, Haynes, Hopkins, Hubley, Ingham, T. B. Jackson, J. Johnson, N. Jones, Keim, Leadbetter, Lewis, Logan, Martin, McKay, Abraham McClellan, Miller, Morgan, Murray, Noble, Owens, Parker, Pennybacker, Petrikio, Phelps, Potter, Prentiss, Reilly, Rhett, Richardson, Rives, Robertson, Sheffer, Shepler, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington—70.

So, there not being two-thirds in favor, the House refused to suspend the rules.

Mr. Curtis, of New York, gave notice that, on the first occasion when it shall be in order, he should introduce a bill, with the leave of the House, "to authorize the granting of a drawback of duty upon foreign coals, when exported and consumed on board of vessels propelled by steam power."

Sundry bills on the speaker's table were read and committed, and then the house, on motion of Mr. Cambreleng, took up the treasury note bill.

Mr. Cambreleng offered two amendments, providing for the restriction and limitation of the operation of this bill in the same way as the bill of October last, to which it referred, and adding the same provisions which that bill contains, as to the counterfeiting of the treasury notes.

Mr. Robertson's amendment, offered in committee, proposing a loan, under certain restrictions, instead of the re-issue of the treasury notes, came first in order, as modified by the mover.

Mr. Hoffman opposed the bill as reported; and replied at length to the arguments of Messrs. Rhett and Cambreleng in favor of it.

Some conversation ensued between Messrs. Rhett, Hoffman, Thompson, Legare, and Cambreleng, upon local points incidentally introduced into the debate; after which,

Mr. Jones, of Virginia, went at length into a defence of the bill as reported.

Mr. Wise followed on the same bill in a speech of considerable length, in which he insisted, in the course of his argument, that, with all its boast of means, the government was bankrupt. In the close of his speech he indulged in some pleasantry on the devices of the old continental money and new treasury notes, as well as a caricature of the latter, which excited much mirth in the house.

Mr. Bynum then addressed the house with much zeal in a general defence of the administration. Mr. Garland, of Louisiana, expressed a wish to address the house, and as a test of the wishes of the house, moved an adjournment. On this motion Mr. Cushman demanded the yeas and nays. Mr. Garland thereupon withdrew his motion, and proceeded in a general speech against the bill, and especially in reply to Messrs. Bynum and Rhett. He was giving his reasons for preferring a loan, when, at 8 o'clock, he yielded the floor for a motion for adjournment. On this motion Mr. Haynes demanded the yeas and nays, which, being taken, resulted as follows: Yeas 64, nays 125. So the house refused to adjourn. Mr. Garland then resumed, and having concluded, Mr. Cushman, of New Hampshire, moved the previous question. Mr. Craig demanded a call of the house, which was agreed to: Ayes 83, noes 52. The house was accordingly called. Mr. Pope then moved that all further proceedings in the call be suspended, but the motion was lost: Ayes 76, noes 77. The absentees were called, when it appeared that 199 members had answered to their names. On motion of Mr. Grant, the further prosecution of the call was dispensed with. The vote was then taken on seconding the previous question, and carried: Ayes 98, noes 95. So the demand for the previous question was seconded by the house. The previous question being put, viz. "Shall the main question be now put?"

Mr. Bell demanded the yeas and nays, which were ordered, and, being taken, resulted as follows, viz:

YEAS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bynum, Cambreleng, J. Campbell, Casey, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, Glascock, Grant, Grey, Griffin, Haley, Hammond, Harrison, Hawkins, Haynes, Holsey,

Holt, Howard, Hubley, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Reilly, Rhett, Richardson, Rives, Sheffer, Shepler, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—99.

YAYS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, Wm. B. Calhoun, John Calhoun, W. B. Campbell, William B. Carter, Chambers, Cheatham, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garlaud, Goode, James Graham, William Graham, Graves, Grennell, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, H. Johnson, W. C. Johnson, Kennedy, Lincoln, Marvin, J. M. Mason, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, C. Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stratton, Taliaferro, Tillinghast, Toland, Underwood, A. S. White, J. White, Elisha Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, C. H. Williams, Wise, Yorke—99.

The speaker voting in the affirmative, the previous question was carried by his casting vote.

The main question was then put on ordering the bill to be engrossed and read a third time, and decided by yeas and nays, as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Batty, Beirne, Bicknell, Birdsall, Boon, Brodhead, Bronson, Bynum, Cambreleng, J. Campbell, Casey, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Foster, Fry, Gallup, James Garland, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, J. M. Mason, Martin, McKay, Robert McClellan, A. McClellan, McClure, Miller, Montgomery, Morgan, Murray, Noble, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Rariden, Reilly, Rhett, Richardson, Rives, Sheffer, Shepler, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—106.

NAYS—Messrs. Adams, Alexander, Heman Allen, J. W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, Rice Garland, Goode, James Graham, William Graham, Graves, Grennell, Halstead, Harlan, Harper, Hastings, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Henry Johnson, William Cost Johnson, Kennedy, Lincoln, Marvin Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Yorke—99.

So the bill was ordered to the third reading; it was then read a third time; and the question being, shall the bill pass?

Mr. S. Williams moved that the bill be recommended to the committee of the whole house on the state of the union, with instructions to report a bill to authorize the sale of the bonds given and executed by the Bank of the United States to the government for the government stock and interest in the late Bank of the United States; and, in the event said bonds cannot be sold in time to obtain the necessary funds for the purposes and actual wants of the government, to authorize the issuing of two millions of treasury notes for the immediate wants of the government, and to authorize a loan for a sum of money that may be required for the necessary and actual wants of the government until said sale can be effected.

The previous question was moved by Mr. Cushman, and demanded by a majority of members, present, when the main question was ordered to be

put, (which was, shall the bill pass?) by yeas 106 nays 99. The main question was then put, viz. shall the bill now pass?

Mr. Rariden now moved a reconsideration of the vote on the previous question, but the chair decided that it was not in order. Mr. Bell suggested that this question of order had never yet been decided. The question was then put on the passage of the bill, and carried. Mr. Adams moved to amend the title of the bill by striking out "to carry into effect the act approved 12th October, 1837," which was agreed to. Mr. Fletcher moved to add "to meet the current expenses of the government. Mr. Rariden now gave notice that he would move to reconsider the vote on the passage of the bill, with a view to having the question taken on the amendment proposing a loan.

The house then adjourned at 10 o'clock.

Thursday, May 17. Mr. Rariden rose and moved to reconsider the vote of last night on the final passage of the treasury note bill. The Chair said that this motion would come up in order after the morning hour, unless the house decided to take it up at that time. Objections being made, a motion to suspend the rules, so as to take up this motion, was made by Mr. Griffin, of S. C. and rejected.

Mr. Russell asked for the suspension of the rules to enable him to offer the following resolution, and demanded the yeas and nays; which were ordered:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing so much of the fifth section of the act entitled "An act to regulate the deposits of the public money," passed the 23d of June, 1836, as prohibits receiving in payment for dues to the government, and disbursing the same, the bills of specie-paying banks which issue notes or bills of a less denomination than five dollars; and, also, so much of the second section of the act entitled "An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836, as prohibits the offering in payment by any officer or department of the government the notes or bills of specie-paying banks of a less denomination than ten dollars."

The house refused to suspend the rules by the following vote: Yeas 56, nays 127. Mr. Russell gave notice that he should offer that resolution daily, until the house would act upon it. Mr. Cushman asked the house to suspend the rules for thirty minutes to go into the consideration of the senate bill on this subject. Refused.

Mr. Boon again asked for the suspension of the rules to take up the resolution of Mr. Sherrod Williams, prohibiting discrimination in the receipt of the media of payment of public dues. Refused.

Reports were now presented. Several upon private claims having been presented and disposed of, the bill from the Senate, in the case of Hazel and Stonestreet, came up for consideration. It was moved that this bill be made the order of this day in committee of the whole. Mr. Briggs made some statements with regard to the pressing nature of the claim, and the necessity of its early passage. Mr. Adams asked if there was any report? He understood that this was still ordering the postmaster general to settle a certain account in preference to others. Messrs. Briggs and Thompson explained the character of the claim. Mr. Underwood and Mr. Adams opposed the motion. Mr. U. was opposed to giving any one private claim preference over another, while there were many pressing cases on the calendar of revolutionary claims. He moved to make the bill the order of the day for to-morrow, and give it its proper place on the calendar. Mr. Adams thought it an irregular procedure to carry such a bill by acclamation. It was, in effect, ordering the postmaster general to settle an account without the forms of law. He was in favor of the motion of Mr. Underwood. Before any question could be taken, the morning hour expired, and Mr. Cambreleng called for the orders of the day.

The motion of Mr. Rariden to reconsider the vote whereby this bill was passed last night came first in order.

Mr. Rariden explained that he was induced to move the reconsideration of the final vote on this bill more on account of his political friends than on his own account. Although he greatly preferred a direct loan for the supply of the wants of the treasury to the issue of treasury notes, yet, objectionable as that method of supply was, he had, and perhaps would again feel it his duty to go for it in preference to embarrassing the action of the government for want of means. But he must be allowed to say he preferred the supply in a medium whose circulation would not necessarily be confined to the importing cities. But he would take this occasion to say to his political friends, that he considered the time of this house now of more importance to this nation than the difference in the means proposed for supplying the treasury, and that his main object in moving the reconsideration was that a full vote of the house might be had, or other means proposed for its relief. For himself, he preferred the proposition or amendment proposed by a gentleman from Virginia, (Mr. Stuart,) which proposed a reissue of treasury paper to an amount equal to the immediate wants of the government, and the residue needful to be obtained by a direct loan; and, if it was in his power, he would

confine his motion for reconsideration to that specific object; but it was not, and he would now say to his political friends that, if this vote should be reconsidered, and another tedious discussion spring up upon any of the amendments proposed as a substitute to the bill, (each of which had been very fully discussed already,) he should feel it his duty, upon the recurrence of such a debate, to vote with the friends of the administration for the previous question, and then to vote for the bill in its present shape. But he hoped it would be the last time he would ever be called upon to vote a supply in this form.

Mr. Boon moved the previous question on the motion to reconsider. Mr. Rives asked what would be the effect of a motion to lay the motion on the table? Would it carry the bill, necessarily, with it? The Chair had considered this, but, the previous question pending, this was not the time to decide it. Mr. Williams, of N. C. moved a call of the house; which was ordered, and the roll was called through. Before the roll was called a second time, Mr. Cushing said he was sick of seeing the time of the house and country consumed in calls of the house, while members did not choose to attend to their public duties. He moved to suspend the call. Mr. Petrikin demanded the yeas and nays on this motion. Mr. Cushing withdrew the motion; and the call proceeded. 215 members answered to their names. The doors were then closed. Mr. Curtis moved to suspend the call. Mr. Cushman demanded the yeas and nays; which were ordered. The motion to suspend the call was decided in the affirmative by the following vote: Yeas 117, nays 84. So the proceedings under the call were suspended, and the doors were opened. The question then recurred on seconding the previous question, and was decided by tellers, thus: Ayes 119, noes not counted. The question, Shall the main question [to reconsider] be now put? then recurred. Mr. Gray demanded the yeas and nays, which were ordered; and the house decided, by the following vote, that the main question be put: Yeas 141, nays 64. The question then recurred, Shall the vote upon the final passage of the bill be reconsidered? The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, W. B. Carter, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Davies, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, J. Garland, R. Garlaud, Goode, James Graham, Wm. Graham, Graves, Grennell, Haley, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Lincoln, Marvin, J. M. Mason, S. Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Patterson, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, C. H. Williams, Wise, Yorke—110.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, J. Campbell, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Fletcher, Foster, Fry, Gallup, Glascock, Grantland, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Montgomery, More, Morgan, Murray, Noble, Owens, Palmer, Parker, Parmenter, Pennybacker, Petrikin, Phelps, Pickens, Potter, Pratt, Prentiss, Reilly, Rhett, Richardson, Rives, Sheffer, Shepler, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Turney, Vail, Vandever, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—103.

The Chair voted in the negative, thus making the yeas and nays equal in number. So the motion to reconsider was rejected.

On motion of Mr. Jones, of Wisconsin, Tuesday and Wednesday, the 5th and 6th of June, were set apart for the consideration of territorial business.

Mr. Cushing called up his resolution, calling for information with regard to this subject; which he supported at length. He continued the course of his remarks, which were suspended for a time by a very interesting explanation by Mr. Adams, in relation to the negotiation of the Florida treaty, our claims on the Perdido, &c.; of all which, together with Mr. C's speech, we shall present a full report hereafter. Mr. C. had not concluded his speech when, at half past 4 o'clock, he yielded to a motion for adjournment, and the house thereupon adjourned.

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WASHINGTON CITY, MAY 26, 1838.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

THE HON. LEVI WOODBURY, secretary of the treasury, was on Friday the 18th inst. unanimously nominated as chief justice of the superior court of the state of New Hampshire, to supply the vacancy occasioned by the death of the late judge Richardson—and subsequent accounts state that the nomination has been confirmed.

CONNECTICUT. *Dennis Kimberly* esq. (W.) has been elected a senator in congress from the state of Connecticut for six years from the 3d of March next, in place of the hon. J. M. Niles, whose term of service will then expire. The vote was for Kimberly 97, Niles, 33,—majority for Kimberly 59.

CHEROKEE TREATY. It will be seen by the message of the president, and the letter of the secretary of war (inserted in the proceedings of the senate,) to Messrs. Ross, Gunter, &c. comprising the Cherokee delegation in this city, that the late treaty has assumed a new feature. The subject has already caused an exciting discussion in both houses, and we give place to the following from the "Globe" that our readers may understand the whole ground upon which the executive has proceeded.

OFFICIAL.

From the "Globe" of Wednesday, the 23d instant.

Copy of a letter from the secretary of war to major general Scott, dated

Department of War, May 23, 1838.

SIR: You will receive herewith, a copy of proposals made by the department to the Cherokee delegation now in this city, which, it is believed, will be accepted by them. You are, therefore, hereby authorized to enter into an agreement with the agent of the nation for the removal of their people. The expenses attending the emigration of the Cherokees are now fully ascertained by past experience, and it is presumed you will find no difficulty in making such an arrangement as, while it will secure their comfortable removal in the manner most agreeable to their chiefs and head men, will effectually protect the interests of the United States, and prevent all unnecessary delay or useless expenditures.

Whether the removal of this people is to be continued by the military force under your command, or to be conducted by their own agents, care must be taken that it be carried on continuously, and as speedily as may be consistent with their health and comfort. It must commence in that part of the territory which has been granted or sold by the states to whose jurisdiction it belongs, in order that the several proprietors of the land may be put in possession of their estates with as little delay as possible. These proposals have been laid before congress for the purpose of obtaining such legislative provisions as they require; but it is not intended thereby to retard the execution of the treaty, and you will therefore pursue the measures you have already adopted, until the agents of the nation are ready to take charge of the future emigration of their people; nor will you then permit any unnecessary delay in their operations.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major general Winfield Scott, Athens, Tennessee.

OFFICIAL.

From the "Globe" of Thursday, the 24th instant.

Copy of a letter from the secretary of war to the governors of Georgia, Tennessee, Alabama, and North Carolina.

Department of War, May 23, 1838.

SIR: I have the honor to transmit herewith to your excellency, a copy of a proposed arrangement with John Ross, and other chiefs and head-men of the Cherokee nation, now in this city. Your excellency will perceive in these proposals, that the government, while it seeks to procure the co-operation of the delegation in the peaceable removal of the Cherokees, has carefully abstained from compromising the rights and interests of the states concerned in the execution of the treaty. It is not supposed that it will require so long a period as two years to remove the remaining Cherokees to their new homes west of the Mississippi, but whatever term of time may be necessary to their comfortable emigration, the department relies upon the generosity of the states interested not to press their claims so long as they are satisfied that due diligence is used by the agents of the nation, to effect this desirable object as speedily as practicable.

Very respectfully, your most obedient servant,

J. R. POINSETT.

To the governors of Georgia, Tennessee, Alabama, and North Carolina.

THE CHEROKEES. From the *Milledgeville Journal* of May 15th. We regret to learn that violence has been already committed by the Cherokees within our limits. Dr. John Bruster, late surveyor general of the state, has fallen a victim to their hostility. His ferryman was

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killed, it is stated, a few hours previous, at the ferry from whence they proceeded to his house. His body was pierced by four balls.

Company H. and portions of companies D. E. and F. 1st regiment of artillery, under command of major Kirby, arrived here May 15, and proceeded to Charleston. They are destined for the Cherokee country.

Officers. Captain Norman, lieutenants McLean, Rutledge, Ainsworth, Mackall, and Dr. Mott. [Savannah Georgian.]

The New Orleans Picayune states that a considerable body of United States troops arrived there from Florida on the 17th instant. There were five companies of infantry and two of artillery—making in all 352 men. The following officers also arrived:

Brigadier general W. K. Armstrong, 3d artillery; brevet major H. Wilson, 4th infantry; lieuts. H. Gardner, 3d artillery, K. C. Buchanan, 4th infantry; A. Conkling, 2d artillery; Geo. Lincoln, 4th infantry; W. W. Chapman, 2d artillery; R. A. Luther, do; Armstrong, do; Morgan, do; Woodbridge, do; E. A. Ogden, 1st infantry; surgeons H. A. Stinneck, R. B. Wood, and assistant surgeon Suter. Both officers and men are in fine health and spirits.

An Act to authorize the issuing of treasury notes to meet the current expenses of the government.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, that the secretary of the treasury, with the approbation of the president of the United States is hereby authorized to cause treasury notes to be issued, according to the provisions of, and subject to all the conditions, limitations and restrictions contained in an act entitled "An act to authorize the issuing of treasury notes," approved the twelfth day of October last, in place of such notes as have been, or may be issued under the authority of the act aforesaid, and which have been, or may hereafter be, paid into the treasury and cancelled.

NON-RESUMPTION. We are sorry to say that the hopes entertained recently that the Pennsylvania Bank of the United States would speedily resume specie payments, are very much dissipated. It is now supposed that such an event will not happen until the rising of congress, or the autumn, or even later. As a general resumption south and west depends on the movements of this bank in a great measure, the state of expectation respecting its future course has an important effect on all funds of the non-resuming states. In consequence of the opinion now entertained all such funds are dull, and have fallen in price materially.

[Jour. of Commerce]

NEW YORK MONEY MARKET, May 24. The upward tendency which has for several days existed in the stock market, appears to have partially subsided, the sales yesterday having generally been made at a decline on the prices of the day previous; the reaction however, had not any effect on the amount of business transacted, which was very large. Treasury notes continue at par.

A fair business has been done in sterling exchange, for transmission by the packet sailing this morning for Liverpool, at 7 1/2 per cent. premium, establishing an advance of about half per cent. on previous sales. On France 5f 35c was generally obtained.

The New York American quotes U. S. Bank stock at \$119 a \$120.

LATE FROM FLORIDA. A letter received in Charleston, dated Black Creek, May 16, says: An express arrived here, day before yesterday, stating that Alligator, who had been sent out about a month since by gen. Taylor, had returned with 317 Indians, men, women, and children, and the impression is that there will be no more campaigning, as it is supposed that all of the Indians will come in in the course of the summer. The John McLean has just arrived here from Fort Mellon, which post is to be broken up; that at Volusia is already abandoned. The McLean brings soldiers, horses, boats, &c. The Charleston is expected to-day from the same place.

UPPER CANADA. From the *Toronto Herald* of the 12th inst. This day Charles Durand received sentence of death, to be hanged on the 24th instant. The remainder of the prisoners not yet tried, to the number of fifty four, were then called up, when the chief justice, in his usual able and eloquent style, addressed them on the enormity of the crime in which they were engaged, and enjoined upon them henceforward to live in peace and social harmony, setting forth the happy results of such a course of conduct, which he finished, by informing them that, in consideration of the energetic efforts which had been used to corrupt their minds, and in remembrance of their former loyalty and good conduct, they were pardoned. The only condition which was re-

quired of them was to give security for their good behavior for three years, themselves in £300 pounds, each and two sureties each of £100.

TEXAS. Gen. Hunt, the Texan minister, left this city for Texas on Wednesday last. This gentleman made a very favorable impression on all who formed his acquaintance during his residence here. It is not expected that he will immediately return to resume his functions near this government.

Fairfax Callet, esq. has been left charge d'affaires ad interim. [Globe.]

The senate of Texas has rejected the resolution of the house of representatives proposing to withdraw the proposition for the annexation of Texas to the United States. The ground of exception was, that the proposition was made by the vote of the people. It was said that president Houston would himself take the responsibility of recalling it.

The loan bill, as amended, unanimously passed the senate, April 30. By one of the provisions of this bill it provided that the "money raised upon the bonds must be deposited in the United States Bank at Philadelphia, the Manhattan Bank at New York, or the Union Bank of Louisiana, subject to the orders of the government."

VIRGINIA LOAN. The Richmond Enquirer states that the state 6 per cent. loan of \$400,000, advertised for on the 21st inst. was taken by Messrs. Jaquelin, Taylor & co. of that city, at a premium of 81 per cent.

KENTUCKY BONDS. New York, May 24. We learn that Mr. Bullock, secretary of state of Kentucky, and agent for the negotiation of \$1,250,000 of the bonds of that state, has succeeded in effecting a disposition of them on favorable terms.

We understand that the purchaser is ultimately to dispose of them in the European market, converting them into sterling bonds, and making the interest and principal payable in London. [Cour. and Enquirer.]

NEGRO SUFFRAGE. The house of representatives of Connecticut, by a vote of 165 to 33, have refused to recommend the expunging of the word "white" in that clause of the constitution which specifies who shall be entitled to vote.

SERIOUS TORNADO. We learn from the Baltimore Chronicle, that on Tuesday afternoon, that city was visited by a storm of wind and rain, which, although of but short duration, was of extraordinary violence, and occasioned very considerable damage. It commenced about seven o'clock, passing over the city from the south west to the north east, carrying off in its progress the roofs and chimnies of houses, and scattering their fragments over the streets. As an evidence of the violence of the storm the Chronicle states that the zinc roof upon the new Christ Church was, to a great extent, torn off, and rolled up, as if by the operation of some powerful machinery.

THE PRINCE DE JOINVILLE, third son of the King of France, attended by several French officers, arrived in Washington on Thursday last, via Richmond, in the steamboat Sidney. He is an officer on board the line of battle ship *Hercules*, which, with the sloop of war *Favorite*, arrived in Hampton Roads on Monday last.

COM. MELANTHON WOOLSEY, a highly distinguished officer of the navy, died at Ithica, N. Y., on Saturday last, in the 60th year of his age. He received a lieutenant's commission, April 9th, 1800, and was appointed captain, April 27th, 1816.

A bill of indictment for murder has been found by the grand jury of Pulaski county, Arkansas, against John Wilson, the speaker of the house of assembly of that State, who left the chair and murdered Joseph J. Anthony, a member, on the floor of the house.

MISSISSIPPI ELECTION. We have before us returns from all the counties, except two, in which the majorities only are reported, which give Prentiss 12,249, Word 11,531—majority over Claiborne, 273—Claiborne 11,306, and Davis 10,921. In July last, the vote for Claiborne was 11,193, Prentiss 7,161.

MR. ADAMS' OPINION OF FUNDAMENTALITY. A letter of the hon. John Quincy Adams has just been made public, in which, (refusing to accept an invitation to attend a meeting in the city of New York,) that veteran statesman uses the following language:

"My public duties will detain me here probably through the whole month of May. During the session of congress, I do not hold myself at liberty to absent myself voluntarily from the house, a single day: Such is my estimate of the representative duty, confirmed by a positive rule of the house itself, not the less obligatory for being little observed."

BOARD OF VISITERS. *Military Academy.* The following named gentlemen have been invited by the secretary of war to attend as a board of visitors the annual examination of the cadets of the U. S. military academy at West Point, to commence on the first Monday in June, 1838.

Connecticut—Professor Thomas Hubbard.

New York—Gen. Ducoudray Holstein, Rev'd G. M. Johnson, professor Wm. M. Holland, Jas. Shea, and Medad Butler, esqrs.

Pennsylvania—Dr. J. B. Ard, Thomas B. McElwee, John C. Plummer, and Thomas Ross, esqrs.

Maryland—Daniel Murray, esqr. and professor J. T. Ducatel.

Virginia—John E. Page, Hugh A. Garland, and Alexander Rives, esqrs.

North Carolina—J. F. Burgwin, esq.

South Carolina—Gen. George McDuffie, professors F. Leiber, and — Holbrook.

Georgia—C. J. McDonald, esq.

Kentucky—Judge James.

Tennessee—Col. George Wilson.

Ohio—Dr. J. D. Weston.

Mississippi—Dr. John H. Holt.

Illinois—B. F. Morris, esq.

Alabama—H. W. Ellis, esq.

Missouri—Col. W. H. Russell.

Arkansas—J. S. Conway, esq.

Michigan—Dr. Z. Pitcher, late of U. S. army.

[Army and Navy Chronicle.]

NEW MILITIA LAW. The bill reported by the committee on the militia of the house of representatives, proposing material alterations in the present system, excites much interest. The principal alteration is in the time of service. The law of 1792 requires every able bodied white male citizen, between the age of 18 and 45, to perform military duty. The present bill limits the ages between 21 and 40. The reasons that influenced the committee to assume the age of 21, were, that the power to exact the services of minors was extremely questionable, and that their service in time of peace was not required. Limiting the age to 40 was considered proper, upon the ground that the increase of the militia, by the rapid increase of population, would make it entirely too unwieldy; and would release a portion from a burden not required by the country at the present time. They classify the militia into the *active* and *general* militia. The active militia to be composed of a tenth part of the whole number; the remainder to form the general militia. The active militia are to be selected from the whole body of the militia, by the states; the whole control being with the states, so that ample justice may be done to all interested. It is claimed that on this plan, the government will have at all time a certain portion of militia to take the field in her defence, in a state of discipline equal to regulars; also that it will be a most effectual argument against the increase of a standing army. The bill requires the active militia to be encamped for the period of six consecutive days annually, to improve in practical military science. The tour of duty is fixed at nine months. The active militia will amount to about 250,000 men, not inferior in drill to the regular army, and ready to take the field at a moment's warning. The bill asks an appropriation of ten millions. [Alex. Gaz.]

MEXICO AND FRANCE. The following are the terms of settlement proposed by Baron Deffaudis, on the part of the French government to the government of Mexico:

1. The sum of \$600,000 to be paid before the 15th of May, on board any French vessel of war in sight of Vera Cruz, to be distributed by the French government among the Frenchmen who have sustained wrongs in Mexico. These are arranged in three classes. 1. Those who have been plundered, or had property destroyed, during the civil disturbances. 2. Those who have had forced loans imposed upon them. 3. Those to whom justice has been refused or who have been wronged by unjust and arbitrary decisions.

2. General Gomez, who ordered the execution of two Frenchmen in Tampico, Messrs. Denwissent and Saussieu, to be deprived of his grade, and to pay \$20,000 to the families of the victims.

3. Col. Pardo, commandant of Colima, for assaulting and wounding M. G. Dulany, to be deprived of his commission, and pay \$9,660 to M. Dulany.

4. Senor Tamayo, judge of Mexico, for his unjust sentence against M. Lemoine, to be deprived of office. M. Lemoine to be released from prison, and be paid an indemnification of two thousand dollars.

5. The sum of \$50,000 to be paid the families of the Frenchmen murdered in Arenzingo.

The various sums above specified to be paid in addition to the gross sum of \$600,000, mentioned in the first article.

The Baron Deffaudis farther requires that "the Mexican government will bind itself in the most precise and solemn manner, under the condition on the other hand of the most perfect reciprocity, with respect to its agents, citizens, commerce, and navigation on the part of France.

"1. To secure constantly in the territory of the republic, to the diplomatic and consular agents, to the commerce and navigation of France, the enjoyment in all respects of the treatment of the most favored nation, excepting, however, certain rights, personal and political, reserved by the constitution of the country to the citizens of the new republics formed in the ancient Spanish America.

"2. Not to impose in any case, in future, upon the subjects of his majesty, either contributions of war of any kind, or taxes equal or analogous to them, known by the denomination of *empressitos forzosos*, whatever might be their destination.

"3. Lastly. Never to curtail in the least the legal facility which the French citizens have hitherto enjoyed, to trade in retail in the same manner as the Mexicans, without granting to the former sufficient indemnification."

CHEROKEE TREATY.

In senate May 15, 1838.

Mr. Davis of Massachusetts and Mr. Mc Kean of Pennsylvania having presented several memorials, remonstrances &c. against the enforcement of the treaty with the Cherokees.

Mr. Lumpkin said he held in his hand a letter addressed to him by John Ridge, from the Cherokee country west of the Mississippi. He was a full-blooded native Cherokee. The letter contained much interesting information in regard to the true condition of the Cherokee people who had emigrated west of the Mississippi river. Mr. Ridge had been in that country twelve months, had explored and examined it, and the letter gave a full account in respect to the true condition of those people. But this was not all. The declarations of other intelligent persons corroborated what Mr. Ridge had stated on this subject.

This letter, Mr. L. said, had come as from an individual, but it contained a full and complete refutation of all those petitions which, morning after morning, were pouring in upon the senate, from persons who knew nothing of the real condition of these people, or of the subject on which they were arraying others, in a way which must have a most deleterious effect on the country, and on the unfortunate remnant of these Indian people, and which might end in a manner afflictive to all persons of sensibility and humanity.

Mr. L. asked that the letter might be read; it contained statements of facts which could be established in courts of justice, and which were calculated to have an important bearing on this question.

Mr. L. then read the letter, no objection being made; and, after a brief statement of the happy and contented condition of the Cherokees west of the Mississippi, it proceeded with matter and reflections principally derogatory to John Ross, of the Cherokee nation, and his encouragers and coadjutors.

Mr. L. said he was grateful for the indulgence which the senate had granted him. He felt it due to the subject and the country to do thus much, and he felt very confident that if those people who were sending petitions here knew better what they were doing, every good principle of human nature would impel them to a different course. They were proceeding under the sacred name of the holy religion of the Bible; and if Mr. L. revered any thing, it was the religion of the Bible. But he looked forward to the results of the passing tendencies to unite and blend that religion with the politics of the country, with fear and trembling. But he would not now consume the time of the senate. His sole objects was to prevent the evil which he saw growing out of the course taken on this subject.

Mr. Davis presented another remonstrance of the same kind, from a number of inhabitants of New Windsor, Ontario county, New York, which was laid on the table.

While up, Mr. D. said he would speak a word or two in reply to the senator from Georgia. That senator had seen fit to read a private letter for the information of the senate, and Mr. D. was happy to be informed in any way in regard to the state of facts as they existed on this subject, and he would not have said one word in reply if the senator had not alleged that this letter refuted the statements of

the remonstrants. Mr. D. had looked over the memorials which he had presented, and he had heard the letter and if the senator had been better informed in regard to the contents of both, he would not have been led to the conclusion that the letter touched the subject of the memorials at all. The memorialists did not go into the inquiry as to the liberality of this treaty, nor of the richness and pleasantness of the country to which these people were removed, and, as far as Mr. D. knew, they made no question about this. But whether it were so or not, was not at all the matter in question. The remonstrants insisted that the treaty was procured by fraudulent and improper means, and that it was made and procured without the assent of the Cherokees; and they then drew this inference, that if the treaty was made without the assent of the nation, it ought not to be obligatory, and consequently ought not to be enforced without their consent. Mr. D. had uniformly concurred in the opinion that this was no treaty; but as the sense of the senate was otherwise, and as the constitutional majority had declared it a law of the land, Mr. D. deemed it his duty to acquiesce, and he had sent these memorials to the table without examining this matter expecting that the government would go on with the treaty, but hoping that it would be done in the spirit of humanity. The memorialists were, many of them, gentlemen of the highest respectability in the country for intelligence, moral worth, humanity, and every thing that went to exalt human beings. The senator had not done them justice, for all they asked was that the treaty might not be enforced against the will of the Cherokees.

Mr. D. was not disposed to enter into the question of the merits or demerits of John Ross. The remonstrants had derived their information on this subject not from him, but from documents published here. They had seen the remonstrance now on the files of the senate from more than 16,000 of that nation, stating to the senate and to the country that the treaty had been made without the assent of that nation by a few unauthorized individuals, and that they were therefore not bound by it. Mr. D. felt it his duty to say thus much, in order to do justice to the remonstrants.

Mr. Lumpkin said he denied wholly that this letter was reproachful. It spoke of the remonstrants as deluded, bewildered, and misled; and it was true that they were so; and that the senator himself was under a misapprehension, Mr. L. would show by calling his attention to one fact, which was, that it was well known by Mr. L. and by others here, that there were not 16,000 Cherokees east of the Mississippi, men, women, children, and infants included. This showed the deception and delusion under which the remonstrants acted, and evinced that these good people, as well as their respectable organ here, were under a mistaken impression.

In regard to the language of the remonstrants, Mr. L. had examined one of the memorials, and there was no comparison between the reproachful terms used by them against this government, and all its respectable authorities; there was nothing in the letter to compare with it. But we had fallen on times when privileges of this kind were all on one side; the senate received reproaches to degrade the government; but the moment reproach was cast on the people who took these liberties, it was like disturbing a hornet's nest. Mr. L. denied that this letter contained any reproach or abuse; it was a statement of facts; and Mr. L.'s object in reading it was nothing more nor less than to prevent these people from meddling with matters which they knew nothing about, and to prevent the destruction of those people in whose behalf they erringly acted; his design was for good, and not for evil.

Mr. Davis said it was a well-known fact that whatever was the number of the Cherokees east of the Mississippi, the great mass of the nation was opposed to the treaty. This fact was notorious.

Mr. Lumpkin said he had no doubt but a large majority of the whole Cherokee people were under such an influence, from the impression made on their minds, that they would have expressed their dissent to the treaty when it was made. But yet there was no doubt that a large majority of those who were capable of reflecting and judging correctly rejoiced in the treaty, and a large majority of the people who were re-settled under the treaty were now happy and contented in their present home. But was it the custom of the United States, when making important treaties with foreign nations, to consult every man, woman, child, and sucking baby, on the subject? It was not, and never had been; and Mr. L. believed that a large portion of the intelligent Cherokees had been consulted, and were in favor of the treaty.

The subject was here dropped.

RIOTS IN PHILADELPHIA.

From the *National Gazette* of May 17.

We have received an account of a riot which took place last evening, outside of the large new building called the "Pennsylvania Hall," lately opened in this city for scientific and political discussions and lectures, including the discussion of the question of *abolitionism*. As there is a part of the communication which is calculated to bring about a renewal of disgraceful scenes, we shall omit its detail, giving its substance. Last evening the hall was crowded with about three thousand persons, to hear a lecture by Mr. Garrison and others. Of the audience about one-half were females. It was promiscuously composed of white and black people.

At the close of Mr. Garrison's address, a mob outside was very noisy. Mrs. Maria W. Chapman, of Boston, then addressed the meeting for several minutes. She was followed by Mrs. Angelica E. Grimké Weld, Lucretia Mott, of this city, and Abby Kelly. In the mean time the mob increased and became more unruly, and threw various missiles at the windows. No further injury was done than breaking the glass, as the blinds inside protected the audience. At a quarter before ten the company retired amid the cries and groans of the mob, who blocked up the street on every side. One black man was knocked down with a club.

The proprietors of the hall have called upon the city to pay the amount of damages done. The police will, we trust, use every exertion to discover and punish the rioters; and, in the mean time, nothing should be done to excite popular outrage. For the present, Philadelphia has been sufficiently disgraced by a single riot.

From the *United States Gazette*.

Destruction of the Pennsylvania Hall. In another part of this paper will be found an account from the *National Gazette*, of violence done to the Pennsylvania Hall, on Wednesday evening. During most of the day, yesterday, large numbers of persons were standing round the hall, and it was evident that there was a purpose of injury.

In the afternoon the mayor went to some of the leading members of the society owning this building, and represented to them the great danger of continuing to hold their meeting, and he especially urged upon them the propriety of not assembling that evening, as he had every reason to believe that there was an organized band prepared to break up the meeting, and perhaps do injury to the building—and crowded as the walk must be by the company, this could not be done without personal injury and loss of life.

It was agreed to forego the evening meeting, and the mayor took the keys and went out and addressed the persons then in the street, stating that there would be no meeting, and requested them as good citizens to retire. The people cheered the mayor, who returned to his office, placing persons to bring information of any attempt at injury, calling around him all his disposable force, and having some volunteers.

Early in the evening notice was given that a crowd had come down the street and was attacking the north side of the hall; the mayor hastened up Fifth street to Cherry with his force, and when he met the crowd, which was dense and numerous, he sprang his rattle, and his police called upon the people to sustain the mayor, but not one person appeared to give aid. It was then seen that those who had assailed the building, had broken open the doors and lower windows—obtained entrance and were beating out the upper windows.

By this time the mayor and his police had attempted to arrest the course of destruction—but they were assailed with clubs, and almost every one severely wounded. Col. Watnough, the sheriff, also made an attempt to restore peace, and save the building, but he was attacked, severely bruised and narrowly escaped. We learn that the persons inside then gathered the benches, chairs and books in a heap, set fire to them, and then left the hall. The engines hastened to the conflagration, but the firemen were not allowed to play on the building, but directed to play upon those houses endangered by the flame, so that before ten o'clock the whole work of the hall was entirely destroyed—and shortly afterwards the crowd, which consisted of many thousands, began to disperse.

We give the above statement as we gathered it at a late hour. We have no time to indulge in any reflections upon the outrage against the laws and the city's character.

From the *New York Commercial Advertiser*.

In addition to the preceding accounts, we have reports through private channels, that the firemen were themselves indisposed to perform their duties.

It is stated that they would not play a drop of water upon the doomed building, but made use of every exertion to prevent the extension of the conflagration.

As an indication of the feeling that prevailed, it is said that the house of a poor widow adjoining having been injured to the amount of some fifty dollars, a collection for her benefit was set on foot, and money collected to the amount of four hundred and seventy dollars.

The immediate cause of this popular out-break is said to have been the ridiculous and ostentatious amalgamation of colors in Chesnut-street, during the hours of fashionable promenading.

Whites and blacks, arm-in-arm, were thronging the streets by scores, whereat the populace became greatly excited.

Such a course, on their part, was exactly calculated to create a popular commotion. The result is fearful—and deeply disgraceful to the country.

From the *United States Gazette* of Monday.

Early on Saturday evening the corners of the streets, in the vicinity of Dock and Second street, were occupied by groups of persons, evidently expecting some movement, though without any apparent idea whence it would proceed; but, in the course of an hour or two, crowds had assembled, and there appeared a disposition to attack the printing office of the *Ledger*. The mayor and a party of the police were in the building. The sheriff had a party in or near the exchange; and mounted patrols were seen passing along the streets. While the crowd were passing toward the office, the mayor came out and addressed them, as citizens, and asked them to consider that their own property might some day be similarly endangered, if they encouraged such a mode of illegal action. After some reply and rejoinder, the crowd seemed disposed to hold their ground, without proceeding to violence; when, at a late hour, there came a mounted messenger to give notice that there was an outbreaking in Sixth or Seventh street and Lombard. Thither the crowd in Dock street hastened, and the mayor, with a part of his disposable force, proceeded, in compliance with the call. The report was, that the blacks had risen upon the whites, and were beating them. We could not learn whether this had been the case, but it was certain that a pistol was fired, and, as it was believed, from the window of a house—and great consternation was manifested. The mayor is of opinion that the pistol was fired in the street, though, as he was absent at the time of the discharge, he could not tell.

Order was again restored.

From the *U. S. Philadelphia Gazette*, May 19.

Further disturbances. Last evening, a large number of persons gathered in Cherry street, above Tenth, in front of a school-house. The mayor was there with his police, and prevented any injury to the property.

Nearly at the same time, the very large building in Thirteenth street, above Callowhill, built for an asylum for colored children, was found to be on fire. The engines and hose collected, and the fire was put out after some injury had been sustained by the building. Immense numbers of persons were assembled, but we saw nothing of violence.

From the *Philadelphia Gazette*, May 18.

Great popular movement. We extract from the *Pennsylvania Inquirer* the following account of a tumult which took place at the Pennsylvania Hall last evening. The crowd assembled at an early hour, and proceeded at once, with a quiet resolve, to effect their purpose. The police of the city did all that could be done to quell the tumult. Our intrepid mayor, col. Swift, repaired to the spot about half past eight o'clock, at the head of the entire body of the police. The crowd quietly opened to allow him to pass to the hall, but the instant that the officers endeavored to arrest those engaged in the work of destruction, the populace fell upon them, and the police force was, of course, defeated and scattered. No police could, unless backed by a military force, have averted the destruction of the hall. The crowd must have comprised from twenty-five to thirty thousand men, generally respectable and well-dressed, and determined, almost to a man, to protect from interruption the immediate agents in the destruction of the building. The whole affair took place without unnecessary violence or noise. The firemen seemed fully to participate in the feelings of the assembled populace, and though the surrounding houses were completely protected, not a drop of water fell upon the building devoted to destruction. We saw no drunken persons in the crowd, and heard no fights except the brief conflict with the police. Of course, every good citizen, every one who desires to see the supremacy of the laws main-

tained, must regret and reprobate proceedings of this character. It must, however, be admitted that the excitement which has led to this unhappy affair is wide-spread and intense.

From the *Pennsylvania Inquirer*

Destruction of Pennsylvania Hall. The popular excitement growing out of the dedication of Pennsylvania Hall, and the attending circumstances, reached a fearful pitch throughout yesterday. The tumult of the previous night was the theme of all tongues; a thousand extravagant stories were circulated, and the apprehension became general that the night would not pass by without a still more fearful and exciting scene. During the day the hall was open, and, as we believe, one or two lectures were delivered. At noon, from 100 to 200 persons congregated in front of the building; and the number continued to increase, and the sensation to become stronger, until towards sundown, when thousands from every section of the city and county, poured in dense masses towards the scene; and by 8 o'clock there must have been a concourse of ten thousand persons of all classes, sexes, ages, and conditions. The mayor, we are told, made his appearance at an early hour, and closed the doors of the hall; notwithstanding it was understood that a society would meet there in the evening, for the purpose of discussion. We need scarcely state that, as the crowd increased, the excitement waxed warmer. The first demonstrations of attack were made upon the windows, which were thrown at from numerous hands and from every direction. This movement was followed up by an attempt to force the doors, which, at first did not succeed; the efforts, however, were soon redoubled, and an entrance speedily effected. The next step was breaking the seats, galleries, and furniture in the interior. The fragments, it is said, were hastily gathered together in the centre of the hall, and a torch applied. The gas pipes were cut, and fire communicated to the streams that issued forth. These are the statements of the night; for, with the conflicting rumors in circulation, it was impossible to discover any authenticated account of the more deliberate preliminary steps. The alarm of fire was speedily given, and the vast multitude re-echoed the cry. The state-house bell also rang out, and the engines and firemen poured in with their apparatus, which they speedily put in readiness for action.

The crowd by this time had swollen to an immense magnitude, and not only Sixth street, from Arch to Race, presented a dense mass of human beings, but all the streets and alleys adjacent were thronged with eager and excited spectators. The alarm soon spread through the city—a few hasty particulars passed from mouth to mouth, and the apprehension was far greater among those who had not an opportunity of witnessing the progress of the flames, than the immediate spectators of the scene.

This was natural, the hall being located in one of the most densely populated parts of our city, within a stone's throw of the Arch street theatre; and a number of frame buildings being in the immediate neighborhood, it was feared that, no matter how well-directed the efforts of the firemen, nor how liberal the supply of water, they would not be able to bound the progress of the flames. Nay, more, a conflict between the police and the crowd was apprehended; and hence many an anxious mother, or susceptible wife, dreaded the night would not pass by without the destruction of life as well as property.

Soon after nine o'clock, the whole building was wrapped in flames, which diffused a lurid light round, and, throwing their red reflections upon the multitude below, imparted a remarkable and fearful effect to the scene. Every window vomited forth its volume, and the roof cracked, smoked, and blazed before the progress of the devouring element. It was a fearful scene, and yet we never witnessed so vast a concourse so passive and so quiet, considering the circumstances of the case. The great majority appeared to be merely spectators: unwilling, by any movement whatever, either to increase the existing or provoke further excitement. The firemen were self-possessed, and took especial pains to protect and save the surrounding property. This was a task of great difficulty, but one in which, as we believe, they proved fully successful. Torrents of water descended; and as fast as the strength of one body of men gave way, their places were instantly supplied by another.

We saw several colored persons in the outskirts of the crowd; but, as far as our observation extended, no effort was made to molest them. We were told, however, that several were driven from the ground. The fire raged furiously until all the wood work of the building was destroyed. The roof fell in about ten o'clock; and as the flames subsided, the throng gradually dispersed.

DEBATE BETWEEN MESSRS. CLAY AND CALHOUN.

In senate of the United States, March 10, 1838.

Mr. CLAY rose immediately upon the resumption by Mr. Calhoun of his seat, and addressed the senate as follows:

Indisposition, Mr. President, under which I am laboring, would have prevented my attendance in the senate to-day upon any less interesting occasion than that of listening to the promised reply of the senator from South Carolina. (Mr. Calhoun.) Having done so, respectfully and attentively, I shall not ask for two or three weeks to concoct and digest what I have to say. Invulnerable to any attack from any quarter, self-eased and self-poised, I feel perfectly ready to respond to such parts of the speech of the honorable senator as appear to require any notice from me.

The senator commenced by a complaint of the omissions in my speech. I presume he means my speech as published.

[Here Mr. Calhoun rose, and said that his allusion was to the omissions of the senator from Kentucky as delivered—omissions to answer parts of his argument.]

Mr. Clay continued. I have given way once for an explanation; I shall permit no other interruption. I did not interfere with the senator from South Carolina during the delivery of his speech, and he will have ample opportunity to reply when I have done.

Sir, the senator from South Carolina habitually complains of omissions and of misrepresentations of his speeches whenever his argument happens to be refuted. Now, I clearly understood him, and I think so did the whole senate, to assert, in the outset of his former speech, that there was but a single alternative, the bill or the substitute. And I supposed his object to be to drive my friends and myself to the acceptance of one or the other branch of it. By way of excluding any other course, he assumed that we had abandoned all thought of establishing a Bank of the United States. Since, I have shown that there was another course, which is, to do nothing, far preferable to the bill, the senator says that it was very obvious!

Another allegation of the senator is, that I have misrepresented him with respect to the power of the general government to contract with state banks. It seems that he did not intend to assert broadly that there existed an inability on the part of this government to make any such contract whatever, but it is the particular contract contained in the substitute which, he thinks, cannot be constitutionally made. The contract proposed in the bill with the state banks, being approved by the senator, is all perfectly constitutional and right! The senator goes for his own thunder, and against that of every body else. There was yet another contract with the state banks which had commanded the cordial approbation of the senator, and that is contained in the deposit act of 1836. I think, Mr. President, it will be difficult for the ingenuity even of the senator from South Carolina to maintain a competency to make those two contracts, and an inability to authorize that which is provided for in the substitute.

I am also accused of misrepresenting the senator in respect to the reception of redeemable bank notes for the term of six years, as provided for in the bill. He thinks it entirely constitutional to make such a limited arrangement, whilst it would be, in his opinion, wholly inadmissible to continue for any indefinite time to receive such notes. The complaint of the senator is, that I did not state the circumstances, conditions, and qualifications under which he proposes this temporary reception of bank notes. I do not think, Mr. President, that they can vary, in the smallest degree, the question of power. If, as contended for by the senator, the constitution prohibits the reception of bank notes in dues to the government, the prohibition extends as well to a term of six years as to any indefinite time. The senator seems to me to have some peculiar constitutional notions. The instrument in his hands is perfectly flexible and perpetually varying. He confounds expediency and constitutionality, and blends them so together, that it is difficult to discriminate the one from the other. He argued that we are so connected with the banks that we must ease off gradually, and not suddenly discontinue the use of their paper.

Now, sir, if my memory serve me, the senator commenced his speech at the extra session by announcing that there was a total rupture between the government and the banks by the suspension of specie payments. The disconnection still exists in fact and in law. The bill, which the senator so warmly espouses, makes a contingent revival of it. In 1816, also, the connexion had altogether ceased in point of law. Then the senator proposed a bank of the United States. In both cases, if I un-

derstand him, he proceeds on the ground of practical inconvenience. Now, sir, I cannot for my life concur in making the constitution this nose of wax. It does or does not authorize a bank of the United States. It does or does not authorize the reception of the notes of local banks. If the defect of authority for the one or the other exist, it applies to all times, and under all circumstances. No considerations of utility or present convenience can possibly put in the constitution a power which we do not find there. The doctrine of the senator in 1816 was, as he now states it, that bank notes being in fact received by the executive, although contrary to law, it was constitutional to create a bank of the United States. And in 1834, finding that bank which was constitutional in its inception, but had become unconstitutional in its progress, yet in existence, it was quite constitutional to propose, as the senator did, to continue it twelve years longer! That is, it is not unconstitutional to prolong the existence of an unconstitutional bank twelve years, but would be very unconstitutional to create a new bank! Let us suppose that, prior to the expiration of the twelve years, a state of things should arise which would require a further continuance of the bank for another term of twelve years, might it not be done upon the principles of the senator? And thus continued indefinitely? But Mr. President, I will not dwell longer on the alleged misconceptions, on my part, or misrepresentations of the speech of the senator. The senate heard us both, and our speeches are both published to the world. Mine has been prepared under my supervision. I recognize, and am willing to abide by, it, just as it is; and I acquiesce most cheerfully in whatever judgment the senate and the public may pronounce.

As to the personal part of the speech of the senator from South Carolina, I must take the occasion to say that no man is more sincerely anxious to avoid all personal controversy than myself. And I may confidently appeal to the whole course of my life for the confirmation of that disposition. No man cherishes less than I do feelings of resentment; none forgets or forgives an injury sooner than I do. The duty which I had to perform in animadverting upon the public conduct and course of the senator from South Carolina was painful in the extreme; but it was, nevertheless, a public duty, and I shrink from the performance of no duty required at my hands by my country. It was painful, because I had long served in the public councils with the senator from South Carolina, admired his genius, and for a great while had been upon terms of intimacy with him. Throughout my whole acquaintance with him, I have constantly struggled to think well of him, and to ascribe to him public virtues. Even after his famous summer set at the extra session, on more than one occasion I defended his motives when he was assailed, and insisted that it was uncharitable to attribute to him others than those which he himself avowed. This I continued to do, until I read this most extraordinary and exceptionable letter: [Here Mr. Clay held up and exhibited to the senate the Edgefield letter, dated at Fort Hill, November 3, 1837:] a letter of which I cannot speak in merited terms, without a departure from the respect which I owe to the senate and to myself. When I read that letter, sir, its unblushing avowals, and its unjust reproaches cast upon my friends and myself, I was most reluctantly compelled to change my opinion of the honorable senator from South Carolina. One so distinguished as he is cannot expect to be indulged with speaking as he pleases of others, without a reciprocal privilege. He cannot suppose that he may set to the right or the left, cut in and out, and chatter, among principles and parties as often as he pleases, without animadversion. I did, indeed, understand the senator to say, in his former speech, that we, the whigs, were unwise and unpatriotic in not uniting with him in supporting the bill under consideration. But in that Edgefield letter, among the motives which he assigns for leaving us, I understand him to declare that he could not "back and sustain those in such opposition, in whose wisdom, firmness, and patriotism I have no reason to confide."

After having written and published to the world such a letter as that, and after what has fallen from

* Mr. Calhoun insists that this paragraph in his letter does not apply to the whigs, but to the administration party. The clause is very ambiguous, and is susceptible of either interpretation? But if he really meant that he had no confidence in "the wisdom, firmness and patriotism" of that party, how could he unite with it to establish a novel and important system, confessedly fraught with prodigious consequences, which was to be entrusted to their execution?

the senator, in the progress of this debate, towards my political friends, does he imagine that he can persuade himself and the country that he really occupies, on this occasion, a defensive attitude? In that letter he says:

"I clearly saw that our bold and vigorous attacks had made a deep and successful impression. State interposition had overthrown the protective tariff, and with it the American system, and put a stop to the congressional usurpation; and the joint attacks of our party, and that of our old opponents, the national republicans, had effectually brought down the power of the executive, and arrested its encroachments for the present. It was for that purpose we had united. True to our principle of opposition to the encroachment of power, from whatever quarter it might come, we did not hesitate, after overthrowing the protective system, and arresting legislative usurpation, to join the authors of that system, in order to arrest the encroachments of the executive, although we differed as widely as the poles on almost every other question, and regarded the usurpation of the executive but as a necessary consequence of the principles and policy of our new allies."

State interposition!—that is as I understand the senator from South Carolina, nullification, he asserts, overthrew the protective tariff and the American system. And can that senator, knowing what he knows, and what I know, deliberately make such an assertion here? I had heard similar boasts before, but did not regard them, until I saw them coupled in this letter with the imputation of a purpose on the part of my friends to disregard the compromise, and revive the high tariff. Nullification, Mr. President, overthrew the protective policy! No, sir. The compromise was not extorted by the terror of nullification. Among other more important motives that influenced its passage, it was a compassionate concession to the imprudence and impotency of nullification! The danger from nullification itself excited no more apprehension than would be felt by seeing a regiment of a thousand boys, of five or six years of age, decorated in brilliant uniforms, with their gaudy plumes and tiny muskets, marching up to assault a corps of 50,000 grenadiers, six feet high. At the commencement of the session of 1832, the senator from South Carolina was in any condition other than that of dictating terms. Those of us who were then here must recollect well his taggard looks and his anxious and depressed countenance. A highly estimable friend of mine, Mr. J. M. Clayton, of Delaware, alluding to the possibility of a rupture with South Carolina, and declarations of president Jackson with respect to certain distinguished individuals whom he had denounced and proscribed, said to me, on more than one occasion, referring to the senator from South Carolina and some of his colleagues, "They are clever fellows, and it will never do to let old Jackson hang them." Sir, this disclosure is extorted from me by the senator.

So far from nullification having overthrown the protective policy, in assenting to the compromise it expressly sanctioned the constitutional power, which it had so strongly controverted, and perpetuated it. There is protection from one end to the other in the compromise act; modified and limited, it is true, but protection nevertheless. There is protection, adequate and abundant protection, until the year 1842, and protection indefinitely beyond it. Until that year, the biennial reduction of duties is slow and moderate, such as was perfectly satisfactory to the manufacturers. Now, if the system were altogether unconstitutional, as had been contended, how could the senator vote for a bill which continued it for nine years? Then, beyond that period, there is the provision for cash duties, home valuations, a long and liberal list of free articles, carefully made out by my friend from Rhode Island, (Mr. Knight,) expressly for the benefit of the manufacturers, and the power of discrimination, reserved also for their benefit, within the maximum rate of duty fixed in the act. In the consultations between the senator and myself in respect to the compromise act, on every point upon which I insisted he gave way. He was for a shorter term than nine years, and more rapid reduction. I insisted, and he yielded. He was for fifteen instead of twenty per cent. as the maximum duty, but yielded. He was against any discrimination within the limited range of duties for the benefit of the manufacturers, but consented. To the last he protested against home valuation, but finally gave way. Such is the compromise act; and the senate will see with what propriety the senator can assert that nullification had overthrown the protective tariff and the American system. Nullification! which asserted the extraordinary principle that one of twenty-four members of a confederacy, by its separate action, could subvert and set aside

the expressed will of the whole! Nullification! a strange, impracticable, incomprehensible doctrine, that partakes of the character of the metaphysical school of German philosophy, or would be worthy of the puzzling theological controversies of the middle ages.

The American system, Mr. President, now so much derided, why I know not, unless it be because it is *American*, has advanced this country in the arts and in prosperity, at least half a century. I believed, and still believe it, eminently advantageous to all parts of the Union, and injurious really to none. In its origin it was denounced because it was alleged that it would dry up all the sources of our revenue from imports. Whoever will take the trouble to examine the early debates upon the subject, will find that to have been the prominent and strong ground of opposition. The prediction being falsified, its opponents changed their position, and charged it with being the parent cause of the late great surplus in the public revenue. That surplus was in fact chiefly produced by the operation of the land system, and if the land bill which I introduced some years ago had been passed (a bill by the bye to which the senator from South Carolina was opposed,) we should have avoided all perplexity in the disposal of that surplus, because there would have been none.

No one, Mr. President, in the commencement of the protective policy, ever supposed that it was to be perpetual. We hoped and believed that temporary protection extended to our infant manufactures would bring them up, and enable them to withstand competition with those of Europe. We thought, as the wise French minister did, who, when urged by a British minister to consent to the equal introduction into the two countries of their respective productions, replied that free trade might be very well for a country whose manufactures had reached perfection, but was not entirely adapted to a country which wished to build up its manufactures. If the protective policy were entirely to cease in 1842, it would have existed 26 years from 1816, or 18 from 1824, quite as long as, at either of those periods, its friends supposed might be necessary. But it does not cease then, and I sincerely hope that the provisions contained in the compromise act for its benefit beyond that period, will be found sufficient for the preservation of all our interesting manufactures. For one, I am willing to adhere to, and abide by, the compromise in all its provisions, present and prospective, if its fair operation is undisturbed.

The senate well knows that I have been constantly in favor of a strict and faithful adherence to the compromise act. I have watched and defended it on all occasions. I desire to see it faithfully and inviolably maintained. The senator, too, from South Carolina, alleging that the south were the weaker party, has hitherto united with me in sustaining it. Nevertheless, he has left us, as he tells us in his Edgefield letter, because he apprehended that our principles would lead us to the revival of a high tariff. How stands the matter with the other party? It is known that the present chief magistrate voted for the bill of 1828, after, as has been asserted, having advised such a concoction of it as to ensure its defeat, and having held out to the southern delegation the hope that it would be defeated. On that occasion a late distinguished senator from Virginia is reported to have said that he had deceived them once, and that was his fault, but if he ever deceived them again it would be *theirs*. The present chairman, in the senate, of the committee on finance, was a member of the committee on manufactures in the house of representatives which prepared that bill of 1828, and we all know that both he and other leading members of the administration party have again and again declared that they held themselves no more bound by the compromise act than by any ordinary act of legislation. It will be also recollected that at the very last annual session a test vote on my motion was given in respect to the compromise act, when every political friend that I have except the venerable senator from Tennessee, (who, for particular reasons, voted against us, but who assured me at the time that he had no intention of disturbing substantially the act,) voted for adherence to it, and every friend of the administration, with one or two exceptions, voted against it. Here, Mr. President, are the eyes and noses:

On motion of Mr. Clay to recommit the bill, with instructions "to strike out of the bill all articles which at present pay a duty equal to twenty per cent. ad valorem, or upwards, as embraced by the act of the 2d March, 1833, commonly called the compromise act," it was determined in the negative.

Those who voted in the affirmative are: Messrs. Bayard, Black, Calhoun, Clay, Clayton, Crittenden, Davis, Ewing, of Ohio, Hendricks, Kent,

Knight, McKean, Moore, Morris, Prentiss, Preston, Robbins, Southard, Spence, Swift, Tipton, Tomlinson, Wall, Webster—24.

Those who voted in the negative are: Messrs. Benton, Brown, Cuthbert, Ewing, of Illinois, Fulton, Hubbard, King, of Alabama, King, of Georgia, Linn, Lyon, Mouton, Nicholas, Niles, Norvell, Page, Parker, Rives, Robinson, Ruggles, Sevier, Strange, Tallmadge, Walker, White, Wright—25.

Thus we perceive that the senator from South Carolina has left us, who have shown a disposition to maintain inviolably the compromise act, on which he has so often professed to believe that the security of the south depended, and has gone to the other party, which has exhibited a direct contrary disposition to disregard it. And who can doubt that, if it were necessary to the party in power to secure their places, they would revive the tariff much higher than it ever has been.

I have never desired, sir, to force any opinions of my own upon the people of this country, contrary to their will. I form my opinions from the best lights which I can command, and freely announce them. If they are unacceptable, at any time, to the country, I cheerfully acquiesce. With respect to internal improvements, that other part of the American system, which the senator says he left us from an apprehension of its being revived, the state of the country is greatly altered since the power was first asserted and exercised. In my own state, and within a few years, we have completed and put in progress most of the improvements which are desirable there. And, in all the states, large and liberal appropriations of their own means, and great advances in their various works, have been made. When the land bill was under consideration, I stated that its passage would fully satisfy every reasonable expectation of the several states, in respect to means to be drawn from the general government, in regard to internal improvements. Since that period, a measure has been adopted, nearly equivalent to the passage of the land bill, by which about \$30,000,000 have been placed in the power of the states, subject to their application to objects of internal improvements. And if, as I hope may prove to be the case, the land bill should at some future day be passed, scarcely another wish can remain as to the application of the means of the general government to works of internal improvement. In point of fact, larger appropriations have been made to that object by the present friends of the senator from South Carolina than by any preceding administration. He had, therefore, no motive to leave us and join them, from any apprehensions which he could justly entertain with respect to that system of policy.

The senator from South Carolina proceeds, in his Edgefield letter, to say:

"I clearly perceived that a very important question was presented for our determination, which we were compelled to decide forthwith: shall we continue our joint attack with the nationals on those in power, in the new position which they have been compelled to occupy? It was clear that, with our joint forces, we could utterly overthrow and demolish them. But it was not less clear that *the victory would enure not to us but exclusively to the benefit of our allies and their cause.*"

Thus it appears that in a common struggle for the benefit of our whole country, the senator was calculating upon the party advantages which would result from success. He quit us because he apprehended that he and his party would be absorbed by us. Well, what is to be their fate in his new alliance? Is there no absorption there? Is there no danger that the senator and his party will be absorbed by the administration party? Or does he hope to absorb that? Another motive avowed in the letter, for his desertion of us, is that "it would also give us the chance of effecting what is still more important to us, the union of the entire south." What sort of an union of the south does the senator wish? Is not the south already united as a part of the common confederacy? Does he want any other union of it? I wish he would explicitly state. I should be glad, also, if he would define what he means by the south. He sometimes talks of the plantation or staple states. Maryland is partly a staple state. Virginia and North Carolina more so. And Kentucky and Tennessee have also staple productions. Are all these states parts of his south? I fear, Mr. President, that the political geography of the senator comprehends a much larger south than that south which is the object of his particular solicitude; and that, to find the latter, we should have to go to South Carolina; and, upon our arrival there, trace him to Fort Hill. This is the disinterested senator from South Carolina!

But he has left no party, and joined no party! No! None. With the daily evidences before us of his frequent association, counselling and acting with the

other party, he would tax our credulity too much to require us to believe that he has formed no connexion with it. He may stand upon his reserved rights, but they must be mentally reserved, for they are not obvious to the senses. Abandoned no party? Why this letter proclaims his having quitted us, and assigns his reasons for doing it; one of which is, that we are in favor of that national bank which the senator himself has sustained about 24 years of the 27 that he has been in public life. Whatever impression the senator may endeavor to make without the senate upon the country at large, no man within the senate, who has eyes to see, or ears to hear, can mistake his present position and party connexion. If, in the speech which I addressed to the senate on a former day, there had been a single fact stated which was not perfectly true, or an inference drawn which was not fully warranted, or any description of his situation which was incorrect, no man would enjoy greater pleasure than I should do in rectifying the error. If, in the picture which I portrayed of the senator and his course, there be any thing which can justly give him dissatisfaction, he must look to the original and not to the painter. The conduct of an eminent public man is a fair subject for exposure and animadversion. When I addressed the senate before, I had just perused this letter. I recollected all its reproaches and imputations against us, and those which were made or implied in the speech of the honorable senator were also fresh in my memory. Does he expect to be allowed to cast such imputations, and make such reproaches against others without retaliation? Holding myself amenable for my public conduct, I choose to animadvert upon his, and upon that of others, whenever circumstances, in my judgment, render it necessary, and I do it under all just responsibility which belongs to the exercise of such a privilege.

The senator has thought proper to exercise a corresponding privilege towards myself, and, without being very specific, has taken upon himself to impute to me the charge of going over upon some occasion, and that in a manner which left my motive no matter of conjecture. If the senator mean to allude to the stale and refuted calumny of George Kremer, I assure him I can hear it without the slightest emotion; and if he can find any fragment of that rent banner to cover his own aberrations, he is perfectly at liberty to enjoy all the shelter which it affords. In my case there was no going over about it; I was a member of the house of representatives, and had to give a vote for one of three candidates for the presidency. Mr. Crawford's unfortunate physical condition placed him out of the question. The choice was, therefore, limited to the venerable gentleman from Massachusetts, or to the distinguished inhabitant of the hermitage. I could give but one vote, and, accordingly, as I stated on a former occasion, I gave the vote which, before I left Kentucky, I communicated to my colleague (Mr. Crittenden,) it was my intention to give in the contingency which happened. I have never for one moment regretted the vote I then gave. It is true, that the legislature of Kentucky had requested the representatives from that state to vote for General Jackson; but my own immediate constituents, I knew well, were opposed to his election, and it was their will, and not that of the legislature, according to every principle applicable to the doctrine of instructions, which I was to deposit in the ballot-box. It is their glory and my own never to have concurred in the elevation of Gen. Jackson. They ratified and confirmed my vote, and every representative that they have sent to congress since, including my friend, the present member, has concurred with me in opposition to the election and administration of General Jackson.

If my information be not entirely incorrect, and there was any going over in the presidential election which terminated in February, 1825, the senator from South Carolina, and not I, went over. I have understood that the senator, when he ceased to be in favor of himself, that is, after the memorable movement made in Philadelphia by the present minister to Russia, withdrawing his name from the canvass, was the known supporter of the election of Mr. Adams. What motives induced him afterwards to unite in the election of General Jackson, I know not. It is not my habit to impute to others uncharitable motives, and I leave the senator to settle that account with his own conscience and his country. No, sir, I have no reproaches to make myself, and feel perfectly invulnerable to any attack from others, on account of any part which I took in the election of 1825. And I look back with entire and conscious satisfaction upon the whole course of the arduous administration which ensued.

The senator from South Carolina thinks it is my misfortune to be always riding some hobby, and

that I stick to it till I ride it down. I think it is his never to stick to one long enough. He is like a courier, who, riding from post to post, with relays of fresh horses, when he changes his steed, seems to forget altogether the last which he had mounted. Now, it is a part of my pride and pleasure to say, that I never in my life changed my deliberate opinion upon any great measure of national policy but once, and that was 22 years ago, on the question of the power to establish a bank of the United States. The change was wrought by the sad and disastrous experience of the want of such an institution growing out of the calamities of war. It was a change which I made in common with Mr. Madison, two governors of Virginia, and the great body of that republican party to which I have ever belonged.

No, sir, the senator from South Carolina is free from all reproach of sticking to hobbies. He was for a bank of the United States in 1816. He proposed, supported, and with his accustomed ability, carried through the charter. He sustained it upon the admitted grounds of its constitutionality, of which he never once breathed the expression of a doubt. During the twenty years of its continuance no scruple ever escaped from him as to the power to create it. And in 1834, when it was about to expire, he deliberately advocated the renewal of its charter for a term of 12 years more. However profound he may suppose the power of analysis to be, and whatever opinion he may entertain of his own metaphysical faculty, can he imagine that any plain, practical, common sense man can ever comprehend how it is constitutional to prolong an unconstitutional bank for the space of twelve years? He may surround such a proposition with as many circumstances and conditions as he pleases; he may dress it up and decorate it with as much drapery, and encompass it with as many distinctions and qualifications as his imagination can invent; it comes at last to this: a bank of the United States is constitutional or it is not. If it is unconstitutional in its origin, it is unconstitutional throughout every subsequent stage of its existence. And if it be admissible to continue such an unconstitutional institution for one term of twelve years, it may be continued another and another, to the end of time.

The distinguished senator sticks long to no hobby. He was once gaily mounted on that of internal improvements. We rode that double, the senator sitting before, and I behind him. He quietly slipped off, leaving me to hold the bridle. He introduced and carried through congress in 1816, the bill setting apart the large bonus of the Bank of the United States for internal improvements.—His speech delivered on that occasion does not intimate the smallest question as to the constitutional power of the government, but proceeds upon the assumption of its being incontestable. When he was subsequently in the department of war, he made to congress a brilliant report sketching as splendid and magnificent a scheme of internal improvements for the entire nation as ever was presented to the admiration and wonder of mankind. Where is he now? For myself, I am just where I was then, as to the existence of the power, although I am willing to admit that the altered condition of the country has lessened the degree of necessity for its exercise. During the progress of the land bill, it may be remembered that I said, "pass this bill, and you will forever settle the power of the government over internal improvements." Although that measure unfortunately failed, for reasons already stated, there is now little or no occasion for the aid and interposition of the general government. But the power remains in the constitution; and if it be not practically exercised, it will be like other dormant powers contained in the same instrument. And in respect to the power to protect American industry, it is just as much now in the constitution as it was in 1816, when the senator from South Carolina espoused the policy with so much zeal and ability: just as fixed there as it was regarded from the commencement of the government down to 1820 or 1822, when for the first time it was controverted. Under its beneficent operation, thousands have been enabled to obtain a competency, many to acquire wealth, who otherwise would never have known either. No patriot heart can fail to expand with exultation at the blessings which it has diffused. It has placed us in equal competition with some of the powers most advanced in civilization; and in spite of all that has been insidiously done against the interest, and which is still doing, our cherished manufactures will, I trust, stand up and maintain themselves against the unnatural hostility at home, and all jealous rivalry abroad.

The senator from South Carolina gets tired of his hobbies too soon. The whole country was filled

with just alarm at the fearful strides of executive power; and, judging from the tone of the senator's speeches, and the strenuousness of his exertions, no one was more anxious than he, but a few short months ago, to reduce it within safe and constitutional limits. But he suddenly goes over to a party which maintains to the very letter the whole extent of the power ever claimed by the executive department—maintains that in a free, intelligent, and responsible government, every subordinate executive officer is bound implicitly to obey the will of the president, and that he may exercise at his discretion the tremendous power of dismission, not only without assigning reasons, but without the smallest practical or available responsibility for its exercise! His efforts have not only ceased to restrain and circumscribe the power, but he supports a measure which will give to it a vast augmentation. I repeat what I have so often said, that if this executive bank is to be sanctioned by congress, it will be the utter destruction of all other banks in the country. We shall have, in fact, ultimately but one bank, and that a treasury bank, exclusively controlled by the executive, emitting all the paper medium in circulation, and amassing and hoarding the greater part of the specie of the country. We shall have, in short, that perfect union of the sword and the purse, which all real patriots have ever so much dreaded. I think, when the honorable senator undertakes to establish his own consistency, he assumes an herculean task, beyond his powers, great and gigantic as he believes them to be. He may have all the speeches he has ever delivered read to us in an audible voice, by the secretary, and call upon the senate attentively to hear them, beginning with his speech in favor of a bank of the United States in 1816, down to his speech against a bank of the United States, delivered the other day, and he will have made no progress in his task. I do not speak this in any unkind spirit, but I will tell the honorable senator when he will be consistent. He will be so, when he resolves henceforward, during the residue of his life, never to pronounce the word again. We began our public career nearly together; we remained together throughout the war and down to the peace. We agreed as to a bank of the United States—as to a protective tariff—as to internal improvements—and lately, as to those arbitrary and violent measures which characterised the administration of General Jackson. No two prominent public men ever agreed better together in respect to important measures of national policy. We concur now in nothing. We separate forever. The senator sometimes says, that he is going to fall back upon the republican party of 1827. Then it is the entire south which he would unite. Then it is the republican party of '98. He professes to rally on Mr. Madison's resolutions; but he and Mr. Madison never could agree about their true import. The senator deduced nullification from those resolutions. But nullification never entered into the head of Mr. Madison. That pure and enlightened patriot never could comprehend how a confederacy of 26 states could get along at all, if any one of its members could, at its pleasure, set aside and nullify the will of the whole. The senator too, professes to belong to the republican party of '98, but I fear we should differ as much about its real tenets and doctrines as we do in respect to any constitutional question. The senator has allowed himself to use some expressions not very customary or parliamentary in deliberative assemblies; I shall not imitate his example in the employment of them. But I beg leave to assure him of my feelings of perfect and entire reciprocity.

The senator appeals to his present party, rallies his new allies, and cries out to them that victory is ahead, to which he will lead them. Pass the bill, he exclaims, and decide the long vexed question, and thus put an end to all controversy. But does the senator and do any of his friends suppose that if their bill should pass this senate by a majority of one or two votes, and the other house by a similar majority, it will pour oil on the troubled waters, and give peace to this distracted country. No, sir, no. The upturned business, the embarrassment, and the threatened ruin of the community, are not to be restored to order and prosperity in that way. I know that in other countries, and in other times, it has been a common calculation with tyranny that when the tyrant nods, his will is to be obeyed and submission to ensue. But senators need not "lay that flattering unction to their souls." The people of this country are too enlightened, too well acquainted with their interests and rights, and too firmly resolved at all hazards to maintain them, quietly to submit to a measure fraught with such ruin and danger to their liberties as this is. The supporters of this bill seem determined, if they can, to reverse the great principle, which lies at the foundation of all our institutions. That principle is, that the

popular will flows from the people into the legislative halls, and controls, directs, and modifies all measures, intended for the advancement of their happiness. But this bill treats the known will of the people with sovereign contempt, and substitutes the will of the servant for the will of the master. It proceeds upon the fallacious assumption that the servants of the people know better than the people themselves what will best promote their happiness. It is in vain that you put on the screws, and attempt to force from them reluctant acquiescence by cutting off every other prospect of relief. It is in vain that you pronounce your veto against a national bank, and promulgate to the world your solemn declaration that the people shall not have one, although it should be manifest that there is a clear majority of them demanding it. It is in vain that you should denounce, and lay your unhalloved hands on the domestic institutions of the states, endeared to them by long habit and cherished affection. Do not deceive yourselves. There may be those who are bold while here, acting in the sunshine of executive power; but when they return to their constituents, whose will or whose instructions they have defied, they will find in their frowns, their indignation and their maledictions, that the power of the people is superior to the power and influence of their most exalted magistrate, whether in office or in retirement.

[When Mr. CLAY resumed his seat, Mr. CALHOUN and Mr. PRESTON both rose. The Chair gave the floor to]

Mr. Preston, who said that nothing could be more unexpected or painful to him, than the necessity under which he found himself of interrupting, for a moment, the discussion between the senator from Kentucky, and his colleague. He well knew that in the general expectation of the public, and by the acquiescence of the senate, the day and the occasion were appropriated to, and set apart for those gentlemen, and he had taken his seat, not doubting that he should listen in silence, to which his health, as well as all the proprieties of the occasion seemed to consign him. But, (said Mr. Preston,) no condition of my health, no dread of violating an expected order of proceeding, no rule or ceremonious observance, can compel me to silence under the remarks of the senator from Kentucky, in regard to my state. If they had been personal to myself, I might submit in silence, or postpone a reply for a more fit occasion, without breaking in upon the unity of the present scene; but the honorable senator has thought proper to indulge a course of remarks upon certain recent and conspicuous acts of my state, pressed, as it seems to me, unnecessarily into this discussion, which I will at once resent and repel. And besides, there is, in my present relation to my state, peculiar obligations of duty, affection, and gratitude, which makes her defence more my business and my pleasure, than at any former time. It is generally known that it is my misfortune to differ with her legislature in regard to important questions connected with the finances of this government, and that it has expressed that difference in formal resolutions. It is not so generally known that, with an elevation and generosity characteristic of the state, it at the same moment soothed the pain which this difference of opinion could not but create, by an express exclusion of all censure upon her public functionaries, who entertained different views. Already bound to South Carolina by every obligation of duty and affection which can bind a citizen and a servant, these obligations are enhanced and strengthened by this noble and touching act of kindness and generosity, which makes it my privilege, on this occasion, to supersede my colleague in the defence of our state, and to take to my own hands the willing task.

I have remained silent when vulgar wittings have sought to amuse themselves, or others, by a poor jest on nullification; and I have heard, without emotion, the efforts of underling politicians, who, ever and anon, supply a vacuity of sense by a puny and innocent tirade against South Carolina. Such things are to be expected from such quarters, and may be well submitted to in silence and indifference; but when these poor topics are rescued from contempt in the only way by which this can be effected, by that adventitious consequence derived from the dignity and position of him who uses them, they become worthy of animadversion, not on their own account, but on account of the party resorting to them.

In the contest which South Carolina waged with this government, whether she was right or wrong, no man of right mind, who knows the circumstances, will perceive matter for jest or ridicule. Her course is now history. She acted in patriotism and honor. Her principles were openly asserted,

her purposes holdly avowed; wrong or right, she fearlessly assumed her ground, calmly arrayed herself against the whole power of this government, sternly retorted the frowns of a tyrant, armed as he was by the eager haste of a servile legislature, with all the power of the country, in or out of the constitution; and when the personal passions of the Chief Magistrate, ministered to and inflamed by the ready zeal of the most thoroughly devoted party which this country ever saw, were joined and sustained by the greediness of the manufacturing interest in measures of military violence, were there any symptoms of irresolution, of giving back, amongst us? Did the honorable senator see any sign of fear at home, or hesitancy amongst those who so well and so nobly represented us here? Did we not hurl back the proclamation in the teeth of those who issued it? Did we not upon this floor answer argument by argument, and threat by scorn, while at home the state armed herself to repel force by force? Did any one who looked upon the scene in this senate, and our actors in it; did any one who looked to us at home, even from this distance, see any where the bearing of men, whose names could be mentioned, except in the vulgar violence of pampered power, in any connection with an ignominious death, or whose conduct and destiny could in any event be associated but with honor and respect? Slaughtered we might have been, crushed and overwhelmed, perhaps, but the honorable senator did not understand the occasion, nor does he know the people of whom he speaks, if he believes that the crisis of 1833, could have been passed but by war or concession on the part of this government—compromise, if the word be more palatable.

Well, sir, the compromise bill was passed, and went forth with healing on its wings. It was hailed as the harbinger of peace, and was understood to be the result of mutual concessions, made in a high spirit of patriotism, for the purpose of smothering the heats which threatened the country. In such a spirit, unquestionably, we acceded to the compromise, surrendering, for its sake, a portion of our interests, which in justice might have been insisted on; and, in such a spirit, we supposed the honorable senator, as the representative of the manufacturing interest, and given his consent to the arrangement. These high and holy purposes I attributed to the honorable gentleman, and to those who acted with him, on that occasion. I thought him entitled to the glory of having acted from no personal motive, from nothing that savored of party feeling, but from a broad patriotism, or the broader principles of that code which promises blessings to the peace-makers. And on this high ground, I have always understood the gentleman then placed himself; but his declarations to-day show that he is discontented with that position, and he prefers to have it known that his object was to drive a good bargain for the manufacturers; and that his views of peace did not extend beyond saving a good fellow, or two from an ignominious death. That he did not believe that danger existed, or that South Carolina intended aught but child's play. The honorable senator has a right to establish the relation in which he stands to the transactions of that day, and to correct the history of them, which had falsely, as it now appears, assigned so different, and, in my judgment, so much nobler an attitude to the honorable senator. He now permits it to be understood, that when he seemed to compromise with South Carolina, it was, in fact, but securing the tariff against general Jackson; and that when he talked of the harmony of the union, and the peace of the land, he did not, in fact, consider either in the slightest danger. In all this he was totally mistaken; as much mistaken in regard to us, as we were to him. We were anxious to avoid, but not afraid to meet a collision. We, at least, were in earnest, when we said we were willing to fight for our cause, or to compromise for peace. We were resolute and armed; and when the honorable senator speaks of that period in the light tone he has assumed, he treats it in a way inconsistent with the true character of the crisis, with his own dignity, and with the dignity of this chamber.

Mr. Clay. I am happy, although the senator from South Carolina (Mr. Preston) has totally misconceived me, to have been the occasion of the very eloquent vindication of his own state, which he has just pronounced. He complains of my allusion to nullification. His complaint ought not to be of me, but of his colleague, (Mr. Calhoun,) whose exultation at the supposed overthrow of the protective policy, through the instrumentality of nullification, has reluctantly extorted from me an exposition of the truth. But Mr. President, nothing was further from my purpose than to cast the slightest imputation upon the gallant

and patriotic state of South Carolina, or any of her citizens. In my opinion she was eminently wrong in that memorable contest; but I never doubted her sincerity, or her gallantry. I never doubted that in the land of Marion, of Sumpter, and of Pickens, there were many of their descendants equally noble and brave, and that the people of South Carolina would, upon all proper occasions, maintain the high character which they have so justly acquired. And among the nullifiers themselves, I personally know, that there are many as high minded, as brave, and as patriotic, as any part of the American people. I would as soon go to them to find friends on whom I could confidently rely, in any possible emergency, as to any men upon earth. But the senator must excuse me for believing that South Carolina alone could not have beaten all the rest of the United States, and for thinking that, I justly described the inequality of such a contest in the parallel which I drew of the relative strength of the two parties. Nor did I, in the allusion which I made to what passed at the session of 1832-3, between my excellent friend (John M. Clayton) and myself, intend to intimate that the senator from South Carolina, (Mr. Calhoun,) or any of his colleagues, deserved the ignominious death with which they had been menaced. Neither of us thought they did; but we had heard the current reports of the threats of President Jackson to apply it to certain gentlemen in South Carolina, the senator from South Carolina himself (Mr. Calhoun) among them, and hence the remark of Mr. Clayton.

Equally has the senator from South Carolina, (Mr. Preston) misapprehended me in another respect. I did not say, or intimate, that it was a leading or principal motive in the compromise act to save his colleague and others from the halter. I stated that although I had no dread of the power of South Carolina alone, I did not know how far, if a civil war were once kindled, the flames might extend, and whether from sympathy other southern states might not during its progress become involved in the contest. The motives for the passage of the compromise act were, 1st. to prevent a civil war, and to protect South Carolina from impending danger; 2d. to preserve the tariff, threatened with a total overthrow, which would have taken place at the next session, to insure stability, during a long term of years, to the policy of protection, and to save the manufacturers from the absolute ruin and prostration with which they were menaced; and, 3d. to avoid the necessity of placing a large army, and vast military resources, at the disposal of President Jackson, animated as he was by a spirit of resentment and vengeance towards South Carolina and some of her most prominent citizens. I had no confidence in the discretion of the President, and I was unwilling to see him invested with an immense military power, of the prudent use of which I saw no adequate security.

Such was the combination of motives which prompted me to propose, and I have no doubt actuated my friends in sanctioning the compromise act. I trust now, sir, that the senator from South Carolina, (Mr. Preston,) will see that I made no attack upon his state, or its citizens, which required of him his vindication. If the contest had not happily been averted, I have no doubt that the people of South Carolina would have fought with as much firmness, resolution, and bravery, as any people ever did; but I can but believe, that the issue of it could not have been doubtful, and must have been, inevitably, most disastrous to her gallant sons and her fair fields.

Mr. Calhoun rose in rejoinder. The senator from Kentucky says that the sentiments contained in my Edgefield letter, then met his view for the first time, and that he read that document with equal pain and amazement. Now, it does happen that I expressed those self-same sentiments, just as strongly in 1834, in a speech which was received with unbounded applause by that gentleman's own party, and of which a vast number of copies were published and circulated throughout the United States. The speech is on the Secretary's table, and I will thank him to read the extract I have marked.

The secretary of the senate here read as follows:

"A very few words will place this point beyond controversy. To the interposition of the state of South Carolina we are indebted for the adjustment of the tariff question; without it, all the influence of the senator from Kentucky, over the manufacturing interest, great as it deservedly is, would have been wholly incompetent, if he had even thought proper to exert it, to adjust the question. The attempt would have prostrated him, and those who acted with him, and not the system. It was

the separate act of the state that gave him the place to stand upon; created the necessity for the adjustment, and disposed the minds of all to compromise. Now, I put the solemn question to all who hear me, if the tariff had not then been adjusted—if it was now an open question—what hope of successful resistance against the usurpation of the executive, on the part of this or any other branch of the government, could be entertained? Let it not be said that this is the result of accident—of an unforeseen contingency. It was clearly perceived, and openly stated, that no successful resistance could be made to the corruption and encroachments of the executive, while the tariff question remained open—while it separated the north from the south, and wasted the energy of the honest and patriotic portions of the community against each other, the joint effort of which is indispensably necessary to expel those from authority, who are converting the entire powers of government into a corrupt electioneering machine; and that, without separate state interposition, the adjustment was impossible. The truth of this position rests not upon the accidental state of things, but on a profound principle growing out of the nature of government and party struggles in a free state. History and reflection teach us, that when great interests come into conflict, and the passions and the prejudices of men are roused, such struggles can never be composed by the influence of any individual, however great; and if there be not, somewhere in the system, some high constitutional power to arrest their progress, and compel the parties to adjust the difference, they go on till the state falls by corruption or violence."

Such was the language I held at that time, when the events were fresh in our recollection, and the senator heard it and opened his mouth; yet now, after four years, he rises here and makes the statement we have heard. That I uttered these sentiments before, and that frequently, I am able to show by other facts. But I go further, and shall prove from the senator's own declaration the truth of what I assert. In 1832, speaking on a bill then on its passage providing for a reduction of the tariff, the senator declared in his place that he considered that bill as an ultimate adjustment of the question, and yet the whole tariff system was prostrated before the act went into effect; and what effected this prostration? Nothing but the interposition of my own little gallant state—a state of which he has spoken in such contemptuous language. It was the well-known principle of the American system, of which the senator is the author, that every article which can be manufactured at home was to be protected, and that that protection was to be extended, if possible, even to prohibition. The senator now says that he continues to think that principle a sound one; and yet the compromise act surrenders by express terms the system of protection; gives up the principle to which the senator tells us he still adheres, and to the surrender of which the senator from Massachusetts, (Mr. Webster,) if I rightly remember, objected to the compromise. Now, I would ask, what was it that caused the surrender of this principle? It was because I took my stand firmly, resolutely, and refused to compromise at all, unless the principle was given up.

But the senator tells us that he is among the most constant men in this world. I am not in the habit of charging others with inconsistency; but one thing I will say, that if the gentleman has not changed his principles, he has most certainly changed his company; for, though he boasts of settling out in public life a republican of the school of '98, he is now surrounded by some of the most distinguished members of the old federal party. I do not desire to disparage that party. I always respected them as men, though I believed their political principles to be wrong. Now, either the gentleman's associates have changed, or he has; for they are now together, though belonging formerly to different and opposing parties—parties, as every one knows, directly opposed to each other in policy and principles. I repeat the assertion, that the senator's present friends were not only associated with the old federal party, but that they were distinguished members of it, and attained renown from the advocacy and defence of its principles, and, as they have now got together, I leave it to him and them to decide which has changed.

As I am charged with inconsistency, and the charge is so often repeated by the senator, I will make a brief reply on that point. As it respects the bank charter of 1816, the senator well knows that at that time the choice was between the use of state banks and a national bank, as the fiscal agent of the government. The state banks were then the fiscal agent, and it was impossible then to break the union between the government and the

banks. I acquiesced in what was beyond my control, and inevitable at the time; and as I then, as now, preferred a national to the state banks, I then advocated the former against the latter, as I would now do in the same state of things.

He says I was in favor of the tariff of 1816, and took the lead in its support. He is certainly mistaken again. It was in charge of my colleague and friend, Mr. Lowndes, chairman then of the committee of ways and means, as a revenue measure only. I took no other part whatever but to deliver an off-hand speech, at the request of a friend. The question of protection, as a constitutional question, was not touched at all. It was not made, if my memory serves me, for some years after. As to protection, I believe little of it, except what all admit was incidental to revenue was contained in the act of 1816. As to my views in regard to protection at that early period, I refer to my remarks in 1813, when I opposed a renewal of the non-importation act, expressly on the ground of its giving too much protection to the manufacturers. But while I declared, in my place, that I was opposed to it on that ground, I at the same time stated that I would go as far as I could with propriety, when peace returned, to protect the capital which the war and the extreme policy of the government had turned into that channel. The senator refers to my report on internal improvement, when I was secretary of war; but, as usual with him, forgets to tell that I made it in obedience to a resolution of the house, to which I was bound to answer, and that I expressly stated I did not involve the constitutional question; of which the senator may now satisfy himself, if he will read the latter part of the report. As to the bonus bill, it grew out of the recommendation of Mr. Madison in his last message; and although I proposed that the bonus should be set apart for the purpose of internal improvement, leaving it to be determined thereafter, whether we had the power, or the constitution should be amended, in conformity to Mr. Madison's recommendation, I did not touch the question to what extent congress might possess the power; and when requested to insert a direct recognition of the power by some of the leading members, I refused, expressly on the ground that, though I believed it existed, I had not made up my mind how far it extended. As to the bill, it was perfectly constitutional in my opinion then, and which still remains unchanged, to set aside the fund proposed, and with the object intended, but which could not be used without specific appropriations thereafter.

In my opening remarks to-day, I said the senator's speech was remarkable, both for its omissions and mistakes; and the senator infers, with his usual inaccuracy, that I alluded to a difference between his spoken and printed speech, and that I was answering the latter. In this he was mistaken; I hardly ever read a speech, but reply to what is said here in debate. I know no other but the speech delivered here.

As to the arguments of each of us, I am willing to leave them to the judgment of the country; his speech and arguments, and mine, will be read with the closer attention and deeper interest in consequence of this day's occurrence. It is all I ask.

The senator supposes that some remarks in my letter alluded to the national republicans, which gave him great offence; but here again he mistakes. It alludes to those in power, and not to the national republican party, which the reading of the entire paragraph will make manifest. Will the senator send me the letter for that purpose?

"As obvious as all this must appear, I felt that I assumed a heavy responsibility in taking the course I did. It was impossible that all the circumstances and motives under which I acted could at once be generally understood, and, of course, the part I was compelled to take was liable to be misconceived and grossly misrepresented. We have been so long contending against the abuses and encroachments of the executive power as to forget that they originated in the prior abuses and encroachments of congress, and were accordingly exclusively intent on expelling from office those who had acquired and exercised their authority in a manner so dangerous, without reflecting into whose hands the power would go, and what principles and policy would gain the ascendancy. With this state of feeling on the part of our friends, I saw it was impossible to take a position which, by consequence, was calculated to cover those in power, however urgent the cause, without occasioning a shock in the first instance, and the imputation of unworthy motives, to meet which, however transient the misapprehension might be, required some resolution and firmness. But there were other and far greater causes of responsibility, to which this was as nothing. Of all the interests in the community, the banking is by far the most influential and

formidable—the most active and the most concentrated and pervading; of all the points within the immense circle of this interest, there is none in relation to which the banks are more sensitive and tenacious than their union with the political power of the country. This is the source of a vast amount of their profits, and of a still larger portion of their respectability and influence. To touch their interest on this tender point is to combine all in one united and zealous opposition with some exceptions in our portion of the community, where the union of the two powers acts injuriously to banking as well as to the commercial and other greater interests of the section. To encounter so formidable an opposition, supported by a powerful political party with whom I have been acting for some years against entire power, and who regarded the union of the government and the banks as essential to the union of the states themselves, was to assume heavy responsibility under the most favorable circumstances; but to back and sustain those in such opposition, in whose wisdom, firmness, and patriotism, I have no reason to confide, and over whom I have no control, is to double that responsibility. This responsibility I have voluntarily assumed."

Mr. C. resumed. There is no doubt nor ambiguity; and I thought it so clear, that it would be impossible to misunderstand it; but it seems, in my case, that nothing is too clear for the senator to misunderstand.

After these remarkable misrepresentations, and after I have shown my sentiments in 1834, fully according with my present sentiments, the senator makes further charges, which I do not think entitled to respect. My sentiments in 1834 are my recorded sentiments now; and I am willing they should go before the public, and let them judge between the senator and myself. To them I cheerfully submit the question, without further remarks on what the senator said in reply to me; and I am the more induced to do so, as I find myself too hoarse to extend my remarks, with any satisfaction to myself or the senate.

Mr. Clay said it was very true that the senator had on other occasions, besides his Edgefield letter, claimed that the influence arising from the interference of his own state had effected the tariff compromise. Mr. C. had so stated the fact when up before. But in the Edgefield letter the senator took new ground, he denounced those with whom he had been acting as persons in whom he could have no confidence, and imputed to them the design of renewing a high tariff and patronizing extravagant expenditures, as the natural consequences of the establishment of a bank of the United States, and had presented this as a reason for his recent course. When, said Mr. C. I saw a charge like this, together with an imputation of unworthy motives, and all this deliberately written and published, I could not but feel very differently from what I should have done under a mere casual remark.

But the senator says, that if I have not changed principles, I have at least got into strange company. Why really, Mr. President, the gentleman has so recently changed his relations that he seems to have forgotten into what company he has fallen himself. [A laugh.] He says that some of my friends once belonged to the federal party. Sir, I am ready to go into an examination with the honorable senator at any time, and then we shall see if there are not more members of that same old federal party amongst those whom the senator has so recently joined, than on our side of the house. The plain truth is, that it is the old federal party with whom he is now acting. For all the former grounds of difference which distinguished that party, and were the great subjects of contention between them and the republicans, have ceased from lapse of time and change of circumstances, with the exception of one, and that is the maintenance and increase of executive power. This was a leading policy of the federal party. A strong, powerful, and energetic executive was its favorite tenet. The leading members of that party had come out of the national convention with an impression that under the new constitution the executive arm was too weak. The danger they apprehended was, that the executive would be absorbed by the legislative department of the government, and accordingly the old federal doctrine was that the executive must be upheld, that its influence must be extended and strengthened, and as a means to this that its patronage must be multiplied. And what, I pray, is at this hour the leading object of that party, which the senator has joined, but this very thing? It was maintained in the convention by Mr. Madison, that to remove a public officer without valid cause, would rightfully subject a president of the United States to impeachment. But now not only is no reason required, but the principle is maintained that no

reason can be asked. A is removed and B is put in his place, because such is the pleasure of the president. In a free government, founded upon the principle of responsibility, the president of the United States is not only practically irresponsible, but does not deign to assign a reason for the exercise of one of the most important functions of government. Now, if we are to look at things and not at names, then it is certainly true, that the senator is acting with the old federal party who continues in its ancient location. If there are some of the federal party who act with us, it is because they are shocked by the extravagant pretensions of modern democrats to executive power and prerogative. I can tell the gentleman that he will find the true old democratic party who were for resisting the encroachments of power, and limiting executive patronage, on this side of the senate, and not with his new allies the Jackson Van Buren democratic party, whose leading principle is to sustain the executive and deny all power to the legislature; and which does not hold a solitary principle in common with the republican party of 1798. Yet the Senator, true to the principles of his new allies, is for uniting, by this government bank, the purse and the sword, and laying both at the feet of the executive. The senator tells us that he found banks in existence in 1816, and that he only acquiesced in their constitutionality. But, if he acquiesced in it then, why cannot he acquiesce in the same thing now? The banks at that time were not paying specie, the legal connexion between them and the government had ceased; the whole currency and business of the country were in a state of derangement, just as they are now, yet he acquiesced in a bank of the United States, and he acquiesced again in 1834. Why cannot he acquiesce in 1838? The senator is fond of the record. I should not myself have gone to it but for the infinite gravity and self-complacency with which he appeals to it in vindication of his own consistency. Let me then read a little from one of the very speeches in 1834, from which he has so liberally quoted, and called upon the Secretary to read so loud, and the senate to listen so attentively:

"But there is in my opinion a strong if not an insuperable objection against resorting to this measure, resulting from the fact that an exclusive receipt of specie in the treasury would, to give it efficacy, and to prevent extensive speculation and fraud, require an entire disconnection on the part of the government, with the banking system, in all its forms, and a resort to the strong box, as the means of preserving and guarding its funds—a means, if practicable at all in the present state of things, liable to the objection of being far less safe, economical, and efficient than the present."

Here is a strong denunciation of that very system he is now enlogising to the skies. Here he deprecates a disconnection with all banks as a most disastrous measure; and, as the strongest argument against it, says that it will necessarily lead to the antiquated policy of the strong box. Yet, now, the senator thinks the strong box system the wisest thing on earth. As to the acquiescence of the honorable senator in measures deemed by him unconstitutional, I only regret that he suddenly stopped short in his acquiescence. He was, in 1816, at the head of the finance committee, in the other house, having been put there by myself, acquiescing all the while in the doctrines of a bank, as perfectly sound, and reporting to that effect. He acquiesced for nearly twenty years, not a doubt escaping from him during the whole time. The year 1834 comes: the deposits are seized, the currency turned up side down, and the senator comes forward and proposes as a remedy a continuation of the bank of the United States for twelve years—here acquiescing once more; and, as he tells us, in order to save the country. But if the salvation of the country would justify his acquiescence in 1816 and in 1834, I can only regret that he did not find it in his heart to acquiesce once more in what would have remedied all our evils.

In regard to the tariff of 1816, has the senator forgotten the dispute at that time about the protection of the cotton manufacture? The very point of that dispute was, whether we had a right to give protection or not. He admits the truth of what I said, that the constitutional question as to the power of the government to protect our own industry was never raised before 1820 or 1822. It was but first hinted, then controverted, and soon after expanded into nullification, although the senator had supported the tariff of 1816 on the very ground that we had power. I do not now recollect distinctly his whole course in the legislature, but he certainly introduced the bonus bill in 1816, and sustained it by a speech on the subject of internal improvements, which neither expresses nor implies a

doubt of the constitutional power. But why set apart a bonus if the government had no power to make internal improvements? If he wished internal improvements, but conscientiously believed them unconstitutional, why did he not introduce a resolution proposing to amend the constitution? Yet he offered no such thing. When he produced his splendid report from the war department, what did he mean? Why did he tantalize us with that bright and gorgeous picture of canals and roads, and piers and harbors, if it was unconstitutional for us to touch the plan with one of our fingers? The senator says in reply, that this report did not broach the constitutional question. True. But why? Is there any other conclusion than that he did not entertain himself any doubt about it? What a most extraordinary thing would it be, should the head of a department, in his official capacity, present a report to both houses of Congress, proposing a most elaborate plan for the internal improvement of the whole union, accompanied by estimates and statistical tables, when he believed there was no power in either house to adopt any part of it.

In conclusion, I repeat the assurance to my friend who sits near me, that I had not the most remote intention of casting the smallest reflection on his state, nor did I, in my own opinion, say any thing which could fairly be interpreted.

Mr. *Osborn* again rose. Hoarse as he was, he would make a brief reply. The Senator asks why I made that report to Congress? I was under an imperative call from congress, and could not avoid making it; and I believe that duty was imposed upon me by the Senator from Kentucky.

[Mr. Clay said. No.]

Mr. Calhoun: However that may be, the report was made during the session of 1815-'19, under a call of the house; and it did not involve the constitutional question.

As to the tariff of 1816, I never denied that congress have the power to impose a protective tariff for the purpose of revenue; and beyond that the tariff of 1816 did not go one inch. The question of the constitutionality of the protective tariff was never raised till some time afterwards.

As to what the senator says of executive power, I, as much as he, am opposed to its augmentation, and I will go as far in preventing it as any man in this house. I maintain that the executive and judicial authorities should have no discretionary power, and as soon as they begin to exercise such power, the matter should be taken up by congress. These opinions are well grounded in my mind, and I will go as far as any in bringing the executive to this point. But, I believe, the executive is now ostrictripped by the congressional power. He is for restricting the one. I war upon both.

The senator says I assigned as a reason of my course at the extra session that I suspected that he and the gentlemen with whom he acted would revive the tariff. I spoke not of the tariff, but a national bank. I believe that banks naturally and assuredly ally themselves to taxes on the community. The higher the taxes the greater their profits; and so it is with regard to a surplus and the government disbursements. If the banking power is on the side of a national bank, I see in that what may lead to all the consequences which I have described; and I oppose institutions that are likely to lead to such results. When the bank should receive the money of the government, it would ally itself to taxation, and it ought to be resisted on that ground. I am very glad that the question is now fairly met. The fate of the country depends on the point of separation; if there be a separation between the government and banks, the banks will be on the republican side in opposition to taxes; if they unite, they will be in favor of the exercise of the taxing power.

The senator says I acquiesced in the use of the banks because the banks existed. I did so because the connexion existed. The banks were already used as depositories of the government, and it was impossible at once to reverse that state of things.—I went on the ground that the banks were a necessary evil. The state banks exist; and would not be a madman that would annihilate them because their respective bills are uncurrent in distant parts of the country? The work of creating them is done, and cannot be reversed; when once done, it is done forever.

We have a law in South Carolina which makes it penal for magistrates to marry, and the penalty is a fine of £100. I was engaged in a case of this sort in court; and although the marriage was illegal, it was not reversed. And yet the senator considers to be necessarily absurd what I hold to be incontrovertible, that time must be taken even to reverse an unconstitutional act, (practice;) and it may not only be unconstitutional, but wise to do

so. Suppose the tariff, in its objectionable features, unconstitutional as I deem them, had been arrested at an individual blow; millions on millions of property would have been sacrificed. And look at all the banks; if they were stopped at once, as the senator would require, if they are unconstitutional, what would not be the consequences? Mr. C. said he would not further occupy the time of the senate.

Mr. Clay. I agree that it is unnecessary to consume the time of the senate; but when I was up I omitted to close the Edgefield letter.

Mr. Calhoun (still standing,) desired to notice one point farther. He was formerly decided in favor of separating the banks and the government, but it was impossible then to make it, and it would have been followed by nothing but disaster. The senator says the separation already exists; but it is only contingent; whenever the banks resume, the connexion will be legally restored. In 1834 I objected to the sub-treasury project, and I thought it not as safe as the system now before us. But it turns out that it was more safe, as appears from the argument of the senator from Delaware, (Mr. Bayard) I was then under the impression that the banks were more safe, but it proves otherwise.

Mr. Clay said, if the senator would review his speech again, he would see there a plain and explicit denunciation of a sub-treasury system.

The distinguished senator from South Carolina (I had almost said my friend from South Carolina, so lately and so abruptly has he bursted all amicable relations between us, independent of his habit of change, I think, when he finds into what federal doctrines and federal company he has gotten, he will be disposed soon to feel regret and to return to us,) has not, I am persuaded, weighed sufficiently the import of the unkind imputations contained in his Edgefield letter towards his former allies—imputations that their principles are dangerous to our institutions, and of their want of firmness and patriotism. I have read that singular letter again and again, with inexpressible surprise and regret, more, however, if he will allow me to say so, on his own than on our account.

It is undoubtedly true, Mr. President, that the sudden destruction of any unconstitutional system or measure, which has been long in operation, may lead to serious if not ruinous consequences. But that cannot alter at all the question of constitutional power. If practical inconvenience can authorize you to prolong an unconstitutional system, it may justify its creation; and then all constitutional authority will be merged in considerations of expediency. With respect to the senator's observation that banks are the natural allies to the protective policy, and to lavish expenditures, I beg leave to oppose *fact* to the theory. The banks are generally owned or controlled by the mercantile class, and that class was always opposed to the protective policy. We found it our most formidable opponent. The merchants were in favor of the foreign trade, and were unwilling to see any of its sources dried up. Break down our manufactures, and our importations would increase, and must continue to increase so long as we could find means to pay for them. There are some merchants who, like the senator from North Carolina, (Mr. Strange,) and my lord Chatham, I believe it was wished that not a hob-nail should be made in America. The merchants, too, were generally opposed to the late war, and, undoubtedly, seasons of peace are most favorable to commercial enterprise, as they are to the happiness and prosperity of communities.

Mr. President, I am done; and I sincerely hope that the adjustment of the account between the senator and myself, just made, may be as satisfactory to him as I assure him and the senate it is perfectly so to me.

Mr. Calhoun. I have more to say, but will forbear, as the senator appears desirous of having the last word.

Mr. Clay. Not at all.

The senate then adjourned.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

May 17. Mr. Wright presented a memorial from a large number of merchants of the city of New York, praying such an alteration of the revenue laws as to allow a drawback on foreign coal exported for consumption in steam-vessels. Referred.

The following resolution, offered by Mr. Allen on Tuesday last, was taken up:

Resolved, That the committee for the District of Columbia procure and report to the senate statements of the condition of the several bank in the District of Columbia that have applied for an ex-

tension of their charters, in regard to the following particulars:

1. The name of the officers and directors of the banks, the amount of stock owned by each, and the debts due from each to the banks respectively, discriminating between the executive, legislative, and judicial officers of the government among them and also between residents and non-residents.

2. The stockholders of the banks respectively, the amount of stock owned by each, and of the debt due from each, discriminating as above.

3. The debtors to the banks respectively, and the amount due from each, discriminating as above.

4. The number of suits that the banks respectively have instituted against their debtors since the suspension of specie payments, and the amount due from each, discriminating as above.

Mr. Roane, with a view to prevent the delay of the bill which the passage of this resolution would require, and also to prevent what he deemed a call for improper information, moved to lay the resolution on the table.

This motion not being debatable, and Mr. Allen having failed in a request that the motion should be withdrawn to allow him to make a few remarks, he called for the yeas and nays, which were ordered, and the motion to lay on the table was negatived—Ayes 17, noes 18.

Mr. Allen then said it was not his intention to enter into any discussion of the merits of the question at that time, but merely to respond to an observation of the honorable chairman, who had asserted that much of the information sought for by the resolution was already in possession of the senate. If such were the fact, he was not aware of it. Mr. A. thought it was an anomaly in American legislation to undertake to charter a whole forest of banks while they were acting in open violation of the public law of the land, and to seek to do it without any investigation into their present condition or prior conduct. Congress was asked to set a *moral example*, by rewarding the violators of the law, for such in fact would be the consequence of a renewal of these charters for twenty years on the terms set forth in the bill. When Congress proposed to inquire into the conduct of these institutions on prior occasions, we were told that was a matter entirely immaterial; "that the people of this District demanded their recharter." If this were so, where were the petitions to that effect? It had been stated that these banks were indispensable to the business concerns of this District, to the wants of the people; and when a resolution was offered inquiring into the facts, it was sought to be strangled in its birth. Mr. A. wished to see whether these banks were for the benefit of the District of Columbia, or for the people of other states and territories. He had been told the people here were the smallest participants. It was said there was more poverty and want in these ten miles square than in any part of this country. If so, how happened it to be where there are the greatest number of these banks? It had been said that we propose an inquiry into the *private* affairs of the banks? These institutions were emanations from public law, and the people had a right to know all that related to them. When they were asking for their charters, they were public institutions; but when once granted, they could the very next day take shelter under the sanctity of private concerns. He denied the right of public institutions to have any private transactions which might not be brought to light. Mr. A. was ignorant that the information he sought could effect public men; but if it did, he could not help that. He did not know a public man that owed the first dollar to any bank in the country. His object was to guard the whole community, by throwing round these institutions proper guards and proper restraints; and he, for one, was desirous, of separating the government *in toto* from all banks and banking connexion; and he was prompted to this by the most solemn considerations that it would be for the benefit of the country.

Mr. A. then went into the subject at some length, to show that on another occasion a resolution had passed the senate making inquiry into the conduct of a public man in connexion with banks, (a late secretary of the treasury,) which had been passed without dissenting a voice. Mr. A. alluded to Mr. Taney, and the triumphant manner in which that pure, but persecuted, statesman had vindicated his public and private conduct from all aspersion.

Mr. A. read from the minutes of the bank of the Metropolis a resolution which had passed the board, at which a judge of the supreme court was a director, declaring all transactions of the board confidential on the part of the directors and officers of the bank. Here, then, was a bank with a high public functionary in its direction, passing a law to secrete their transactions from the public eye; and was this to be tolerated, the people to remain

in ignorance, and at last, in all probability made to suffer losses from the very acts of the institution?

Mr. A. cited also the stoppage of the Bank of Washington on a certain occasion when a draft had been presented for 20,000 dollars, during the prior panic, and commented, with much severity, on the business. He concluded by expressing a hope that there would be no objection to the passage of the resolution, and maintained there was sufficient justification to be found in the very document he had quoted, which had been signed by the president of the Bank of the Metropolis.

Mr. Sevier said that for the last ten years no subject in this country, so far as his knowledge extended, had been so completely exhausted in the way of argument, and want of argument, by politicians, by editors, by smatterers, and by party hacks, as the everlasting topic of banks and their abuses. The senate, I think, (said Mr. S.) will bear me witness, that for that length of time, at least, the public have been permitted to think of but little of anything else. Sir, it has been a bank fight all the time. Having arraigned, tried, convicted, and hung by the neck, as a felon, the Bank of the United States, and having no other Cæsar to encounter, we are now to be led, it seems, into a crusade against the local banks of this District. Yes, sir, upon the question of rechartering a half a dozen banks in this District, with a capital of about a million and a half of dollars, it seems that we are to have a full discussion upon the policy of banking; that we are to be entertained with violent harangues about bank gods and bank monsters, and bribery and corruption in the members of congress. These are the "raw-heads-and-bloody bones," the windmills that we have to encounter; and for what purpose? We are to reject the applications for charters, it is said, or encumber them with such onerous conditions that the stockholders will not accept of them, in order, as we have been told, that we may give the states a salutary lesson upon the subject of banking. It is desirable, it is said, to make these charters a model, an example for the states to follow. *A model! an example for the states to follow!* Sir, have any of the states solicited our opinions upon this subject? Have any of them asked us for models or for examples for them to follow? Have they asked us to think for them? To revise, criticise, and condemn their legislation? No, sir; they have asked no such things at our hands. They want none of our advice; for many of them think that we have already usurped many prerogatives rightfully belonging to them; and, in my opinion, they are not disposed to submit quietly to any further encroachments upon their sovereignty by us. It is possible that some of the states may be so confiding, so tame, and submissive, as to follow implicitly the advice and orders promulgated by their senators from this chamber. But I think that I can answer for one little gallant state, who carries the game-cock, among other devices, upon her coat of arms, that she will never submit to any such arrogance or usurpation; she will never so far degrade herself as to permit her senators, with impunity, to criticise, revise, or condemn her legislation. She wants no advice, or models or examples from her servants. She herself will judge of the propriety of her own legislative action. Admit that the states have acted indiscreetly, does it become us, who are their creatures, to taunt them for their misfortunes, or chide them for their want of wisdom? No, sir; I, for one, am for shaping my legislation here to correspond to the opinions and wishes of my state, so far as I understand them. I am not for scalping and tomahawking the local banking institutions. On the contrary, I am for fostering and protecting them as far as a generous, liberal policy may dictate. I do this that the states may fully understand that we are not only not hostile, but are friendly, to their banking institutions. I do this, sir, to heal the breaches that have been made in our party ranks; to regain our lost confidence in the public estimation; and, more than all, as I believe the true policy and interest of the country depend upon it, I do this to preserve the ascendancy of the democracy of the country. I believe, sir, that the false impression in the public mind, that we are hostile to the local banks, has been mainly the cause of our late political disasters. We have been beaten in nearly every quarter. Whole states have left us. And, if this false impression is still entertained, I consider that we have witnessed, not the end but the beginning of our defeats. These are my impressions; good of course, only for what they are worth. To see our party once more united, to see them again victorious, I am prepared to make any sacrifice short of principle, of duty, and of honor.

The senator from Ohio has introduced his string of resolutions, which I am now considering, with the double view of destroying the banks, and of

proving that the friends of these institutions have been bribed into their support of them. Yes, sir, bribed!—bribed into their support of them. He wishes to conceal from the people his unconquerable hostility to these banks, and his efforts for their destruction, by artfully raising a hue and cry against members of congress and officers of the government. He seems to take it for granted that no man can vote for a bank charter without a bribe. He seems to think that patriotism, that disinterested action, upon such a subject, is a mere gull-trap, a popular catch, a ghost story, that may serve the valuable purpose of amusing old women and quieting little children. For myself, sir, I have no confidence in such unjust, ungenerous, and foul suspicions. I entertain a more exalted opinion of my associates in this body; and, if I wished to be personal, which I do not, I should remind the honorable senator of the old adage, that those who charge others with a want of virtue are almost invariably destitute of that commodity themselves. Sir, members of congress bribed! I detest such unfounded, stale, and hypocritical insinuations; which every honorable man has, but to hear to disbelieve and condemn. If the senator knows of any senator who has received a bribe, let him rise in his place and point his finger at the man, and not, by a sweeping, general insinuation, cast censure upon the whole body of which he is a member. Let us have no general warrants or indefinite charges. Suppose it should turn out that a member of Congress had borrowed or owes a bank, does it follow that to be in debt to such an institution is a crime? Is it a crying sin to be in debt? If it is an evidence of corruption, there are a great many corrupt sinners in our country. Whole states, even general governments, upon this principle, are corrupt and bribed communities; and Ohio among them. If the senator is for denouncing those who may happen to be in debt, let him take the bull by the horns, and denounce his own state; for Ohio is a debtor. I met her agents, a few weeks ago, in Wall street, New York, where I had gone on the same business for my own state, negotiating a loan for some millions, and with whom, Mr. President, do you suppose they negotiated their loan? They sold their state bonds to Prime, Ward and King, the money caterers for the Bank of England. Yes, sir, with the lords and ladies of Great Britain; the same from whom Mr. Nicholas Biddle obtains his loans to feed and fatten his monster. Is there any thing corrupt in this,—in borrowing money of a foreign bank? Or will the senator attempt to justify it, upon the ground that it is roguery and murder for an individual to steal from or kill another, but it is famous, brave, and heroic, if a nation or state murders thousands and robs a kingdom? It must be justified upon this principle, if upon any. Sir, I consider it no crime for either a state, a government, or citizen, who forms a part of a state or government, to borrow money of banks, or from any other quarter. Banks, like merchants, have their customers, and they will deal with them as long as it is their interest to do so, and no longer.

Sir, many gentlemen oppose banks on constitutional grounds. Those who hold these opinions I respect, and, confined to a certain description of banks, I am with them in opinion. Their opposition is of a high and manly character, and elicits respect from every quarter. Others, not entertaining constitutional scruples, oppose banks because they are so wealthy that they require no aid from them. They are disposed to turn shavers or brokers themselves, and monopolize the trade in money at usurious interest. The banks are in their way, and hence their opposition. And to those may be added another class, who are opposed to banks. These are those who have neither property, industry, nor character, and, on these accounts, are unable to effect a loan of a bank; and hence they are found cursing banks, morning, noon and night. And if we will look over the country, we shall find that this latter class frequently make up a considerable portion of the anti-bank forces. There are others, I know, belonging to neither of these classes, who are against banks upon principle; they believe banking to be wrong; and yet we often find that it so happens that some of them find it convenient sometimes to borrow small sums, for short periods, from banks. Are they corrupt?

Mr. President, when I came to my seat in the senate this morning, I had no idea of making a speech. I voted to lay the resolution upon the table, and shall vote against it on its passage. I have troubled the senate longer than I had expected. But when I heard the resolution read, and heard the senator's speech, I thought it my duty to rise in my place and enter my protest against the inquisition it proposes.

Mr. Hubbard, in reply also to some of the remarks of Mr. Allen, repelled the idea that it was criminal for a member of congress to owe a bank, or that it disqualified him in any way from voting in relation

to banks. Borrowing money from a bank was a favor done to the bank itself, and was so regarded. He also urged Mr. Allen to be specified in his charges of corruption, if he actually knew any thing of such corruption.

Mr. Roane also urged the specific exposure of corruption or bribery, if there was any truth in the charge. He also argued that the fact of having borrowed money of a bank could not properly be regarded as a disqualification to vote in relation to such bank.

Mr. Clay, of Kentucky, in reply to an allusion of Mr. Allen to a resolution of inquiry formerly offered by Mr. C., in regard to Mr. Taney being a stockholder in the Union Bank of Baltimore, said that the object of that resolution was entirely different from that of the resolution of Mr. A. The fact of being a stockholder was not regarded at all as a matter of secrecy; but, by common consent, a veil had ever been thrown over the relations of debtors to banks; which veil, Mr. C. argued, it would be entirely improper to break through in the manner proposed by this resolution; though Mr. C. thought, and he argued accordingly, that it would be much better if banks should be chartered under the condition that they should make known the state of the private affairs of all their debtors; and the chief reason for this was, that, according to the present state of things, the banks got all the property of their bankrupt debtors, to the exclusion of other creditors. Mr. C. would vote against the resolution, not because he had any apprehension of the exposure of his own private affairs, or those of any of his friends, but because it would be doing violence to a custom which time had established.

Mr. Tipton moved to lay the resolution on the table; which motion prevailed as follows:

YEAS—Messrs. Buchanan, Clay, of Ala., Clay, of Ky., Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, King, Knight, Merrick, Morris, Mouton, Nicholas, Norvell, Pierce, Roane, Robbins, Ruggles, Sevier, Smith, of Ind., Spence, Strange, Swift, Tallmadge, Tipton, Trotter, Webster, Young—31.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Lumpkin, McKean, Niles, Robinson, Smith, of Conn., Wright—10.

The bill authorizing the re-issue of the \$10,000,000 of treasury notes was received from the house, read twice, and referred to the committee on finance.

Mr. Wright subsequently reported this bill from the committee without amendment, and gave notice that he should ask for its consideration to-morrow morning, immediately after the reading of the journal.

The senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia.

Mr. Benton took this opportunity to correct an error into which he had been led, in making, in the course of the debate on this bill, certain charges against Mr. Semmes, of Georgetown, and also against another individual in Georgetown, who had purchased \$15,000 worth of stock from a widow, in the Farmers and Mechanics' Bank, which charges Mr. B. was understood fully and totally to retract.

Mr. Davis also, in the course of the subsequent debate, explained a former remark of his which had been misconstrued as derogatory to the Bank of Washington, [misconstrued, as the reporter freely testifies,] and proceeded to state again, as he had done before, that, by resuming specie payments at the time they did, that or any other bank must have rendered it impossible to keep many of their bills in circulation. Mr. D. also stated a variety of facts within his knowledge, which he deemed highly honorable to the Bank of Washington.

The question being on Mr. Buchanan's amendment to this bill, requiring the banks to retain an amount of specie equal to one-fourth of the amount of their private deposits, excluding special deposits, as well as of their circulation, the amendment was advocated by Mr. Buchanan, and opposed by Messrs. Cuthbert, Preston, Crittenden, Davis, and Hubbard, and the amendment was lost, as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Fulton, Grundy, King, Lumpkin, McKean, Morris, Mouton, Niles, Pierce, Robinson, Smith, of Connecticut, Strange, Wright—19.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Hubbard, Knight, Merrick, Nicholas, Norvell, Preston, Roane, Robbins, Sevier, Smith, of Indiana, Spence, Swift, Tallmadge, Tipton, Trotter, Webster—21.

On motion of Mr. Hubbard, the proportion of the specie to the circulation of the banks was increased from one-fourth to one-third, by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Ala., Clay, of Ky., Cuthbert,

Davis, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Preston, Robinson, Smith, of Connecticut, Strange, Swift, Trotter, Webster, Wright, Young—32.

NAYS—Messrs. Clayton, Crittenden, Roane, Robbins, Ruggles, Sevier, Smith, of Indiana, Spence, Tallmadge, Tipton—10.

Mr. Niles moved to amend the bill by requiring that the presidents and directors of the banks who should fail in complying with the requisitions of the bill as to the amount of specie required to be retained, should be made personally liable to the amount of all their private property, not only to the amount of the loss arising from such failure, as already required by the bill, but also to the amount of all losses which should be incurred on any account on the winding up of the affairs of the banks respectively.

This amendment was advocated by Mr. Niles and Clay, of Ala., and opposed by Messrs. Roane, Tallmadge, Grundy, Webster, and Hubbard; and before the vote was taken upon it,

The senate adjourned.

May 18. On motion of Mr. Wright, the senate then took up the bill "to authorize the issuing of treasury notes to meet the current expenses of the government."

On this bill a debate arose, (to be given hereafter,) in which Messrs. Clay, of Kentucky, Wright, Webster, Calhoun, Preston, Crittenden, Brown, Tallmadge, and Benton, participated. In the course of the debate Mr. Webster offered a proviso to the bill limiting the amount of treasury notes to be issued, under its provisions, to \$2,000,000. He was willing to authorize an amount sufficient for the immediate wants of the government, but no more.

Mr. Preston also sent to the chair an additional section to the bill, which he proposed to offer at the proper time, in the following words:

And be it further enacted, That the secretary of the treasury is hereby authorized and required to make requisitions upon the states according to the provisions of the act of 23d June, 1836, for such sums as the expenses of government may require.

Mr. Webster (Mr. Wright, in the course of the debate, having specified some large and immediate demand on the treasury) modified his amendment so as to extend the limit of treasury notes, to be issued under the bill, to \$4,000,000.

This amendment was lost as follows:

YEAS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis, Knight, McKean, Merrick, Preston, Robbins, Ruggles, Smith, of Indiana, Spence, Swift, Tallmadge, Webster, White—16.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Williams, Wright, Young—26.

Mr. Preston did not offer his amendment, because, as he was understood, he believed it would not be acceptable to a majority of the senate.

The bill was then ordered to a third reading by the following vote:

YEAS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Williams, Wright, Young—27.

NAYS—Messrs. Clay, of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Preston, Robbins, Spence, Swift, Tallmadge, Webster, White—13.

The bill was then, by consent, read a third time and passed; and

The senate adjourned till Monday.

May 21. The Vice President communicated from the treasury department the annual statements of the commerce and navigation of the United States with foreign countries for 1837. Laid on the table, and ordered to be printed, with the usual number of extra copies, (unnamed.)

After several petitions had been presented,

Mr. Clay, of Kentucky, rose, and stated that he wished to present a petition confided to his care, signed by a number of persons, praying for the establishment of a bank of the United States. It was similar to several other petitions which had been presented to the senate, or to the house, during the present session, praying for the same object. They afford evidence of a deep and returning conviction, among the people, of the utility of such an institution.

Whilst I am up, (continued Mr. C.) with the permission of the senate, I beg leave to submit a few observations upon this subject. There is reason to believe that much honest misconception and some misrepresentation prevail in regard to it,

which I wish to correct. It had been supposed that those who are desirous of seeing a bank of the United States established are anxious that a charter should be granted to an existing state institution, which has an eminent individual at its head, and that this was the sole object of all their exertions. Now I wish, for one, to say, that I have no such purpose in view. I entertain for that gentleman very high respect. I believe him uncommonly able, profoundly skilled in finance, and truly patriotic. There is but one other person, connected with the banking institutions of the country, in whose administration of a bank of the United States I should have equal confidence with Mr. Biddle, and that is Albert Gallatin, who, I am glad to learn, at an advanced age, retains, in full vigor, the faculties of his extraordinary mind. There may be other citizens equally competent with those two gentlemen, but I do not know them, or am not acquainted with their particular qualifications.

But it is not for any existing state bank, or any particular individual at its head, that I am contending. I believe the establishment of a bank of the United States is required by the common good of the whole country; and although I might be willing, if it were practicable, to adopt an existing bank as the basis of such an institution, under all circumstances, I think it most expedient that a new bank, with power to establish branches, be created and chartered under the authority of congress. My friends (as far I know their opinions) and I are not particularly attached to this or that individual, to this or that existing bank, but to principles, to the thing itself, to the institution, to a well-organized bank of the United States, under the salutary operation of which the business of the country had so greatly prospered, and we had every reason to hope would again revive and prosper. And, presuming upon the indulgence of the senate, I will now take the liberty to suggest, for public consideration, some of those suitable conditions and restrictions under which it appears to me that it would be desirable to establish a new bank.

1. The capital not to be extravagantly large, but, at the same time, amply sufficient to enable it to perform the needful financial duties for the government; to supply a general currency of uniform value throughout the union; and to facilitate, as high as practicable, the equalization of domestic exchange. I suppose that about fifty millions would answer all those purposes. The stock might be divided between the general government and the states, according to their federal population, and individual subscribers. The portion assigned to the latter to be distributed at auction or by private subscription.

2. The corporation, in the spirit of a resolution recently adopted by the general assembly of the state, one of whose senators I have the honor to be, to receive such an organization as to blend, in fair proportions, public and private control, and combining public and private interests. And, in order to exclude (the possibility of the exercise of all foreign influence, non-resident foreigners to be prohibited not only from any share in the administration of the corporation, but from holding, directly or indirectly, any portion of its stock. Although I do not myself think this latter restriction necessary, I would make it, in deference to honest prejudices, sincerely entertained, and which no practical statesman ought entirely to disregard. The bank would thus be, in its origin, and continue, throughout its whole existence, a genuine American institution.

3. An adequate portion of the capital to be set apart in productive stocks, and placed in permanent security, beyond the reach of the corporation (with the exception of the accruing profits on those stocks,) sufficient to pay promptly, in any contingency, the amount of all such paper, under whatever form, that the bank shall put forth as a part of the general circulation. The bill or note holders, in other words, the mass of the community, ought to be protected against the possibility of the failure or the suspension of a bank. The supply of the circulating medium of a country is that faculty of a bank, the propriety of the exercise of which may be most controverted. The dealings with a bank, of those who obtain discounts, or make deposits, are voluntary and mutually advantageous, and they are comparatively few in number. But the reception of what is issued and used as a part of the circulating medium of the country is scarcely a voluntary act, and thousands take it who have no other concern whatever with the bank. The many ought to be guarded and secured by the care of the legislative authority; the vigilance of the few will secure them against loss. I think this provision is a desideratum in our American banking, and the credit of first embodying it in a legislative act is due to the state of New York.

4. Perfect publicity as to the state of the bank at all times, including, besides the usual heads of information, the names of every debtor to the bank, whether as a drawer, endorser, or surety, periodically exhibited, and open to public inspection; or, if that should be found inconvenient, the right to be secured to any citizen to ascertain at the bank the nature and extent of the responsibility of any of its customers. There is no necessity to throw any veil of secrecy around the ordinary transactions of a bank. Publicity will increase responsibility, repress favoritism, insure the negotiation of good paper, and, when individual insolvency unfortunately occurs, will deprive the bank of undue advantages now enjoyed by banks practically in the distribution of the effects of the insolvent.

5. A limitation of the dividends so as not to authorize more than — per cent. to be struck. This will check undue expansions in the circulating medium, and restrain improper extension of business in the administration of the bank.

6. A prospective reduction in the rate of interest so as to restrict the bank to six per cent. simply, or if practicable, to only five per cent. Banks now receive at the rate of near 6½ per cent. by demanding the interest in advance, and by charging for an additional day. The reduction may be effected by forbearing to exact any bonus, or, when the profits are likely to exceed the prescribed limit of the dividends, by requiring that the rate of interest shall be so lowered as that they shall not pass that limit.

7. A restriction upon the premium demanded upon post notes and checks used for remittances, so that the maximum should not be more than, say, one and a half per cent. between any two, the remotest points in the union. Although it may not be practicable to regulate foreign exchange, depending as it does upon commercial causes not within the control of any one government, I think that it is otherwise with regard to domestic exchange.

8. Every practicable provision against the exercise of improper influence, on the part of the executive upon the bank, on the part of the bank upon the elections of the country. The late Bank of the United States has been, I believe, most unjustly charged with interference in the popular elections. There is, among the public documents, evidence of its having scrupulously abstained from such interference. It never did more than to exercise the natural right of self-defence by publishing such reports, speeches, and documents as tended to place the institution and its administration in a fair point of view before the public. But the people entertain a just jealousy against the danger of any interference of a bank with the elections of the country, and every precaution ought to be taken strictly to guard against it.

This is a brief outline of such a new bank of the United States as I think, if established, would greatly conduce to the prosperity of the country. Perhaps, on full discussion and consideration, some of the conditions which I have suggested might not be deemed expedient, or might require modification, and important additional ones may be proposed by others.

I will only say a word or two on the constitutional power. I think that it ought no longer to be regarded as an open question. There ought to be some bounds to human controversy. Stability is a necessary want of society. Among those who deny the power, there are many who admit the benefits of a bank of the United States. Four times, and under the sway of all the political parties, have congress deliberately affirmed its existence. Every department of the government has again and again asserted it. Forty years of acquiescence by the people; uniformity every where in the value of the currency; facility and economy in domestic exchange, and unexampled prosperity in the general business of the country, with a bank of the United States; and, without it, wild disorder in the currency, ruinous irregularity in domestic exchange, and general prostration in the commerce and business of the nation would seem to put the question at rest, if it is to be perpetually agitated. The power has been sustained by Washington, the father of his country; by Madison, the father of the constitution; and by Marshall, the father of the judiciary. If precedents are not to be blindly followed, neither ought they to be wantonly despised. They are the evidence of truth, and the force of the evidence is in proportion to the integrity, wisdom, and patriotism of those who establish them. I think that on no occasion could there be an array of greater or higher authority. For one, I hope to be pardoned for yielding to it, in preference to submitting my judgment to the opinion of those who now deny the power, however respectable they may be.

But, Mr. President, strong as my convictions are, I have no intention of formally presenting any pro-

position to establish a bank of the United States. Composed as congress and the executive now are, it would be an unnecessary waste of time to offer such a proposal. I should regret to see a bank established, unless it were clearly called for by public opinion. I believe it is now desired by a majority of the people of the United States. But of that there does not exist perhaps any conclusive evidence. Let us wait until demonstrations of their will shall be clearly given; and let us all submit, and, for one I shall most cheerfully, to their decision, whatever it may be. Mr. C. moved that the petition be laid on the table.

A debate followed, to be given hereafter, in which Mr. Allen, Mr. Buchanan, and Mr. Clay, of Ky., participated.

The petition was then laid on the table.

Mr. Wright, from the committee on finance, reported the bill referred to them making appropriations for the naval service for 1833, and gave notice that he should call it up to-morrow morning, at an early hour.

Mr. Tipton, on leave, introduced a bill to remove the office of the surveyor general for Ohio, Indiana, Michigan, and Wisconsin. Read twice, and referred.

The senate resumed the consideration of the bill to continue the corporate existence of the banks in the District of Columbia for twenty years.

The question being on Mr. Niles' amendment, making the president and directors of the respective banks personally responsible for all losses to the community on the winding up of the banks, the question was put, and the amendment lost without debate, and without a division.

Mr. Benton moved, as a substitute for the bill, that the respective charters should be extended till July, 1849, as they now are, provided that the banks, each for itself, should comply with the following conditions:

1. That they should cease receiving and paying out of all paper for currency of a less denomination than five dollars, on or before the promulgation of this act.

2. That they should cease paying out the notes of other banks from and after the 1st of October next.

3. That they should redeem in specie all their notes of five dollars and under from and after the 1st of August next.

4. That they should redeem all their notes in full in specie from and after the 1st of January, 1839.

Mr. Wright opposed this amendment, especially the first clause of the proviso, on the ground that it tacitly sanctioned a practice which was already unlawful. Mr. Roane also opposed it, and gave a succinct explanation and history of the original bill, expressing the hope that it would be definitely acted on to-day.

The amendment was further opposed by Mr. Davis, and advocated by Mr. Benton. Mr. Tipton spoke earnestly in favor of placing the people of the District above the embarrassing uncertainty with which they had heretofore been agitated in relation to their banks. He desired the senate to decide promptly whether they would do so or not; and, with this view, he should vote against all amendments to this bill. Mr. Clay, of Alabama, spoke in favor of the amendment, and in opposition to a recharter for twenty years, that congress might revise the present system, or make a better. Mr. Norvell offered as a proviso to the amendment, that the respective banks should redeem all their notes in gold and silver from and after the day when this act should take effect—(from the 4th of July next.)

This amendment was opposed by Mr. King and Buchanan, and then withdrawn.

Mr. Hubbard moved to strike out the four clauses in the proviso of Mr. Benton's amendment, and insert a provision that the present charters should be extended during the pleasure of congress, being in the meantime subject to any modifications congress might think proper to make, and subject also to a repeal, at the discretion of congress.

Mr. Buchanan and Mr. King opposed this amendment as amounting in effect to a perpetual charter. Mr. K. also earnestly vindicated the banks from the charge of having acted in violation of law, in consideration that they had stopped specie payments in common with all the banks of the country, and had done all in their power to avoid it. The amendment was farther opposed by Mr. Bayard, and advocated by Hubbard.

Mr. Strange and Mr. Benton opposed the amendment as one of the most corrupting measures that had ever been adopted, inasmuch as it would directly expose members of congress, and even the president of the United States, to bribery by the banks of the District.

After a few remarks from Mr. Bayard, Mr. Hubbard withdrew his amendment.

The question now recurring on Mr. Benton's amendment, Mr. Buchanan moved to modify it by requiring that the District banks should resume sooner than the 1st of January, 1839, if the principal banks at Baltimore and Richmond should sooner resume. Mr. Benton accepted the modification. On motion of Mr. Buchanan, the second clause of Mr. Benton's proviso, relating to the notes of other banks, was stricken out:

The question was then put on Mr. Benton's substitute for the bill, which substitute was now in precise words as follows:

Be it enacted, &c. That the charters of the Union Bank and of the Farmers and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of July, in the year eighteen hundred and forty; provided, the said banks, each for itself, shall conform to the following conditions:

1st. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

2d. To redeem all their notes of the denomination of five dollars in gold or silver, from and after the first day of August in the present year.

3d. To resume specie payments in full, on or before the first day of January, in the year one thousand eight hundred and thirty-nine, or sooner if the principal banks of Baltimore and Richmond should sooner resume specie payments in full.

This substitute for the bill was adopted by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Ala., Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, McKean, Morris, Mouton, Niles, Pierce, Robinson, Smith, of Connecticut, Strange, Trotter, Williams, Wright, Young—24.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Davis, Merrick, Nicholas, Norvell, Roane, Robbins, Ruggles, Sevier, Spence, Tallmadge, Tipton, Webster—16.

The bill, in this form, was ordered to be engrossed for a third reading: Ayes 37, noes Messrs. Norvell and Tipton.

The bill to extend the charter of the Union Bank of Georgetown, in the District of Columbia, and the bill to revive, with amendments, the "act to incorporate the Medical Society of the District of Columbia," were severally considered, and ordered to be engrossed for a third reading.

The senate then adjourned.

May 22. After the presentation of a number of petitions, the following bills were severally read a third time, and passed:

The bill to continue the corporate existence of the banks in the District of Columbia.

The bill to extend the charter of the bank of Alexandria.

The bill to extend the charter of the Union Bank of Georgetown.

And the bill to revive, with amendments, the "Act to incorporate the Medical Society of the District of Columbia."

The following message, from the President, communicating the subjoined communication from the Secretary of War, was received.

To the Senate of the United States:

The accompanying copy of a communication addressed by the Secretary of War to the Cherokee delegation is submitted to Congress, in order that such measures may be adopted as are required to carry into effect the benevolent intentions of the government towards the Cherokee nation, and which, it is hoped, will induce them to remove peaceably and contentedly to their new homes in the west.

M. VAN BUREN.

Washington, May 21, 1838.

War Department, May 21, 1838.

SIR: I have the honor to submit to you the accompanying communication addressed to the Cherokee delegation now in this city, in order that, if it meet with your approbation, it may be laid before congress.

Very respectfully, your obedient servant,

J. R. POINSETT,
Secretary of War.

To the President of the United States.

To Messrs. John Ross, Edward Gunter, R. Taylor, James Brown, Samuel Gunter, Sitovnokee, Elijah Hicks, and White Path, Cherokee delegation.

The undersigned has attentively considered the project of a treaty submitted by you, and, although equally desirous with yourselves to satisfy that portion of the nation that still remain east of the Mississippi, and to offer them every inducement to remove peaceably and contentedly to their new homes in the west, and not unwilling to grant most of the terms proposed by you, still, where the rights and just expectations of sovereign states are involved, it is deemed inexpedient, without their

consent, to give to any stipulations which affect them the form of a solemn treaty.

In the first article you desire to stipulate and agree that "the said Cherokee nation, party hereto, engages and stipulates to remove from all the lands now occupied by them eastward of the Mississippi, and hereby renounces and relinquishes to the United States all claims of every description to such lands; such removal to be commenced at the earliest convenient period, and to be fully completed within two years from this date; to be effected by the Cherokees themselves and by their agents, and the entire expenses of such removal to be defrayed out of the money to be paid by the United States, as hereinafter provided." As has been before observed, the government of the United States could not agree to this article without the consent of the states whose rights are involved, and whose interests may be effected by this stipulation; but the executive pledges itself to use its best efforts to induce them to abstain from pressing their claims in a manner that would produce loss or inconvenience to the Cherokee people, and would be inconsistent with their being removed with every reasonable comfort. From the well known humanity and generous character of the states of Georgia, Tennessee, Alabama, and North Carolina, there can be no doubt of their granting every indulgence which the interests of humanity require; and if two years are necessary for the comfortable removal of the nation, the undersigned will venture to assure the delegation that their request will be granted.

If it be desired by the Cherokee nation that their own agents should have the charge of their emigration, their wishes will be complied with, and instructions be given to the commanding general in the Cherokee country to enter into arrangements with them to that effect. With regard to the expense of this operation, which you ask may be defrayed by the United States, in the opinion of the undersigned, the request ought to be granted, and an application for such further sum as may be required for this purpose shall be made to congress.

In the next article of your project, you propose that "the United States, on their part, stipulate and agree, in consideration of the premises, to perfect the title of the Cherokee nation to the lands and territory westward of the Mississippi, described, mentioned and defined in and by the treaty of 1833, between the United States and the Cherokees west of the Mississippi, and the privilege of outlet thereto annexed, and to issue a patent therefor to the Cherokee nation in perpetuity; and further to pay the said chiefs and representatives of the Cherokee nation east of the Mississippi, the sum of — dollars, in manner and at the time hereinafter provided."

It was always the declared intention of the government to perfect the title to this land to the Cherokee nation, and to issue a patent therefor, so soon as that portion of them now east of the Mississippi had emigrated west, granting the nation the privilege of outlet thereto annexed, and all other privileges secured to them by former arrangements. Nor will it object to grant them, in perpetuity, if congress should think proper to do so on their recommendation, under certain restrictions, to which the delegation have assented. As the delegation expressed their fears that a form of government might be imposed which they were neither prepared for, nor desirous of, the assurance is hereby repeated, that no form of government will be imposed upon the Cherokees without the consent of the whole nation, given in council; nor shall their country be created into a territory without such previous concurrence.

With regard to the payment of a further sum of money by the United States, the undersigned cannot consent to recommend such a measure to congress. The senate of the United States deliberately decided that five millions of dollars was a full and sufficient indemnity to the Cherokees for the lands they relinquished on the east side of the Mississippi; and it is understood that the members of that body see no reason at present to alter that decision.

In the third article of your project you ask that "the said Cherokee nation, party hereto, through and by their acknowledged chiefs and officers, shall have the entire control, management, and disposition, responsible only to their own nation, of the funds to be paid under this treaty."

The undersigned would very much prefer making this disposition of the funds of the nation, but as the interests of those Cherokees who have lately emigrated, are deeply involved in this proposition, the executive cannot recommend such an alternative without the previous consent of all the parties concerned.

The next article asks, "that in addition to the said sum mentioned in the foregoing second article,

the United States shall forthwith pay, or arrange to be paid to the Cherokee nation, party hereto, the rearages of the annuities which were provided for in the treaty of 1819, up to this date, and shall continue such annuities during the two years allowed for said removal."

The undersigned assures the delegation, that whatever arrearages of annuities are due to the Cherokee nation, under the treaty of 1819, shall be promptly paid up to this date, and a continuance of that annuity for two years longer shall be asked of congress.

The 5th article requires "that inasmuch as the Cherokees contemplate removing as provided for in said first article, as rapidly as their numbers and engagements will permit, the United States stipulate and engage to pay to them, as such removal, and the necessary preparations therefor progress, out of the money mentioned in said second article, such sums as may from time to time be necessary to defray the expenses incident thereto."

All payments and necessary advances for the purposes herein set forth, will be liberally provided for in the contract which the commanding general will be authorized to make with the Cherokee agents, for the emigration of that portion of the nation east of the Mississippi.

The 6th article asks, "that during the period prescribed and allowed by this treaty for said removal, the United States stipulate and contract to protect the persons and property of said Cherokees from all acts of encroachment and violence, and to furnish them, when required, with the necessary escort and protection during such removal until their arrival at their destination beyond the Mississippi."

The necessary escort and protection during the removal of the Cherokees until their arrival at their destination beyond the Mississippi will be furnished, and the United States will protect the persons and property of the said Cherokees from all illegal acts of encroachment and violence, and will use their best efforts with the states interested to prevent their pressing the execution of their rights in a manner calculated to oppress or inconvenience any individual of the nation.

In the 7th article the request is made, "that in addition to the moneys herein before stipulated to be paid by the United States, they further agree to pay to the said Cherokee nation, party hereto, the gross sum of ——— dollars, in full discharge of all claims upon the United States, under the stipulations of former treaties, for public and private property, spoiliations, indemnities, and other reclamations, whether national or individual, and for reimbursement of expenses incurred in and about this arrangement."

Six hundred thousand dollars was set apart for this purpose by a vote of congress, and to defray the expenses of the removal of the nation to their new homes. But as this sum proves to be inadequate for both objects, the executive will recommend to congress to make a further appropriation, in order to satisfy them.

The undersigned trusts that the Cherokee delegation will see in these liberal concessions the earnest desire of the president to reconcile the nation to the necessity of removing without any other delay than a due regard for their comfort and convenience demands; and in this conviction, confidently relies upon the cordial co-operation of the chiefs and head-men to effect this desirable object.

On the part of the government, copies of this document, with suitable applications to the states interested, will be immediately transmitted to the several governors thereof; instructions will be sent to the commanding general to act in conformity with its assurances, and a communication be made to congress, asking the consent of that body to the provisions proposed for the benefit of the Cherokee nation.

The undersigned, in closing this communication, which has been considered with great deliberation, and drawn with the utmost regard for the wishes of the delegation, desires it to be distinctly understood that it contains the most liberal terms the executive can grant, with a due regard to the rights and interests of all the parties concerned; and therefore presents it as the final determination of the government, and the peremptory conclusion of the correspondence with the Cherokee deputation on this subject.

J. R. POINSETT.

Department of war, May 18, 1838.

Mr. King said he had glanced his eye over this document, and he saw great reason for regret that it had ever been sent. So far from being beneficial, such measures as those proposed would lead, he believed, to serious and disastrous consequences. Mr. K. would not now enter into the merits of this pa-

per, but he would simply say that, even if there should be any action on the part of congress, there was no sufficient evidence that the Cherokee delegation would accept even the terms held out in that communication. Mr. K. said it was also due to his constituents that no movement should have been made of this kind without consulting them or their representatives. Mr. K. moved that for the present the document lie on the table; but withdrew the motion on the request of his colleague.

Mr. Clay, of Alabama, also expressed great regret that this communication had been made, and especially without consulting any of the delegation from the states interested in the subject. Mr. C., instead of being consulted on this subject, had protested in advance against any such measures. Mr. C. argued at considerable length that the delay proposed would lead to distressing and disastrous consequences, quoting various facts that had already occurred, to establish this point. He also argued that on the score of economy it would be a bad arrangement.

Mr. Webster expressed his regret that this paper was not approved by gentlemen representing the states concerned. Their approbation was very important, as it would have a more favorable effect on the public mind. Mr. W. would now consider only the question of its present disposal; and it struck him that it ought to be referred to the committee on Indian affairs. There was a strong and growing feeling in the country that great wrong had been done to the Cherokees by the treaty of New Echota. But Mr. W. would not consider that now. Here was a communication from the executive, requesting the action of congress on this subject, and Mr. W. thought the proper course was, to refer it to the appropriate committee. He moved, therefore, to refer it to the committee on Indian affairs, and hoped it would be done without provoking discussion.

Mr. Strange also deprecated discussion at this time. He expressed regret that none of the delegation from the states concerned had been consulted. He hardly knew whether the measure would be good or bad; it must create some excitement; and he thought it ought to be referred, at least out of respect for the source from which it came.

Mr. Grundy said the legislature of Tennessee would not be in session till October, and it would, therefore, be late before they could be consulted on this subject. They had, heretofore, acted on the faith that this treaty would be carried into effect, and had provided for the prompt survey, and even for the sale of the Cherokee lands. All this would be rendered nugatory by the change now proposed. Mr. G. was willing to do all the government could do without interfering with the execution of the treaty; but as for letting the Cherokees remain longer, if it were the last vote of his life he would not vote in favor of it, as he was convinced that it would lead to disturbance and bloodshed.

Mr. Lumpkin stated that he had, at various times, communicated with the executive on this subject, and had never expressed but one opinion; which was, that it was the best that could be done for the Cherokees to execute the treaty; which was beneficent in its operation, and provided equally alike for the rich and the poor. Mr. L. expressed much regret at what he deemed the mistakes and misrepresentations on this subject. He had seen what he considered a garbled statement in the National Intelligencer of this morning, designed, as he supposed, to prevent the Cherokees from being removed. But these people would be removed; they had murdered lately the surveyor general, (of Georgia,) and nothing could prevent their immediate removal, according to the treaty. It was, therefore, immaterial what should be done with this paper.

Mr. King said his whole object in moving to lay this document on the table was, that they might look at it. But he was content that it should be referred. He expressed deep regret at the course which had been pursued in relation to the Cherokees. He felt confident, however, that the object was a good one, and that it was the desire of the Secretary, in drawing this paper, to conciliate those who would not be conciliated. Mr. K. was apprehensive that the delay proposed would be disastrous; but he was willing to give a little additional time for the removal, for the sole reason that the Cherokees had been grossly deceived by those who held up to them the hope of remaining. This had prevented them from making the necessary arrangements to remove.

Mr. Cuthbert expressed great surprise that a paper of this kind had been sent to Congress; and he thought it extraordinary that it should be proposed that the question of delay should be referred to the states interested at the very time when the removal was to be consummated. He recommended it to Mr. Webster and his constituents not to give too

much weight to this document, and he insisted that if the execution of the treaty should be delayed, the result could not be otherwise than unfortunate and disastrous.

Mr. Clay, of Alabama, said he concurred entirely in the views of Mr. Cuthbert. They knew how excitements could be got up for party and political effect. They had had much experience on this point in relation to the abolition of slavery.

Mr. Webster disclaimed for himself and his constituents all party and political views on this subject. He represented it as a matter of conscience with people of high intelligence and moral character, who felt that wrong had been done to the Cherokees.

Mr. Clay, of Alabama, was understood to admit the benevolent motives of the remonstrants, and expressed his desire that the treaty should be carried into effect with all kindness to the Cherokees. He concurred with his colleague that the document should lie on the table for the present, for the purpose of examining it for further consideration; and with this view,

Mr. Webster withdrew his motion to refer the document.

Mr. Cuthbert spoke with a good deal of earnestness and some apparent indignation, that this should be considered a matter of conscience by those whose ancestors had murdered and destroyed the aborigines where they settled.

Mr. Preston said he had heard the message from the president, proposing new arrangements with the Cherokees, with unfeigned surprise and regret. He had hoped that this painful and complicated matter had been finally put at rest, by a determination on the part of the government to go on with a slow, cautious, but steady pace, in the course prescribed to it by necessity. The Cherokee treaty was, in his judgment, wisely and humanely ratified. The same wisdom and humanity demand that, as far as the removal of the Indians is involved, it should be firmly carried into effect. Hesitancy and further agitation can produce nothing but ill. The rights of the states and of their citizens have been recognized and established, and should not again be disturbed. On this matter gentlemen from the states interested are entitled to lead. They know best what is best for them. I shall acquiesce in what they suggest. Nothing but my deference for them prevents me from at once moving to lay this message on the table, for the purpose of trying the sense of the senate as to its farther discussion. The execution of the treaty is intrusted to a gallant officer, not less distinguished by his moderation and discretion than by his bravery and military skill. Whatever humanity and prudence exact may be expected at his hands. The Indians must go; any interference here endangers them. As to money, lands, &c. give them as much as you choose, but do not further suspend the just claims of the states, or further irritate their already exasperated feelings. I hope the gentlemen interested will not permit the proposition for postponement to be drawn into discussion, but that they will put an end to it by a motion to lay upon the table.

Mr. Cuthbert stated, as a reason for the language he had already used, that Georgia had already patiently delayed two years longer than ought to have been required of them. Mr. Webster said he should not reply to the local remarks of Mr. Cuthbert. The wrongs done to the Indians by our ancestors were numerous enough, but Mr. W. looked only to present action on the subject. Mr. Calhoun spoke in favor of referring the document to a committee, with a view to the disposal of it in the most satisfactory manner to all parties. After a few more remarks by Mr. Clay, of Alabama, and Mr. Cuthbert, the document was laid on the table.

Mr. Tipton moved to take up the Cumberland Road bill; and, on this motion, an earnest conversation ensued by Messrs. Tipton, Smith, of Ia., and Young, in favor of taking up this bill, and by Mr. Roane in favor of considering District affairs; which resulted in taking up the Alexandria and Falmouth railroad bill.

The amendments, from the committee, to this bill occupied the attention of the senate during the most part of the day.

The principal amendment from the committee was the one making the appropriation to construct the road in the District of Columbia, on the condition that the company should carry the mail for a reasonable compensation, to be determined by arbitration, if the parties could not agree.

Mr. King moved to amend this amendment, by requiring the company to carry the mail for the sole consideration of the \$300,000 which the committee proposed to appropriate for the construction of the road.

This amendment was advocated by Messrs. King and Strange, and opposed by Messrs. Roane, Hub-

bard, and Niles; and it was agreed to—Ayes 18, noes 13.

The amendment from the committee, so amended, was then agreed to as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Clay, of Ky., Clayton, Crittenden, Cuthbert, Fulton, Grundy, King, Knight, Linn, Lyon, McKean, Merrick, Nicholas, Norvell, Preston, Roane, Robbins, Robinson, Sevier, Smith, of Indiana, Spence, Strange, Tallmadge, Trotter, Webster, Wright, Young—29.

NAYS—Messrs. Allen, Clay, of Ala., Hubbard, Niles, Pierce, Ruggles, Smith, of Connecticut, Swift, Tipton—9.

On motion of Mr. Roane, the blank for the appropriation for the construction of the road was filled with \$300,000 by the following vote:

YEAS—Messrs. Bayard, Benton, Clay, of Ky., Crittenden, Cuthbert, Davis, Fulton, King, Knight, Linn, Lyon, Merrick, Nicholas, Norvell, Preston, Roane, Robbins, Robinson, Sevier, Smith, of Ind., Spence, Strange, Tallmadge, Trotter, Webster—25.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay, of Alabama, Clayton, Grundy, Hubbard, McKean, Morris, Niles, Pierce, Ruggles, Smith, of Connecticut, Swift, Tipton, Wright, Young—18.

A proposition by Mr. Hubbard, to take the \$300,000 from the post office funds, was rejected: Ayes 10, noes not counted.

After the adoption of some minor amendments, the bill was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Bayard, Benton, Clay, of Ky., Clayton, Crittenden, Davis, Fulton, King, Linn, Merrick, Nicholas, Norvell, Roane, Robbins, Robinson, Sevier, Smith, of Indiana, Spence, Strange, Tallmadge, Webster—21.

NAYS—Messrs. Allen, Brown, Buchanan, Calhoun, Clay, of Ala., Hubbard, Lyon, McKean, Morris, Niles, Pierce, Ruggles, Smith, of Conn., Swift, Tipton, Wright, Young—17.

The senate then adjourned.

May 23. After some business of minor importance had been transacted, Mr. Clay, of Kentucky, rose, and said he supposed that orders had been issued from the post office and treasury departments to receive for government dues the notes of specie-paying banks, or at least that they were actually received, and he wanted to ascertain precisely the facts of the case, whatever they might be. With that view, he offered the following resolution:

Resolved, That the secretary of the treasury and the postmaster general severally inform the senate whether any orders have been given from their departments to receive the notes of banks for revenue, and, if any what were those orders; and if any instructions have been given, that they communicate to the senate what were those instructions.

Mr. Wright said he would correct the senator in regard to one fact. He had understood him to say that orders had been given for the receipt of these notes: but it had not been so stated. The information given here was, that the notes were received. But Mr. W. had inquired lately at the departments on the subject, and no orders to receive them had then been issued.

Mr. Clay said it was not his intention to say any thing more than to intimate the fact that they were received. He meant to say nothing of the forms or technicalities of the subject; but he took it for granted, if these notes were received, it was done in accordance with some authority. But, whatever were the facts, he wished to know them, and by what authority.

The resolution was agreed to without dissent.

The Vice President presented a message from the president of the United States on the subject of the northeastern boundary, with copies of a letter addressed to him by the governor of Maine, covering certain resolutions of the legislature of Maine in relation to this subject and the claims of three individuals. Also, copies of a correspondence on this subject with Mr. Fox, the British minister.

The message and correspondence were read, from which it appeared that the state of Maine insisted on carrying into effect the treaty of 1783 on this subject, and asked for a new joint commission of exploration and survey, to determine the lines described in that treaty. It also appeared that the British minister did not feel authorized to enter into the arrangement proposed, but had referred the subject to the government of England.

Mr. Webster said that this was a very important communication, and he wished an opportunity to examine and consider it. It would seem said Mr. Webster, that a new convention between the two countries was agreed on, to be entered into as soon as competent authority should be obtained, by which a joint commission of exploration and survey is to be appointed. There is no particular objection, per-

haps, against a joint survey of the treaty line, except the delay and loss of time. This may be very injurious. But, then, this is not all. The offer of a joint survey, made by our government, is accepted by England with certain modifications. What are these modifications? They are contained in the British minister's note of the 10th of January. That note is not now before me, and I do not, at this moment, recollect precisely all the modifications; in other words, all the conditions on which England agrees to run the line. These points require very close examination. It is our duty to see that no just right be waived or abandoned, in agreeing to these modifications. I am fearful that some of them will prove highly prejudicial to the rights of the United States and of Maine. I desire an opportunity to look carefully at this part of the case, and, therefore, will now move that the message and papers be printed and laid on the table. As I remember the proposed modifications, some of them are such as I cannot believe ought to be acceded to; indeed, I fear that they cannot be acceded to, without giving up the question. This is what I fear; but in the hope that it may not prove so, I wish time to examine the correspondence. I confess I feel great apprehension as to the result of this proposed new convention.

Mr. Davis said in his opinion this was not a question which could be decided by the instruments of engineers or surveyors, nor could their skill throw much light upon it. It was a question to be decided by the terms of the treaty, and other evidence collateral to it. For himself, therefore, he did not hope much from an agreement to explore, as his impression was it would substantially leave matters where they are. The controversy arose mainly on the inquiry—where is the northwest angle of Nova Scotia? He could entertain no doubt as to this, for the treaty designated it accurately. He meant, however, now only to say he did not hope much from exploration, as it appeared to him the results could as well be seen now as after the labor was performed.

The message and documents were laid on the table and ordered to be printed.

The senate took up, on its third reading, the bill to incorporate the Falmouth and Alexandria Rail Road Company, and for other purposes, which was, after a brief discussion, in which Messrs. Hubbard, Morris, and Clay, of Ala., opposed the bill, and Messrs. Roane and Davis advocated it, passed by the following vote:

YEAS—Messrs. Bayard, Benton, Clay, of Ky., Clayton, Crittenden, Davis, Fulton, King, Linn, Merrick, Mouton, Nicholas, Norvell, Preston, Roane, Robinson, Sevier, Smith, of Indiana, Spence, Strange, Tallmadge, Trotter, Webster—23.

NAYS—Messrs. Allen, Buchanan, Calhoun, Clay, of Ala., Grundy, Hubbard, Knight, Lyon, Morris, Niles, Pierce, Prentiss, Smith, of Conn., Swift, Tipton, Wright, Young—17.

The senate proceeded to consider the bill for the continuation of the Cumberland road in the states of Ohio, Indiana, and Illinois.

This bill was mainly but briefly advocated by Mr. Tipton, and with various amendments proposed, further discussed by Messrs. Norvell, Benton, Wright, Smith, of Indiana, Morris, Niles, Buchanan, Smith, of Connecticut, Merrick, Tipton, Robinson, and Preston.

Mr. Norvell offered an amendment, which was understood to confine the appropriations to the 2 per cent. fund granted for the purpose of roads to the states respectively.

This amendment was lost: Yeas 12, nays 29.

Mr. Benton offered an amendment requiring that the appropriations of this bill should be subject to all the limitations, restrictions, &c. contained in the act relating to roads, approved March 3, 1837. [What these limitations, &c. were, did not appear.]

This amendment was agreed to: Yeas 27, nays 15.

Mr. Niles moved to amend the bill by striking out that part relating to a bridge in Pennsylvania. Negatived: Yeas 11, nays not counted.

Mr. Hubbard, with a view proportionally to reduce all the appropriations, moved to reduce the appropriation for Ohio from \$150,000 to \$100,000. This motion was negatived as follows:

YEAS—Messrs. Calhoun, Clay, of Ala., Clayton, Hubbard, King, Lyon, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Ruggles, Smith, of Connecticut, Strange, Trotter, Williams—17.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clay, of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, Merrick, Morris, Nicholas, Robinson, Smith, of Indiana, Spence, Swift, Tipton, Webster, Wright, Young—23.

The bill, as amended, was ordered to be engrossed for a third reading, by the following vote:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Clay, of Kentucky, Crittenden, Cuthbert, Davis, Fulton, Grundy, Knight, Linn, McKean, Merrick, Morris, Nicholas, Robbins, Robinson, Sevier, Smith, of Ind., Spence, Swift, Tipton, Webster, Wright, Young—26.

NAYS—Messrs. Calhoun, Clay, of Ala., Clayton, Hubbard, King, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Roane, Smith, of Connecticut, Strange, Trotter, Williams—17.

Mr. Hubbard gave notice that, as soon as the general navy appropriation bill was disposed of, he would call up the resolution introduced by Mr. Clay, of Kentucky, prohibiting discrimination in the kinds of money received as revenue, and authorizing the public receipts and payments in the notes of sound, specie-paying banks.

The bill for the relief of Matthew Arbuckle was considered, amended, on motion of Mr. Sevier, by a substitute for the bill authorizing, generally, the entry at the government price of lands in Arkansas, covered by the alleged, but unconfirmed, French or Spanish claims; and the bill in this form was ordered to be engrossed for a third reading.

The senate then adjourned.

HOUSE OF REPRESENTATIVES.

Friday, May 18. After Mr. Henry had, by leave, presented the petition of William McMillen, who was a lieutenant in the revolutionary war, praying commutation in consequence of his services to the end of the war,

Mr. Russell, asked leave again to offer his resolution rescinding so much of the fifth section of the act entitled "An act to regulate the deposits of the public money," passed the 28d of June, 1836, as prohibits receiving in payment for dues to the government, and disbursing the same, the bills of specie-paying banks which issue notes or bills of a less denomination than five dollars; and also, so much of the second section of the act entitled "an act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836, as prohibits the offering in payment by any officer or department of the government the notes or bills of specie-paying banks of a less denomination than twenty dollars."

[*Misprinted ten dollars heretofore.]

Objection being made by Mr. Yell, Mr. Cushman, and others,

Mr. Russell moved to suspend the rules to enable him to make his motion, and demanded the yeas and nays on the question of suspension.

It appeared, on counting the house, that no quorum was present.

Mr. Russell, at the request of Mr. Whitlesey, consented to withdraw his motion for the present.

On motion of Mr. Briggs, the house went into committee of the whole, (Mr. Boon in the chair), on the senate's bill for the relief of Hard and Longstreet, which was advocated by Mr. Elmore, amended, on motion of Mr. Whitlesey, reported to the house, read a third time, and passed.

A number of reports on private claims were presented, among which are the following:

Mr. Bell, from the committee on Indian affairs, laid before the house sundry papers communicated to that committee by the secretary of war, touching certain claims of Creek Indians and Choctaw Indians.

Also, certain papers communicated to that committee from the secretary of war, in relation to the claim of William M. Graham, for services as acting Indian agent in Florida, and for indemnification of expenses which that situation compelled him to incur.

Mr. Cushman, from the committee on commerce, reported a bill further to provide for the relief of distressed American seamen in foreign countries.

Mr. Underwood, from the committee on revolutionary claims, reported a bill for the payment of certain judgments which have been, or may be, obtained, against the state of Virginia.

On motion of Mr. McKay,

Ordered, That the committee on military affairs be discharged from the consideration of the resolution of the house of the 16th April last, relative to confining the instruction hereafter to be given at the military academy at West Point exclusively to the elements and practice of civil and military engineering, and that the same do lie on the table.

Mr. McKay, from the committee on military affairs, reported against the petition of A. M. Caldwell; and also against a resolution of the house of December 14, 1837, relative to the placing of cannon, carriages, &c. with the governor of Missouri, for the use of said state. Also, against a resolution of the house of the 19th of March last, relative to the erection of an arsenal in Lincoln county, North Carolina.

Mr. Morgan, from the committee on revolutionary pensions, reported a bill to establish a pension agency at McMinnville, in the state of Tennessee; which bill was ordered to be engrossed, and read a third time to-morrow.

Mr. *Morgan*, from the same committee, reported, without amendment, senate bill to establish a pension agency at Montpelier, in the state of Vermont.

Mr. *Lincoln* from the committee on the public buildings and grounds, reported a bill making appropriations for certain repairs and improvements upon the public buildings and grounds, and for other purposes.

Mr. *Montgomery*, from the committee on the post office and post roads, reported a bill to regulate the postage on letters, and for other purposes; to which bill Mr. *Hall*, of Vermont, offered an additional section, by way of amendment, to come up when the bill shall be considered.

Mr. *Sergeant* inquired of Mr. *Lincoln* when it was the intention of the committee on the public buildings to call up the consideration of the bill respecting the removal of the new treasury building, and the erection of a new post office? He said that he had been frequently asked the question, with much solicitude, by persons who were deeply interested in it. Many respectable mechanics had been invited here to be employed on that building, who were now thrown out of employment, and in a state of suspense. They had, in some cases, families here, who were dependent on them for support.

Mr. *Lincoln* stated that, since the bill had been last before the house, the president of the United States had put the subject in commission, having assigned it to the secretaries of state, of war, and of the treasury. These commissioners had written to him, (Mr. *L.*) urging the propriety of an early attention to the bill, and on the same ground now stated by the honorable gentleman from Pennsylvania. The committee had thereupon directed him to offer a resolution, which he should presently ask leave of the house to present.

Mr. *Lincoln* soon after asked to have the following resolution read:

Resolved, That the house will at twelve o'clock this day go into committee of the whole on the state of the union, for the purpose of resuming the consideration of bill No. 706, providing for the removal of the walls of the treasury building, and for the erection of a fire-proof building for the post office department.

The *Speaker* stated that he had had for some days in his possession a memorial from a number of mechanics on this subject, but had not had an opportunity to present it. Mr. *Sergeant* moved that the memorial referred to by the speaker be now read, by leave. Mr. *Yell* objected, and the house did not order it. On the adoption of the resolution moved by Mr. *Lincoln*, Mr. *Yell* demanded the yeas and nays; which were taken, and resulted as follows: Yeas 70, nays 90. So the resolution was rejected. Mr. *Cambreleng* pressed a motion to dispense with the private bills, and go into committee of the whole on the state of the union, in order, to take up a money bill. He stated that drafts to the amount of \$600,000, on the quartermaster's department, lay over for want of the action of congress. The motion did not prevail.

Mr. *Cambreleng* gave notice that he should renew the motion on Monday next.

The house then proceeded to the consideration of private bills, in committee of the whole, Mr. *Atherton* in the chair; after remaining in committee for some time, rose and reported progress upon a number of bills, some of which were ordered to be engrossed. The committee also reported amendments to a number of bills from the senate, but without acting further upon them. Adjourned.

Saturday, May 19. The honorable *Linn Banks*, member elect from the state of Virginia, in the place of Mr. *Patton*, appeared, was qualified, and took his seat.

Mr. *Allen*, of Ohio, asked leave to submit a resolution for a post route.

Mr. *Craig* had not the slightest objection to the gentleman's resolution, but he must object to its putting aside other business, unless he and others could have a similar indulgence.

Mr. *Cambreleng* laid before the house a communication from the acting secretary of war, enclosing several communications from the acting quartermaster general, showing the pressing want of the appropriation for preventing and suppressing Indian hostilities, in order to carry on with efficiency the military operations concerted, and those now in progress. Among these was a letter from the acting quartermaster general, under date of April 25, 1838, which says:

"I have not been able to make a single remittance of any consequence for the suppression of Indian hostilities for the last ten weeks, though the expenditures through this department have heretofore averaged full three hundred thousand dollars."

Another letter from the same officer, dated May 15th, 1838, says: "I regret very much that it was deemed advisable to propose the appropriation in the

same minute detail which was attempted in the estimate, instead of embracing all the objects of supply, and services due from the quartermaster's department, in the same amount, under one general head, while I am quite sure that the aggregate called for is not more than will be required. Some of the items will, no doubt, fall short, and others exceed, the wants of the service, since it is impossible to estimate the expenditures for armies engaged in active operations in the field, under each separate head, with sufficient accuracy for detailed appropriations. In that enactment inconvenience will be experienced, unless power be vested in the executive to transfer from one item to another, which I would respectfully suggest, if the present form of the bill be retained. I would also suggest the following modifications of the several items, without affecting the aggregate amount:

1st. For forage, say	\$400,000
2d. For freight, or transportation of supplies to the places of operation	350,000
3d. For wagons, carts, &c.	150,000
4th. For transportation of supplies from the depots to the points of consumption	700,000
5th. For hire of mechanics, laborers, drivers, &c.	250,000
6th. For transportation, &c. of volunteers	100,000
7th. For miscellaneous and contingent charges	750,000
8th. For drafts and arrearages	1,048,600

Total, corresponding with the estimate of the 17th of March, and the bill No. 676 of the house of representatives - \$3,748,600

Mr. *Lincoln*, from the committee on public buildings and grounds, reported the following resolution, which was disagreed to by the house:

"*Resolved*, That the house will go into committee of the whole on the state of the union on Monday next, at 2 o'clock in the afternoon, for the purpose of resuming the consideration of bill No. 706, to provide for removing the walls of the treasury building, and for the erection of a fire-proof building for the post office department."

Mr. *Yell* and Mr. *Cambreleng* simultaneously asked for the yeas and nays; which, being ordered, were: Yeas 67, nays 77; and so the resolution was rejected.

Mr. *Russell* again asked leave to offer the resolution presented to the house on Thursday, to repeal the small note restriction.

Objection being made, Mr. *R.* moved a suspension of the rules, and asked for the yeas and nays, which, being ordered, were as follows:

YEAS—Messrs. H. Allen, Aycrigg, Bond, Borden, Briggs, Wm. B. Calhoun, Childs, Clark, Coffin, Corwin, Crockett, Davies, Dunn, Evans, Everett, Ewing, Fillmore, Rice Garland, Goode, Hall, Harlan, Henry, Lincoln, Maxwell, Mitchell, Noyes, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, Sibley, Slade, Southgate, Stone, Stratton, Tillinghast, Toland, A. S. White, J. White, E. Whittlesey, L. Williams, C. H. Williams, Yorke—51.

NAYS—Messrs. Adams, Alexander, J. W. Allen, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Boon, Buchanan, Cambreleng, Casey, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Crary, Cushing, Cushman, Darlington, Dawson, Davee, Dromgoole, Duncan, Elmore, Farrington, Fairfield, R. Fletcher, Foster, Gallup, James Garland, William Graham, Grantland, Grant, Gray, Griffin, Haley, Hawes, Hawkins, Haynes, Herod, Holt, Hopkins, Howard, W. H. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, William Cost Johnson, N. Jones, J. W. Jones, Kilgore, Klingensmith, Legare, Leadbetter, Logan, J. M. Mason, Samson Mason, Martin, Maury, McKay, Abraham McClellan, McClure, McKennan, Menefee, Montgomery, Morgan, C. Morris, Murray, Naylor, Pennybacker, Petrikin, Phelps, Potter, Prentiss, Reily, Rives, Robertson, Sheffer, A. H. Shepperd, Shields, Shepler, Snyder, Spencer, Stuart, Taliaferro, Taylor, Thomas, Titus, Toucey, Towns, Turney, Wagener, Webster, Weeks, T. T. Whittlesey, S. Williams, J. W. Williams, J. L. Williams, Yell—101.

So the house refused to suspend the rules.

Mr. *Boon* then made a similar motion to proceed to the consideration of the resolution to rescind the specie circular, and, for the first time, he said, asked for the yeas and nays, which were ordered.

Mr. *B.* explained, in order that the house might vote understandingly, that it was not his intention to press the resolution of the gentleman from Kentucky, (Mr. *Williams*, to instruct the committee of ways and means to bring in a bill on the subject,) but to present his own (a joint one and direct) as a substitute. [Mr. *Williams* stated, some days ago, that he would accept Mr. *Boon's* as a modification of his own, should the rules be suspended.]

On the motion to suspend the rules, the yeas and nays were as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Aycrigg, Bell, Bond, Boon, Borden, Briggs, Bronson, Buchanan, Wm. B. Calhoun, J. Calhoun, J. Campbell, William B. Carter, Casey, Cheatham, Childs, Clark, Cleveland, Coffin, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dunn, Edwards, Evans, Everett, Ewing, Fillmore, Foster, Gallup, J. Garland, R. Garland, Goode, William Graham, Grantland, Graves, Griffin, Haley, Hall, Harlan, Harper, Hawes, Henry, Herod, R. M. T. Hunter, J. Jackson, W. C. Johnson, Kilgore, Legare, Lincoln, Marvin, J. M. Mason, Samson Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, Montgomery, Morgan, C. Morris, Naylor, Noyes, Parmenter, Patterson, Pierce, Pope, Potts, Rariden, Randolph, Rencher, Ridgway, Robertson, Rumsey, Russell, Sergeant, Augustin H. Shepperd, Shields, Sibley, Slade, Snyder, Southgate, Stuart, Stone, Stratton, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, Elisha Whittlesey, T. T. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, Wise, Yell, Yorke—108.

NAYS—Messrs. Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Brodhead, Cambreleng, Chapman, Clowney, Coles, Connor, Craig, Cushman, Dawson, Davee, Dromgoole, Duncan, Elmore, Farrington, Fairfield, I. Fletcher, Fry, Hammond, Hawkins, Haynes, Holt, Hopkins, Howard, W. H. Hunter, Ingham, T. B. Jackson, N. Jones, J. W. Jones, Klingensmith, Leadbetter, Logan, Loomis, Martin, McKay, Abraham McClellan, McClure, Murray, Pennybacker, Petrikin, Phelps, Potter, Prentiss, Reilly, Rives, Sawyer, Sheffer, C. Shepard, Shepler, Spencer, Taliaferro, Taylor, Thomas, Toucey, Turney, Wagener, Webster, J. W. Williams—68.

The *Speaker* laid before the house a communication from the secretary of the treasury, transmitting the annual statement of commerce and navigation between the United States and foreign countries in the year ending the 30th September, 1837; to which are added, also, certain statements respecting the tonnage of the United States for the year ending at the same time.

Mr. *Whittlesey*, of Ohio, moved to print 10,000 extra copies. Mr. *Harlan* hoped the gentleman would limit the number to 5,000, which he thought amply sufficient. Mr. *Whittlesey* replied that 10,000 was the usual number heretofore printed, and added that he knew of no document of more general interest or intrinsic value, as well to the west as the east.

Mr. *Adams* said he supposed the gentleman from Kentucky (Mr. *Harlan*) was in the predicament of a certain king of Bohemia, who complained that he had no seaports in his dominions, and, therefore, that he (Mr. *H.*) could not appreciate the vast importance of this document, which, to the people of the Atlantic states, was of very great importance. Mr. *A.* hoped, therefore, that the motion for 10,000 would prevail.

The motion did prevail, and 10,000 copies were accordingly ordered to be printed.

The bill to establish a pension agency at McMinnville, in the State of Tennessee, was taken up on its passage; it was, after a brief debate, in which the bill was opposed by Messrs. *Underwood* and *McKay*, and advocated by Messrs. *Morgan*, *Shields*, and *Turney*, rejected—yeas 44, noes 89.

Mr. *Southgate* moved to reconsider this vote. The motion was entered on the journal.

The house took up and considered several private bills reported yesterday by the committee of the whole.

The bill for the relief of the administrators of Wharton Quarles, deceased, was passed, without debate or division.

The senate bill, No. 58, for the relief of the representatives of John Jordan, deceased, was considered, and the yeas and nays were demanded on the passage of the bill, by Mr. *Allen*, of Vermont. On ordering the yeas and nays, the division was 19, 82. No quorum. The debate was, notwithstanding, still further protracted, the main objection to the bill being that Jordan, as an artillery artificer, was not entitled to the commutation pay provided by the bill under consideration, to be paid to his representatives. After some further discussion of this point, the yeas and nays were again demanded, and no quorum found to be present.

Mr. *Allen* then moved an adjournment. Mr. *Whittlesey*, of Ohio, demanded the yeas and nays. Ordered—14, 47, (one-fifth necessary.) And the house decided not to adjourn, by the following vote: Yeas 46, nays 56. Mr. *Whittlesey*, of Ohio, as there was no quorum present, demanded a call of the house. Relused—Yeas 40, nays 47. No quorum voting. Mr. *Potts* moved that the house adjourn; which motion prevailed, and the house adjourned.

Monday, May 21. The states being called in order for the presentation of petitions, a large number were presented, which we shall notice hereafter.

By leave of the house, Mr. Boon stated that he had had a consultation with Mr. Sherrod Williams upon the subject of the currency resolution, which he (Mr. B.) had several times moved to take up and consider. Mr. W. had given him some assurance that he was willing so to modify his resolution as to make it acceptable to himself as a substitute for the one he had offered, and which he wished to have acted on. But the result of that consultation had been unsuccessful, Mr. W. refusing so to modify his proposition as to make it acceptable to Mr. B. as a substitute for his own. He (Mr. B.) had no other alternative left him but to resume his seat.

The committees being about to be called for reports, Mr. Cambreleng moved that the house go into committee of the whole on the state of the union, generally. Mr. R. Garland moved that the house go into committee of the whole on the state of the union, and take up the senate pre-emption bill. The Chair said that it would be for the committee to decide what bills they would take up. Mr. R. Garland then gave notice that, if the house went into committee of the whole, as proposed, he should move to take up first the bill he had named. Mr. Whittlesey hoped the committees would be called for reports. Mr. Cambreleng said that that could be done every morning, and the public business required immediate attention. Mr. Cushing asked what effect this motion, if it prevailed, would have upon the northwestern territory question, then under discussion during the morning hour? The Chair said it would come up to-morrow in order. Mr. Everett asked if the chairman of the committee of ways and means intended to take up the Indian appropriation bill in committee to-day? Mr. Cambreleng responded in the affirmative. Mr. Everett intended to propose an amendment to that bill, the effect of which, he hoped, would be to settle the Cherokee difficulty. He hoped that bill would not be taken up to-day. The Speaker asked if there was any objection to the motion of the chairman of the committee of ways and means? Mr. Everett objected on the grounds he had stated. The Chair was about to commence the call for reports, when Mr. Cambreleng moved a suspension of the rule, for the purpose of offering the motion above made. Mr. Boon demanded the yeas and nays; which were ordered. Mr. Petrikin demanded a call of the house. Not ordered. The motion to suspend the rules prevailed by the following vote: Yeas 106, nays 37. And the house went into committee of the whole on the state of the union, (Mr. Howard in the chair.)

Mr. Cambreleng moved to take up the Indian appropriation bill. Mr. Rice Garland moved to take up the senate pre-emption bill. And the question being put upon the first of these motions, *no quorum voted.* The Chair ordered another count, (by tellers,) and the question upon taking up the bill to suppress Indian hostilities for the year 1833, was again put, but *no quorum voted.* and a third count (by tellers) was ordered; and, *no quorum voting,* the committee rose, and reported the fact to the house. Mr. Whittlesey hoped that the chairman of the committee of ways and means would allow the business of the house to proceed as on the calendar. Mr. Petrikin asked if the house could do business without a quorum? The Chair responded in the negative, and proceeded to count the house 133 members being within the bar, the chairman of the committee of the whole resumed the chair. The bill for the suppression of Indian hostilities was then taken up and considered.

Mr. Cambreleng had felt embarrassed to know whether to make a speech or not, upon this subject. He had concluded to make none. This was an important bill, demanding immediate action. There was now a prospect of the close of this disastrous war. There were many protested bills yet to be paid for the suppression of Florida Indian hostilities. The bill, moreover, provided for the maintenance of peace and quiet in the Cherokee country.

Mr. C. then proposed an amendment, reducing some of the proposed appropriations, and sent to the chair some official and executive documents upon the subject; which were read.

Mr. Everett stated that, at the proper time, he should offer a proposition to amend the bill by adding the following:

For the payment to the Cherokee nation, after their emigration, the sum stipulated in the 1st article of the treaty of 29th December, 1835, deducting \$500,000 under the 2d article, and \$400,000 invested under the 10th article - \$4,100,000
Provided, the Cherokee nation assent to receive it.

To enable the president to re-purchase the lands ceded by the 2d article of said treaty - 500,000

For payments to the Cherokee nation for the benefit of the Cherokees who have

not taken the benefit of said treaty—

1. For compensation in full for all claims for their improvements - 2,250,000
2. For compensation for personal property which may be abandoned, not provided for by said treaty - 750,000
3. For compensation for apollations in full - 300,000
4. For commutation for claims for pensions under the 14th article - 50,000

Provided, that no part of the appropriations in this article shall be expended, unless a majority of such Cherokees shall have emigrated west of the Mississippi by the 1st of January next; nor until the said Cherokee nation east shall have agreed so to receive said sums in full for said claims.

- For compensation to such Cherokees as shall emigrate at their own expense, by 1st January next, at \$33 1-3 per head, (15,000 Cherokees) - 500,000
For subsistence, extended to 18 months, to such emigrants, \$50 per head, (15,000 Cherokees) - 750,000

Mr. Bell proposed the following amendment:

"Provided, that if the president shall ascertain that all dissatisfaction and further opposition on the part of any portion of the Cherokee Indians to the treaty of 1835, can be allayed or avoided by allowing an additional compensation for lands ceded to the United States by said treaty, and that thereby the government may be saved the expense of keeping up the large military force within the Cherokee country now contemplated, he is hereby authorized to apply two millions of dollars of the sum appropriated by this act to that object."

The amendment of Mr. Cambreleng, above alluded to, was adopted. Mr. Wise moved that the committee rise. Ordered. Mr. Everett moved that the bill, with all the proposed amendments, be printed. Carried.

Senate bills for the relief of James Witherall, and for the relief of the heirs of Dr. Thomas Carter, deceased, were severally read the third time and passed.

The senate bill to repeal certain provisos of an act "to alter and amend the several acts imposing duties on imports," approved the 14th day of July, 1832, was ordered to be read a third time to-morrow.

The bill adding another judge to this court, came up on its third reading, as proposed to be amended by the committee for the District of Columbia, so as to make the term of office of the proposed judge, four years, instead of for life, as proposed in the bill. A brief discussion ensued on the proposition, after which the question was taken on the amendment. Mr. Petrikin asked for the yeas and nays on the question of ordering the bill to a third reading. Not ordered. The bill was then ordered to be engrossed, and read a third time to-day; and, being so read, was passed. So the original bill, as it came from the senate, was passed. And then, on motion, the house adjourned.

In order to make room for the debate between Messrs. Clay and Calhoun, and the documents submitted to congress in relation to the treaty with the Cherokees, we are reluctantly compelled to postpone further details of the proceedings of both houses until our next. The following summary, however, comprises all business of interest.

In the senate on Thursday, the Vice President presented a communication from the treasury department, in pursuance of a resolution recently offered by Mr. Clay, of Kentucky, in relation to the receipt of bank notes for revenue. The communication was read, and was understood to state that no new orders had been given on the subject, and that the receipt of bank notes was a consequence of previous orders, and of the resumption of specie payments by certain banks. The communication was accompanied by a copy of a letter from the department to public officers at New York, dated April 23, 1833, which was read, and which was understood to sanction the receipt of specie-paying bank notes from banks not issuing notes of less than \$5, according to orders and instructions given previous to the suspension of specie payments.

Mr. Clay moved that this communication be laid on the table and printed. He said he did not know whether this would furnish the occasion making it necessary for further inquiry of the secretary of the treasury, in order to know whether further instructions had been given to any of the collectors. The fact had now appeared that they did receive at New York, the notes of specie-paying banks; and Mr. C. was understood to say that he had a letter in his drawer informing him that, on resumption, the notes of specie paying banks were to be received and disbursed in payment of the public dues.

The communication was laid on the table, and ordered to be printed.

On motion of Mr. White the message of the president, and the communication of the secretary of war, in relation to the removal of the Cherokees, was referred to the committee on Indian affairs. The bill for the continuation of the Cumberland road was passed by a vote of 23 to 18,—it was then sent to the house and subsequently returned with an amendment, in which the senate concurred. Some time was spent in considering the bill making appropriations for the naval service for 1833, but, without coming to a decision upon it, the senate, after an executive session, adjourned.

In the senate, yesterday, the navy appropriation bill was passed, after the rejection of a proposition, made yesterday, by Mr. Crittenden, to strike out the appropriation for the exploring expedition.

On motion of Mr. Hubbard, the senate took up the joint resolution offered by Mr. Clay, of Ky., providing that no discrimination shall be made as to the currency, or medium of payment in the several branches of the public revenue, or in debts or dues to the government, &c., when Mr. Webster, (Mr. Clay assenting,) offered the amendment before proposed to be offered by him, as follows:

Strike out the first clause of the resolution after the enacting clause, and insert, That it shall not be lawful for the secretary of the treasury to make, or to continue in force, a *ny* general order which shall create any difference between the different branches of revenue, as to the funds or medium of payment, in which debts or dues, accruing to the United States, may be paid.

Mr. Clay, of Ky., expressed his indifference as to which form of the resolution should prevail, but argued at some length in support of the objects to be accomplished by it. Mr. Benton spoke at great length in favor of the specie circular, and against Mr. Clay's resolution. Mr. Clay, of Kentucky, asked the unanimous consent of the senate so to modify his resolution as to make Mr. Webster's amendment a part of it, and to strike out the words "and shall be subsequently disbursed (the bank notes) in a course of public expenditure, to all public creditors who were willing to receive them." This omission Mr. C. had found would render the resolution more acceptable to some senators, and he did not regard the clause as specially important.

Mr. Calhoun objecting, the modification could not be made. Mr. Morris spoke with great decision in favor of the specie circular in its operations, past, present, and to come, and moved an adjournment. Negatived—Yeas 19, nays 20. On the suggestion of Mr. Morris, Mr. Webster modified his amendment by striking out "funds," and inserting *money*.

Mr. W.'s amendment, so modified, was then adopted, without dissent. Mr. Clay moved to strike out the words quoted above, requiring bank notes to be paid to those who were willing to receive them. On the call of Mr. Wright, the yeas and nays were ordered; who also signified his design to move to strike out the whole remaining part of the latter clause of the resolution relating to the receiving of bank notes.

On this a debate followed, in which Messrs. Wright, King, Clay, of Ky., Calhoun, Cuthbert, Morris, and Buchanan participated; and without any further action on the subject, the senate adjourned.

The house of representatives on Tuesday was chiefly occupied on the question of referring the message of the president, and the communication of the secretary of war, in reference to the treaty with the Cherokees, inserted in this day's proceedings of the senate. It caused a very animated, but desultory debate—finally, it was laid on the table, and ordered to be printed.

On Wednesday considerable time was devoted to the consideration, in committee of the whole, to the bill for the suppression of Indian hostilities; but, before the discussion was concluded, the committee rose, and the house adjourned.

On Thursday, a call of the house having been ordered, a motion of Mr. Garland, of La., whose object was to ascertain where were the *ten o'clock men*, and having been proceeded in until it was ascertained that 133 members were present, the call was suspended.

Mr. Hoffman then rose, and called the attention of the house to the fact that a very exceptional document had been ordered to be printed, and was yesterday laid on the table. He referred to a message of the president of the United States enclosing communications from the secretaries of state and the treasury, in reply to a resolution of inquiry, adopted on the 30th April, 1833, calling for information as to the extent to which the deportation of foreign paupers to this country had been carried on. That document contained two extracts from the New York "Truth-Teller," in which there was nothing at all pertinent to the subject of inquiry, but which consisted of anonymous and violent denunciations of the mayor and city council of the city of New York. Mr. H. commenced, in strong terms, upon the extracts in question, and expressed his opinion that it was a mistake to which the president could not have been a party. He concluded his remarks, which shall be inserted hereafter, by expressing his intention to offer, at the proper time, a resolution, discharging the select committee, to whom the message and reports from the secretaries of state and the treasury, on the subject of the importation of foreign paupers, from the consideration of the extracts referred to, and that they be returned to the president. He then moved that the resolution be made. Mr. Beatty objected to the reception of the resolution at this time. Mr. Hoffman moved a suspension of the rules to enable him to offer it. This notice caused considerable discussion; but the house refused to suspend the rules. Mr. Thomson then offered a resolution requesting the president to inform the house whether the extracts were communicated to the house by his direction, which, being objected to, he moved a suspension of the rules. Lost. Several reports having been received from committees, the house went into committee of the whole, and took up the bill for the suppression of Indian hostilities. After sometime spent therein the committee rose, and had leave to sit again. The house next took up, and concurred in the senate's amendment to the Cumberland road bill, and then adjourned.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

THE SPECIE CIRCULAR. A joint resolution, virtually repealing the specie circular of July, 1836, has passed both houses of congress by large majorities, and, having been signed by the president, is now a law of the land. In pursuance of that law the secretary of the treasury has addressed the circular, inserted below, to the collectors and receivers of public money:

CIRCULAR FROM THE TREASURY DEPARTMENT.

To all collectors and receivers of public money:

Treasury department, June 1, 1838.

By a resolution, passed the 31st ultimo, congress has declared "That it shall not be lawful for the secretary of the treasury to make or to continue in force, any general order, which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues, accruing to the United States, may be paid."

To carry this resolution into effect, it has become necessary to issue new instructions to collectors and receivers of public money.

By the present laws specie and treasury notes alone are expressly made receivable for all kinds of public dues, and you will of course continue to take them till otherwise instructed.

A circular was issued under the direction of the president of the United States, on the 11th of July, 1836, which, after a certain period prohibited any currency from being taken in payment of the public lands except specie—no authority for the issue of treasury notes being then in existence.

This circular did not order any different medium to be taken for duties—yet, the various reasons contained in it were not applicable to the revenue from customs, and a practice had existed before and has been continued since, to receive bank notes of a certain character in payment of duties.

In this condition of things, and without any new legislation, either to extend the provisions of that circular to every branch of the revenue, or to abolish the practice of taking bank notes for any branch of it, congress directed, by the resolution above quoted, that no difference or discrimination shall be created or continued in force by any general order emanating from this department. It has thus been made the imperative duty of the secretary of the treasury, either to require the collection of the whole revenue, in all its branches, in gold, or silver, or treasury notes, or to permit, under such restrictions as the existing laws impose, and as the safety of the public money may seem to require, the acceptance of bank notes, for lands sold as well as for other public dues.

However desirable it may be on some accounts, that the receipts and payments of the general government shall be in the currency provided in the constitution, and however inexpedient it may be to give undue encouragement to a different currency, which by its fluctuations in quantity and value often renders the wages of labor uncertain, gives instability to the value of property, and thus enables the artful to accumulate wealth at the expense of the unwary, it is not believed that this department can find a sufficient warrant in the proceedings of congress, or in the public opinion, to justify the sudden and total exclusion at this time of the notes of specie paying banks from reception for public dues of every description.

Important changes have also taken place since July, 1836, in the condition of the banks and of business generally, which have diminished the necessity for unusual checks on excesses and overactions.

Influenced by these considerations, and by a desire to accommodate the public debtors as far as compatible with the restrictions of law and the safety of the pecuniary interests committed to my care, I feel bound to enforce the uniformity now required, by availing myself of the permission given in the resolution of 1816, to receive the notes of bank, and by extending, under suitable limitations, the receipt of such notes equally to all branches of the public revenue.

The limitations as to the character of the notes receivable, will be such as are required by express laws, or by necessary implication. Some of these limitations have always, except at one brief interval, been adopted in practice since the formation of the constitution, and are deemed essential to maintain a sound currency, so indispensable to the prosperity of trade and a healthy state of public morals. Others have been introduced more recently to promote fiscal convenience, the public security, and an equal standard of value.

1st. You will in conformity to the obvious intent of the resolution of 1816, take such bank notes only as are "payable, and paid on demand, in the legal currency of the United States."

2d. You will receive none of a less denomination than twenty dollars; the reception of all smaller denominations being virtually prohibited by the second section of the act of April 14th, 1833, which forbids their being paid out to any creditor of the United States. Though smaller notes offered for duties could, from the

nearness of banks in most seaports, be taken, and easily exchanged before making payments, yet, from the remoteness of many land offices from banks, this could not be effected there without much delay and expense; and as uniformity is now required, the provision must be made general.

3d. Nor will you accept bank notes of any denomination, unless the same be "payable, on demand, in gold and silver coin, at the place where issued," and equivalent to specie at the place where received, as is substantially required by the last mentioned act in respect to payments. These requirements can, in the opinion of the department, be enforced with greater certainty, and unnecessary risk and loss more surely avoided, by confining the receipt, as has been the usage at some former periods, to the notes of banks situated within your state, and in the adjoining state. The credit of these notes can usually be best known—counterfeits of them more easily detected—and specie obtained for them with less delay when it is wanted for public purposes.

4th. You will not take the notes of any bank which, since the 4th of July, 1836, has issued "any note or bill of a less denomination than five dollars;" the notes of all such banks being expressly excluded by the eighth section of the act of the 23d June, 1836.

Great care will be expected from you in carrying into effect this, and all former circulars still in force; and particularly is it enjoined that receivers be vigilant to furnish every facility to the registers for making the monthly examinations, recently required, of the funds and vouchers on hand, and to guard against the imposition upon the land offices of bank notes not safe or equivalent to specie, and not well known to be receivable, according to the spirit of these instructions, and the manifest intentions of the acts of congress, which they are designed to enforce.

Respectfully,

LEVI WOODBURY,
Secretary of the treasury.

OFFICIAL—TREASURY NOTES.

Treasury department, June 1, 1838.

The whole amount of treasury notes authorized by the act of 12th of October, 1837, has been issued by the treasurer, viz: \$10,000,000

Of that amount there has been returned to the treasury for duties and lands, and in payment of debts to the United States, about 6,000,000

Leaving \$4,000,000

The treasury notes issued up to this day under the provisions of the act of 31st May, 1833, amount to \$300,307 25.

LEVI WOODBURY,
Secretary of the treasury.

The "Richmond Enquirer" of yesterday, after congratulating its readers on the passage of the resolution rescinding the specie circular, says—"the resolution, upon the face of it, only does away the discrimination between the monies to be received for public lands and customs; but in point of fact, it will supersede the call for specie in the payment of the public lands—as it is sufficiently obvious, at present, the secretary of the treasury will not resort to a general requisition for specie. The resolution was voted for accordingly on that principle.

There can be little doubt, this measure will smooth the way to the resumption of specie payments by the western, northwestern, and southwestern banks. The Detroit banks complain that their resumption is embarrassed by the specie circular, which drains the banks there to buy lands. This complaint will now be removed—and a new impulse will be communicated to the recuperative energies of all the solvent western banks.

NEW YORK MONEY MARKET. The New York Gazette of Thursday, says: "Exchange on England is getting up. Prime bills on London are held at 8 per cent. The Sampson and Orpheus, which arrived yesterday, brought a large amount of specie; and, as our last dates from England informed that accounts had been received from New York of the fall of exchange to 4 1-2 per cent., we may expect still further imports of the precious metals by the next packets. Drafts on Philadelphia sold yesterday at 2 per cent. discount."

GEN. JESUP, accompanied by his aids, arrived in this city on Tuesday last, via Norfolk. On noticing the arrival of Gen. J. the "Globe" says: "We believe the war in Florida may now be considered at an end. There are but a small band of Mickasukies, and only a single chief of note, still abiding in the swamps. Gen. Jesup has taken altogether about seventeen hundred of these banditti, and among them the most influential, daring, and mischievous chiefs."

AGRICULTURAL FAIR. The agricultural society of Kent county, Maryland, proposes to give, at the next annual fair, a premium of a silver cup for the best acre of corn and wheat; also premiums for the best colt not more than two years old, the best calf, the best home-made carpet, for the best home-made stockings, the best home-made cloth, the best sample of butter, the best sewing silk, for the best crop of timothy and clover, on one acre, the best crop of sugar beets, mangel wurtzel, ruta бага, and potatoes on one-fourth of an acre; the best boar, sow, ram, ewe, &c.

MAINE. On the 24th ult. the governor and council met to examine the returns of votes for member of congress for Oxford district, in place of the late hon. T. J. Carter, deceased. The whole number of votes returned are 8,321.

For Virgil Delphini Parris, (Van Buren,)	4,349
N. S. Littlefield, "	166
Joseph G. Cole, "	60
Judah Dana, "	3
R. K. Goodenow, (conservative,)	30
Scattering, (for 12 different persons,)	23

Zadoc Long, (whig,)	4,631
	3,690—3,690

941

Van Buren plurality, including conservative and scattering.

The majority for V. D. Parris is 187. His plurality over all others 377.

According to the official list, the votes in the district, when Mr. Carter was elected, were as follows:

For Timothy J. Carter, (Van Buren,)	4,165
Joseph Tobin, "	281
Alfred Prince, "	53
Joseph G. Cole, "	44
Amos Nourse, "	3
Oliver Bolster, "	2

For Oliver Herrick, (whig,)	4,550
George Evans, "	2,397
James Brooks, "	5
	2

Van Buren plurality, 2,146

Hon. JAMES S. CONWAY, governor of the state of Arkansas, arrived in this city on Thursday last.

FROM TEXAS. New Orleans, May 20. The steam packet Columbia arrived yesterday in three days from Texas. Congress was in session, but in daily expectation of adjourning. President Houston had declined executing the land patents, in a communication to congress, explaining his views at length. The Banner remarks, the course of the executive had been severely censured by some, but it is thought his explanation will be deemed satisfactory.

At a ball lately given at Bexar, a rencontre took place between major Tinsley and Eugene Navarro, which resulted in the death of both. Tinsley shot Navarro with a pistol, but was killed himself by a bowie knife in the hands of his expiring antagonist. We have not learned the immediate cause of the affray, but understand that an old feud existed between the parties.

FROM ENGLAND. By the packet ship Orpheus, from Liverpool, and the Sampson from London, the editor of the N. Y. Courier and Enquirer has received London papers to the 1st and Liverpool to the 2d of May. They are totally destitute of any political intelligence which would be of interest here. The British parliament is again in session, but its proceedings are chiefly confined to local matters. The coronation of the queen is postponed to the 28th June, and it appears definitively settled that this ceremony is to be conducted on the reduced scale of expenditures observed at the coronation of William IV—reduced at least in comparison with that which took place on the coronation of George IV. Mr. Biddle's letter to Mr. Adams was received on the 30th of April. The London papers were much occupied with the affairs of Mr. Jaudon and the U. S. Bank. Lord Palmerston took occasion, at a dinner given him by his electors at Tveriton, to compliment the course of our government in relation to the Canadian revolt. The discussion of the two prominent questions before the chamber of deputies of France—the establishment of a grand system of railroads communicating with the capital and the conversation of the five per cent clock—has been delayed until the first week in May.

From Spain the accounts are of the same undecided character that they have been for this long time past.

SIR FRANCIS HEAD. The Liverpool Chronicle holds the following language in regard to sir Francis Head. His honor was quite too fiery for the occasion, and we think he is beginning to find it out.

[*Alb. Adv.*]
Sir Francis Head closed the Upper Canadian legislative session on the 6th of March, in a long speech, teeming with the most outrageous and stupid bombast. This weak headed functionary has not closed his inglorious career in the Upper province without adding fresh fuel to the flame, which his egregious folly enkindled among the people of the United States. It will be recollected that his opening speech in December last, gave great offence by the gratuitous attack which he made therein on the Americans, *en masse*, for aiding and abetting the Canadian insurgents.

In his closing address to the provincial parliament, he repeats his charge against them in aggravated terms, although he must have known that the bulk of the United States citizens have, from the commencement of the outbreak, been warmly in favor of the British government, and the continuance of its authority in the Canadas—the dissentients being confined to a handful of restless and desperate adventurers on the frontier states. In the face of this fact, however, he not only launches his anathemas against the nation collectively, but affects to sneer, in his small way, at their republican form of government, as contrasted with the beauties of monarchical institutions. This, as may be expected, has roused Jonathan's bile, heightened by the memory of the outrage committed on the steamboat *Caroline* and its crew, sanctioned as it was by this booby governor.

To make the matter worse, at the very moment when sir Francis Head was thus insanely committing himself, a correspondence was passing between the British ambassador, at Washington, and Mr. Forsyth, the American secretary of state, touching the capture and destruction of the steamboat in question, by a Canadian force on the American side of the Niagara. It appears, from the correspondence, that the American government is determined not to let this affair rest, a remonstrance having been addressed on the subject to the British government. We do not anticipate that any thing serious will arise out of the affair; but we must do sir Francis Boud Head the credit of saying that his exertions have not been wanting to fan it into a flame.

From the Globe.

REMOVAL OF THE CHEROKEES.

Major general Scott, of the United States army sends to the Cherokee people, remaining in North Carolina, Georgia, Tennessee and Alabama, this address.

CHEROKEES! The president of the United States has sent me, with a powerful army, to cause you, in obedience to the treaty of 1835, to join that part of your people who are already, established in prosperity on the other side of the Mississippi.—Unhappily, the two years which were allowed for the purpose, you have suffered to pass away without following, and without making any preparation to follow, and now, or by the time that this solemn address shall reach your distant settlements, the emigration must be commenced in haste, but, I hope, without disorder. I have no power, by granting a farther delay, to correct the error that you have committed. The full moon of May is already on the wane, and before another shall have passed away, every Cherokee, man, woman, and child, in those states, must be in motion to join their brethren in the far west.

My friends: This is no sudden determination on the part of the president, whom you and I must now obey. By the treaty the emigration was to have been completed on or before the 23d of this month; and the president has constantly kept you warned, during the two years allowed, through all his officers and agents in this country, that the treaty would be enforced.

I am come to carry out that determination. My troops already occupy many positions in the country that you are to abandon, and thousands and thousands are approaching, from every quarter, to render resistance and escape alike hopeless. All these troops, regular and militia, are your friends. Receive them and confide in them as such. Obey them when they tell you that you can remain no longer in this country. Soldiers are as kind hearted as brave, and the desire of every one of us is to execute our painful duty in mercy. We are commanded by the president to act towards you in that spirit, and such is also the wish of the whole people of America.

Chiefs, head-men and warriors! Will you, then, by resistance, compel us to resort to arms? God

forbid! Or will you, by flight, seek to hide yourselves in mountains and forests, and thus oblige us to hunt you down? Remember that, in pursuit, it may be impossible to avoid conflicts. The blood of the white man, or the blood of the red man, may be spilt, and if spilt, however accidentally, it may be impossible for the discreet and humane among you, or among us to prevent a general war and carnage. Think of this, my Cherokee brethren! I am an old warrior, and have been present at many a scene of slaughter; but spare me, I beseech you, the horror of witnessing the destruction of the Cherokees.

Do not, I invite you, even wait for the close approach of the troops; but make such preparations for emigration as you can, and hasten to this place, to Ross's landing, or to Gunter's landing, where you all will be received in kindness by officers selected for the purpose. You will find food for all, and clothing for the destitute, at either of those places, and thence, at your ease and in comfort, be transported to your new homes according to the terms of the treaty.

This is the address of a warrior to warriors.—May his entreaties be kindly received, and may the God of both prosper the Americans and Cherokees, and preserve them long in peace and friendship with each other!

WINFIELD SCOTT.

Cherokee Agency, May 10, 1838.

ILLINOIS—POLITICS OF THE DAY.

LETTER OF A. M. JENKINS.

To the editor of the Backwoodsman.

MR. RUSSELL. In your paper of the 15th instant, I find an article relative to the candidate for governor at the ensuing August election, in which my name is brought before the public as the probable candidate for that office, to be run by the party in favor of the administration of Mr. Van Buren, and in which it is said "the eyes of the party are turned towards me with the anxious hope that I will take the field, and that, in justice to my fellow-citizens, I ought at once to acquaint them of my determination." I have also been called upon, from different parts of the state, by individuals, some in person, and others by letter, to become a candidate for the same office.

Were I under the present call to become a candidate, I must, of course, be run by the Van Buren party, the call upon me being from that quarter; besides, the other party have a candidate, with whom they are satisfied. I must expect to be voted for by them, and, if elected, be elected by them; and, were I to conceal my sentiments, or remain silent and permit them to elect me under the belief that I was still with them in sentiment, it would amount to an acknowledgment on my part that I was. Honestly on my part, and justice towards them as a party, would require of me that I should, so far as I took any part in the politics of the general government, support and sustain them.

No man could be more proud than I would be to be governor of this young and flourishing state. I should consider it the greatest honor, almost, that could be conferred upon me by any people; but if I ever should arrive at that honor, I wish to do it honestly; and, were I to practise any deception upon my fellow-citizens in regard to my sentiments, by which I might by possibility be elected to that office, I should consider myself unworthy to fill it. *Candor on my part, and justice towards the respectable party with whom I have formerly acted in good faith, who now, to some extent, seem inclined to elevate me still more, require of me to make known to them, thus publicly, that my mind is undergone a material change as to the policy pursued by the administration. I now stand, in many things, decidedly opposed to Mr. Van Buren's policy.* Their deleterious effects upon every interest of the country have brought conviction to my mind that they are wrong, have been productive of much evil already, and will be of much more (if persisted in) to the country generally, but particularly so to the west. Believing this, as I honestly do, I am bound to oppose them, for I am in favor of my country in preference to men. I may, at some future time, speak of some more of the measures of this administration which I believe to be wrong; but at present I shall mention but one, it being the one about which the most is said: I mean the independent or sub-treasury bill. To this bill, in all the various shapes it has assumed, I am opposed. In reference to it I could make no compromise, although I think it very likely to pass and become the law of the land.

Having expressed these views, I think my friends will agree with me that I cannot, consistently agree to become a candidate at this time, to be run by the party in favor of Mr. Van Buren's administration. It would be an imposition upon them. They will

no doubt think I have acted properly to decline being a candidate, and readily excuse me. I am, sir, respectfully, your obedient servant,

A. M. JENKINS.

Edwardsville, April 20, 1838.

From the Huntsville Democrat.

LETTER FROM THE HON. WILLIAM SMITH.

To my fellow citizens of Madison county.

Since the 15th of July last, certain editorial remarks have appeared in several of the different numbers of the newspaper called the Southern Advocate, published in Huntsville, concerning myself, with the evident intention to derogate from my respectability in your estimation. All of which I should have permitted to pass unnoticed, had not a recent publication appeared in that paper, on the 25th September last, in the shape of a correspondence between Dr. Miles Selden Watkins, of Huntsville, and his brother-in-law, the Hon. Benjamin Watkins Leigh, of Richmond, Virginia; and also of Le Roy Pope, jr., esq., the editor of the Southern Advocate, and general Samuel Smith, of Baltimore. In that correspondence, Dr. Miles Selden Watkins, the hon. Benjamin Watkins Leigh, and Le Roy Pope, jr., esq., have made a very free use of my name, and seem to have been specially careful to give it a wide circulation in the newspapers, both at home and abroad.

They have not been content with giving it an early and extraordinary circulation through that channel, but Doctor Miles Selden Watkins, and Le Roy Pope, jr., esq., and a few of their political associates, in Huntsville, have been busily engaged in giving it currency in Madison county. This they do by asking gentlemen from the country, when they come to Huntsville, "if they have read the correspondence?" And when inquired at, what correspondence? They reply in a half whisper; "Judge Smith has got himself into difficulty that he cannot get out of." And then proceeded to unfold the high offence I had committed against the memory of chief justice Marshall, by saying he owned shares in the United States Bank in July, immediately previous to the time when he presided in the case of McCulloch vs. the state of Maryland.

I have been a good deal teased with such stories as this, within the last seven or eight years, and by this very sort of men; and I believe I have heretofore fallen into no difficulty from which I have not extricated myself. But should I be so unfortunate as not to be able to extricate myself from this difficulty by my own means, I can assure Doctor Miles Selden Watkins, his brother-in-law, the hon. Benjamin Watkins Leigh, and Le Roy Pope, jr., esq., I shall by no means invoke their aid.

But I beg my fellow citizens to forbear making up an opinion on that correspondence, until they hear my side of the story. And when the whole subject shall be fairly placed before them, then I shall, with great cheerfulness, yield to any opinion they may arrive at from the facts. One thing I will now assert, that what I said, respecting chief justice Marshall, was true; and I pledge myself to establish it, notwithstanding Doctor Miles Selden Watkins and his political associates "are not willing to admit the truth of such allegations."

I have various reasons for asking your indulgence for time to reply: In the first place, I have been extremely busy since, sometime before the publication of that important correspondence, attending to business important to my private interest. I shall also in a short time leave home for the legislature, where I shall be otherwise engaged. Moreover, I am desirous to procure some documents, which I know to exist, not yet within my reach: admirable ingredients to dissipate slanders and falsehoods. Lastly, this correspondence has been published in the city of Richmond; in the city of Philadelphia; in the city of New York; in the city of Boston; and in the city of Mobile. And published in all those distant cities before it made its appearance here, in the Southern Advocate, where Doctor Miles Selden Watkins and Le Roy Pope, jr., esq., reside two of the principal actors in this deeply interesting scene. I want time to inquire for the reasons for this new mode of attack. And perhaps by some delay I may be enabled to trace their motives. For I will be able to show from incontrovertible evidence, that every word I said, which prompted this correspondence, was necessarily drawn from me, in self defence, by previous publications in the very same Southern Advocate, from the pen of the identical Le Roy Pope, jr., esq., editor of that paper. The cause is unknown to my friends at a distance who are sending me slips from newspapers published abroad, containing the most venomous portion of the ebullitions of the hon. Benjamin Watkins Leigh, over his own name, and headed in large capital letters, *slander detected*.

To enable me to meet these enormities, and arrest their progress until I can respond to them fully, I respectfully request the Mobile Commercial Register and Patriot, the Flag of the Union, the Cahawba Democrat, the Montgomery Advertiser, the Florence Gazette, the Richmond Enquirer, and the Globe, to republish this address. In addition to subscribing my name, I am a subscriber to each of those papers.

And as the Richmond Whig, the Sentinel and Herald, of Philadelphia, and some other papers, the names unknown, in Boston, New York, Philadelphia, Mobile, and various other places have published that correspondence, or extracts from it, I respectfully call on them to republish this address also, as an act of retributive justice which I claim at their hands.

I am with great respect,

WM. SMITH.

Huntsville, Ala., Oct. 17, 1837.

COMMODORE WOOLSEY.

This gallant officer, whose death has been briefly mentioned, had been indisposed for several weeks, first from erysipelas, and then dropsy. The following notice accompanies the announcement of his decease in the New York Commercial Advertiser:

Our first knowledge of him as an officer, was during the "restrictive energies" of Mr. Jefferson. In order to enforce the embargo and non-intercourse laws, an armed brig was built upon Lake Ontario, called the Oneida, the command of which was assigned to Woolsey, then a lieutenant. He had seen much previous service on the ocean, and was engaged in the Tripolitan war with Decatur and others.

He remained in the lake service for several years, and was one of the most active and efficient officers during the war with Great Britain, under Commodore Chauncey. Several very gallant affairs were conducted by him with signal success. When the United States were building the large ships at Sackett's Harbor, Woolsey was sent to bring the anchors, cables, and rigging from below.

The roads at that day were so bad, from Rome to Sackett's Harbor, as to render their transportation by land all but impracticable. It was therefore determined, if possible, to take them in the Durham boats through Wood creek and Oneida lake, to Oswego, and thence round, keeping the boats close in shore to Sackett's Harbor. Ascertaining, however, that his intentions had been discovered by the enemy through the instrumentality of spies, and that the British commander on Lake Ontario was preparing to intercept his boats, Woolsey resorted to a stratagem which so far threw Sir James Lucas Yeo from off his guard as well nigh to ensure his success.

The voyage from Oswego was commenced prosperously—Woolsey himself proceeding along the shore by land, and watching their movements. When off the mouth of Salmon river, however, a detachment of the enemy's flotilla discovered the boats, which were compelled to put into that harbor for shelter, and the naval stores were hurried on shore, where the only armed protection consisted of a company of riflemen under major Appleton.

A detachment of the enemy entered the harbor in pursuit and land. By advice of Woolsey, and under his own conduct, the riflemen were placed in ambush, with directions not to fire until the near approach of the enemy. The enemy advanced unconscious of the ambuscade, until within a convenient distance when they were received by a destructive fire. In a loud voice Woolsey ordered "a charge," whereupon the riflemen rushed impetuously forward, with loud cheers, and holding their weapons in the position of charged bayonets. The result was the surrender of the enemy at discretion. They were commanded by an officer named Popham, of the British navy, and an old acquaintance of Woolsey's. As Popham came forward to surrender his sword, Woolsey exclaimed "Why, Popham, what on earth are you doing up this creek?" After some indifferent reply, and a survey of Woolsey's force, Popham observed—"Well, Woolsey, this is the first time I ever heard of riflemen charging bayonets!"

The first attempt of the enemy upon Sackett's Harbor was repelled by Woolsey, with the Oneida brig alone. This affair happened early in the war, before the United States were prepared to take the lake with a squadron. He was also in command at Oswego where the attack of the British was so brilliantly repulsed, on which occasion he displayed great skill and bravery.

He remained in command of the marine at Sackett's Harbor after the close of the war, we believe, until it was determined mutually by England and the United States to dismantle and abandon their ships upon those waters. He was then transplanted to the ocean service, in which he has been ac-

tively engaged the greater portion of the time since, having been successively in command of the West India station, and Brazil, and the service have alike reason to deplore the loss of one of its bravest and best men. He was in all respects a true hearted sailor—bold, fearless, and full of stratagem as an officer—frank, free, and noble hearted as a man—and, like most sailors, generous to a fault. He has left a family consisting of a widow and seven children—one of whom is in the navy, and bears his own name. Few men can be called hence who will leave a wider circle of mourning friends than Melancthon T. Woolsey. [N. Y. Com. Adv.]

SPEECH OF MR. CORWIN, OF OHIO,

Delivered in the house of representatives, on the 20th of April, on the bill making appropriations for the continuation of the Cumberland road through Ohio, Indiana and Illinois.

Messrs. Clowney and Pickens, having concluded their remarks, Mr. Corwin addressed the house as follows:

Mr. Speaker: I perceive the house is unusually impatient of this debate. I am very reluctant, at any time, to lift up my voice in this babel of confused noises, but especially so now; nor would I delay the final vote a moment, did I not remember that this bill has been already once rejected, but a day or two since; and from the tone of discussion this morning, I have too much reason to fear it will meet a similar fate, by the vote now about to be taken. I may add, also, that I feel unwilling to permit the remarks of the two gentlemen from South Carolina (Mr. Clowney and Mr. Pickens) to pass to the press, and from thence into the public mind, without an attempt, at least, to correct the erroneous impressions in which, according to my views, they abound.

The bill now under discussion, making appropriations for the continuation of the Cumberland road, is nothing more nor less than the continuance of a system of regular annual expenditure, begun in 1806, and continued, with the exception of the short period of the war with Great Britain, every year up to the present time. The estimates for this appropriation, are as regularly and habitually sent in by the treasury department, as are those for the salaries of the president and other public servants, or those for the support of the army. If a continued perseverance in the prosecution of any public measure for thirty years, cannot be looked to as settling the public utility of such measure, or the fixed policy and duty of this government, beyond the reach of cavil or objection, then indeed may it be truly said, that we are a people without common forethought, a government without any established policy, a confederacy without any common end or aim whatever.

The construction of the road provided for in this bill, from the waters of the Atlantic to the Mississippi river, was originated during the administration of Mr. Jefferson. It has received the countenance of every shade and complexion of political party in congress, at various periods since, and has been sanctioned by the approval of every executive from that time to the present. It has thus become incorporated with your policy. It makes a part of the creed of all parties, and, as it advances in its progress, is woven into the texture of those systems of internal improvement going forward in each of the six states through which it passes. A measure thus perseveringly continued so long, sustaining itself, through all political conflicts, and every vicissitude of our history, for the last thirty years, comes recommended at once to the mind as something necessary; something which has been found indispensable, and not merely convenient. It stands in your policy like one of those truths in philosophy, which is not questioned, because it has received the general assent of all reasonable men. Speaking of such a measure, this morning, the gentleman from South Carolina (Mr. Pickens,) richly imbued as his mind is with philological learning,—could find no terms whereby to characterize this bill less odious than *swindling* and *plunder*. Thus, by a dextrous evasion of the substance, and a strict observance of the letter of the rules of courtesy in debate, the gentleman has been able, by fair inference, to denounce the supporters of this bill as the promoters of "swindling," the aiders and abettors of "plunder." [Here Mr. Pickens rose and observed that he had not applied the terms stated by Mr. C. to the bill, or those who supported it. He had stated, in argument, the case of a general system of taxation, and an appropriation to partial and local purposes, and denominated that as swindling and plunder.] Mr. C. proceeded. I understand the gentleman as he explains himself. He has made a speech against this bill. He has endeavored to illustrate, in various ways, its inequity and impolicy. He denounces this road as local in its character, and not of general utility. He shows that the

money appropriated is a part of the common revenue raised from the whole union. He then speaks of general taxation, and local appropriations, and calls this last a system of swindling and plunder. It is but the difference between a positive assertion and a conclusion from premises stated. Sir, I desire, when thus arraigned, to submit my defence. If I am not mistaken, the gentleman will find this system, and this road, have been cherished, and heartily supported, by men, living and dead, to whom even he would be willing to defer in such matters; and with whose memories and character he would not associate the folly and criminality which, in his over-wrought zeal, he fancies he has discovered in this bill.

Mr. Speaker, I do not intend to elaborate an essay upon this road, but I must be permitted to notice for a few moments, the very summary method by which gentlemen with great apparent ease, acquit their consciences of all censure for voting down now and forever, all further appropriations of the kind. Yesterday the gentleman from South Carolina (Mr. Rhett) spoke of the supposed importance of this road west of Wheeling for military purposes, as an idea too ridiculous to merit a moment's serious thought. It seemed to him perfectly idle to imagine that ordnance or military stores would ever be transported by land westward, while the Ohio river remained; and so, with undoubting confidence and the utmost self-complacency, he assures us that a "fool's cap and bells" should be bestowed upon any one who entertains a contrary opinion. Sir, I hope I may be allowed, with great humility, not indeed to deny to the conclusions of the gentleman the greatest certainty possible in matters of this kind, but merely to suggest a fact or two which it may be well to consider a moment, before, we swear to the infallibility of his judgment on this military question. In the first place, the road and river, though both running from east to west, from Wheeling to the Mississippi, are distant from each other, from north to south, from 90 to 150 miles at various points. I think it possible in the chances of war, that it might become necessary to march a military force directly from Wheeling to Columbus, in Ohio, or to the capitol of Indiana or Illinois; and to take along with such force a train of artillery. Would the Ohio river, think you, be so obliging as to leave its ancient bed, and bear your cannon on its waves across the country from Wheeling to Columbus, in Ohio, and from thence by Indianapolis to Springfield, in Illinois? If we could suspend the laws of the physical world, or if a miracle could be wrought at our command, then the confident opinion of the gentleman, that this road is, in no sense, of military importance, would, in my poor judgment, appear somewhat plausible. But the gentleman seems also to forget that the waters of the Ohio, in spite of our wishes to the contrary, will freeze into hard ice. For three months in the winter it is not at all times navigable. On account of shoals, it is not navigable at the time of low water in the summer. And hence it would follow, that your military movements in that quarter, if ever necessary, would have to wait for the floods of summer and the thaws of winter. But I will not venture to oppose any speculative notions of mine, to an opinion so confidently entertained by several gentlemen from the south who have spoken in this debate. I will fortify myself by an authority which I am sure will command, as I know it should, infinitely more regard than any opinion or argument of mine.

It will be remembered, Mr. Speaker, that this government, soon after the late war with Great Britain, admonished by the experience of that war, determined on prosecuting a general system of military defence. To this end, general Bernard was brought from France, and placed at the head of the engineer corps. In the year 1824, it became the duty of this officer, under the direction of Mr. Jno. C. Calhoun, then secretary of war, to survey and report to congress such rivers to be improved, and canals and roads to be constructed all over our territory, as were conceived to be of national importance for commercial or military purposes. On the 3d of December, 1824, Mr. Calhoun submitted to the president, and through him to congress, the result of the labors of this corps, accompanied with his own reflections and recommendations. It will be found, on examining that document, that this very Cumberland road is classed with other great works of internal improvement, which, in the opinion of Mr. Calhoun, were necessary to the defence of the country in war, and that the road now under the consideration of the house is there pronounced to be of "national importance." This was the opinion of Mr. Calhoun in 1824. The construction of the Cumberland road, as a work of commercial importance, as well as a sure means of binding in union the eastern and western portions of our country, had been urged upon congress by Mr. Gallatin,

as secretary of the treasury, as early as 1808, and by Mr. Giles and Mr. Jno. Randolph, of Virginia, in reports which they respectively submitted to congress about the same time. Before the navigation of the rivers of the west by steam, no one could cast his eye upon the map of the western states, and not perceive at once the incalculable value of this road to the commerce of both east and west. If the application of steam to navigation has diminished the importance of the road, this was known and considered by Mr. Calhoun, when he made the report to which I have referred. In 1824, the steamboats were flying on their wings of fire from Pittsburgh to New Orleans, as they are now; yet Mr. Calhoun pronounced the Cumberland road *then* a work of "national importance." I beg the gentleman from South Carolina who spoke this morning (Mr. Pickens) to peruse that report of his friend, Mr. Calhoun. I beg him to ponder well the magnificent and expensive works of internal improvement there commended to the favorable regard of this government. The waters of the Chesapeake and the Ohio were to flow together. From the Ohio the chain was to be stretched across that state to the northern lakes, and thus the north and south are to be bound up together, one in their internal interests, as they are one and identical in their national and extra territorial relations. But I need not particularize; what I have specified comprehends not the twentieth part of those works in magnitude and expense then recommended by Mr. Calhoun, as proper to be constructed by the federal government, at the expense of the common treasury of the nation.

The Cumberland road, as I have said, is one amongst the rest there recommended as of "national importance." Mr. Speaker, I must beg the indulgence of the house to read a single paragraph from the document referred to. After speaking of the great advantages to the whole union of one of the great western works to which I have already adverted, the secretary proceeds:

"The advantages, in fact, from the completion of this single work, as proposed, would be so extended and ramified throughout these great divisions of our country, already containing so large a portion of our population, and destined in a few generations to outnumber the most populous states of Europe, as to leave in that quarter no other work for the execution of the general government, *excepting only the extension of the Cumberland road from Wheeling to St. Louis, which is also conceived to be of national importance.*"

Now, Mr. Speaker, if in the bill under discussion there be any feature akin to "swindling and plunder," I ask the gentleman from the south to turn to that gigantic project of kindred works projected by their own justly favorite son, and tell me in what vocabulary amongst the "tongues of men" they can find epithets odious enough to shadow forth the diabolical tendencies of his plan. Sir, if this bill be swindling, his scheme is robbery. If this bill be petty plunder, his plan was wholesale desolation. But, good or bad, whichever it be, we have his authority for it. Well do I remember, sir, in what high esteem the secretary of war (Mr. Calhoun) was held throughout the west in the year 1824. The sober affections of the aged, and the ardent hearts of the young, all, all were attracted to him. His altars blazed every where throughout the broad valleys of the west. Right loyally and prodigally did we pour out our incense upon his shrine; and lo! what now do we see? Whilst the smoke of our sacrifice yet ascends in gathering clouds; whilst the distended nostrils of our deity inhale its grateful odors almost to suffocation, he in whom our affections were all enshrined; he the author of this our faith; he the chosen object, it may be, of our very profane and heathenish, but still sincere idolatry; he, with the selected high-priests of his faith, suddenly rush upon us from the south, overturn their own altars, and scourge us, their misguided, but still honest devotees, from the temple themselves had erected. Not content with this, but determined, it seems, to consign both the authors and followers of the creed to hopeless infamy, they have compared their own system of policy to a system of plunder, and themselves and us to a combination of swindlers.

Let not the gentleman from the south suppose that I quote the authority of Giles, and Randolph, and Gallatin, in 1802 and 1803, and Mr. Calhoun as late as 1824, to fix upon southern gentlemen the sin of inconsistency, or sinister motives, for change of principle. No, this is not my motive. I wish them to pause upon their own present opinions, and compare them with the views of those, living and dead, to whom I have referred, in the hope that the light of those great minds—that light that has been to them "a pillar of fire by night," in all their political wanderings heretofore—might haply now

serve to keep them in the right way. I beg the gentleman from South Carolina, (Mr. Rhett,) who so readily voted "cap and bells" to the heads of such as entertained particular notions, which he condemned, of the utility of this road, to take back his gifts a moment, and see whether he may not possibly be found unawares placing these badges of imbecility and folly on the graves of Randolph and Giles; and whether, if he is to be impartial and just in the distribution of such honors, he may not be compelled to pass over into the chamber of the senate, and bestow one set of them upon the illustrious senator from his own state. Mr. Speaker, I venture to suggest to the gentleman from South Carolina, (Mr. Rhett,) in a spirit of sincere respect, that there is a posterity for him as well as those great and good men whose opinions he sets at naught. I hope I may, without offence, suppose it possible that in some distant day, when this very road, paved from the Atlantic to the Mississippi, shall be crowded with commerce, and groan beneath its load of travel; when, by the speed with which your armies can pass over it from the centre to the remote border of your country, some fearful rebellion is happily quelled, or for the same reasons, some insolent foe is speedily repulsed, the age that then is may possibly remove the "cap and bells" from the last resting place of Giles and Randolph, where he has hung them, and look for the tomb of another, as better deserving the honor of these significant emblems. Sir, when I glance at the history of this road; when I remember that it was begun in the administration of Jefferson, and approved by him; when I group together the other illustrious names who have for thirty years also given it their sanction, I am prone to believe, my own judgment concurring, that I am right in carrying on what has been thus begun. I cannot reverse the settled and long unquestioned decisions of the fathers and founders of the republic, upon the faith of the last night's dream. I cannot so readily believe that the sages of past times violated the constitution to make a road. I cannot see why, if that were so, it has not been discovered in the lapse of thirty years. Sir, I know much is said, and truly, at this day, of the advance of the human mind. I know, sir, it was written thus long ago, "*men shall go to and fro, and knowledge shall increase.*" All this I know, and yet I cannot quite believe, that our young gentlemen here, in this year of grace, 1838, have now, this morning, descended to the bottom of the well where truth lies, as is said, for the first time brought up and exposed her precious secrets to the long anxious eyes of the inquiring world. Just as slow am I, Mr. Speaker, to believe that the great men, who gave us a country forty years ago, did not understand what its true interests were. They who projected this great work were not men to rush into hasty and ill-considered measures. They had been accustomed to settle the foundations of society, and they did their work, in all things, under the habitual reflection and responsibility, which their immortal labors inspired. Sir, let us beware, in the midst of our party conflicts, how we hastily question their calm resolves. Let us take care, in this day's work, with the hoarse clamor of party resounding ever in our ears, that we are not deaf to the voice of wisdom, which calls out to us from the past.

Sir, Speaker, I have thus far considered the bill upon your table as providing for one work, itself a part of a system of "internal improvement;" I have referred so far to the opinions of men whom we are accustomed to regard as good authority, to show that the road in question has been regarded as one of national importance, and, as such, is within the acknowledged powers of congress. But, sir, this bill rests its claims to our support upon a basis, far less liable to those assaults which consider it only in the isolated view of expediency. It is, in truth, a bill for the fulfilment of a contract. It proposes to carry into effect a compact, to the performance of which the faith of this government is pledged to three sovereign states of this union. I know, sir, that many gentlemen here are familiar with this view of the subject, but I feel equally certain that there are others who are not.

The gentleman from Kentucky, (Mr. Pope) the other day discussed this branch of the subject with great ability, but I am impressed with the necessity of presenting it more at length, even at the risk of being tedious. I shall endeavor, by a reference to acts of congress and public documents, to show that we are bound to construct this road as far as the Mississippi river; that we have contracted to do so; that we have received the consideration for this contract from the states of Ohio, Indiana, and Illinois. If I can establish these facts, it will follow that to stop the road short of the Mississippi, would be a gross neglect of duty, and a flagrant breach of national faith.

In the year 1787, "the territory northwest of the Ohio" comprehended what are now the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin territory. The celebrated ordinance of 1787, amongst other things, provided that there should be three states at least out of this territory, which should be bounded by the Ohio river on the south, the Mississippi on the west, and a specified line on the north. This last line, many gentlemen here will recollect, was finally established as the northern boundary of Ohio, Indiana, and Illinois, very lately, on the admission of Michigan into the union.

Early in the year 1802, the eastern division of this territory petitioned congress to provide for its admission into the union under the ordinance of 1787, which provided that certain portions of the territory, having 60,000 inhabitants, should be entitled to come into the union as sovereign states. This application, with a census showing the number of inhabitants then within what are the present limits of Ohio, was referred to a committee in the house of representatives, of which William B. Giles, of Virginia, was the chairman.

On the 4th of March, 1802, Mr. Giles made a favorable report on this petition, and, amongst other things, referring to certain matters of compact in the ordinance of 1787, this report concludes in these words:

"The committee, taking into consideration the stipulations; viewing the lands of the United States within the said territory as an important source of revenue; deeming it also of the highest importance to the stability and permanency of the union of the eastern and western parts of the United States, that the intercourse should, as far as possible, be facilitated, and their interests be liberally and mutually consulted and promoted—are of opinion that the provisions of the aforesaid articles may be varied for the reciprocal advantage of the United States and the state of —, when formed, and the people thereof; they have therefore deemed it proper, in lieu of said provisions, to offer the following propositions to the convention of the eastern state of said territory, when formed, for their free acceptance or rejection, without any condition or restraint whatever, which, if accepted by the convention, shall be obligatory on the United States."

The report then sets forth three propositions to be submitted to the Ohio convention; the third proposition, being the one applicable to this subject, is in these words:

"That one-tenth part of the nett proceeds of the lands lying in the said states, hereafter sold by congress, after deducting all expenses incident to the same, shall be applied to the laying out and making turnpike or other roads leading from the navigable waters emptying into the Atlantic to the Ohio, and continued afterwards through the state of —, such roads to be laid out under the authority of congress, with the consent of the several states through which the road shall pass, provided that the convention of said state shall on its part assent that every and each tract of land sold by congress shall be and remain exempt from any tax laid by order or under authority of the states, whether for state, county, or township, or any other purpose whatever, for the term of ten years from and after the completion of the payment of the purchase money on such tract to the United States."

Attached to this report is an official letter addressed by Mr. Gallatin, then secretary of the treasury, to Mr. Giles, dated Washington, 13th February, 1802. Mr. Gallatin, deeply impressed with the advantage to the government of this contract with the new state, urges it upon congress as a means of increasing the value of the public lands owned by the government, and then pledged for the payment of the national debt. After stating a variety of arguments to that effect, he says:

"It follows that, if it be in a high degree, as I believe it is, the interest of the United States to obtain some further security against an injurious sale, under the territorial or state laws, of lands sold by them to individuals, justice, not less than policy, requires that it should be obtained by common consent; and it is not to be expected that the new state legislatures should assent to any alterations in their system of taxation which may affect the revenues of the state, unless an equivalent is offered."

He then goes on to insist that "Such conditions, instead of diminishing, would greatly increase the value of the lands, and, therefore, of the pledge to the public creditors."

The last paragraph in this document urges another argument in favor of this road, which I hope will not be overlooked by gentlemen who consider it a boon merely to the young states of the west. Mr. Gallatin thought this road would be highly advantageous to the old states, and he addresses their cupidity accordingly, in these words:

"The roads will be as beneficial to the parts of the Atlantic states through which they are to pass, and nearly as much so to a considerable portion of the union, as to the northwestern territory itself."

On the 30th of April, 1802, an act was passed authorizing the people of the eastern division of the northwestern territory to form a constitution and state government. In that law the proposition, somewhat modified, is inserted, and by congress proposed to the convention which was to assemble the next summer. In the act just quoted, five per cent. of the proceeds of the lands within the state is proposed as a fund to make a road "from the Atlantic waters to and through the state," and the condition of the grant is, that the state shall abstain from taxing the lands sold by the United States for five years from and after the day of their sale.

In the month of November, 1802, the convention of Ohio assented to the proposition contained in the act of April, 1802, with this modification: that three-fifths of the five per cent. fund should be appropriated to laying out and making roads within the state, and under its direction and authority, leaving two per cent. on all the sales of lands within the state to be appropriated to a road leading from the Atlantic waters to and through the state of Ohio. To this congress expressly assented, at its next session, upon the recommendation of a committee, of which John Randolph, of Virginia, was the chairman, and thus the compact was closed. Here let it be observed, that compacts of the same kind and in the same words, have been concluded between the states of Indiana and Illinois and this government, at the times when these states were respectively admitted into the union. In this way, following up the project began in 1802, of constructing a road "from the Atlantic waters to the Mississippi river," passing from the Ohio the whole distance to the Mississippi, through your own public lands, it was carried out by compact with each state, as soon as it became capable of entering into such engagements, by assuming the powers and dignity of a sovereign state of the union.

I have said, Mr. Speaker, that you had contracted to construct a road from the Atlantic waters, through the new states of the west, to the Mississippi river. I have shown, by reference to public documents, that the motives to this contract were, first, to increase the value of the public domain, to and through which this road was to pass, and thus put money into the national purse to pay the national debt; secondly, to bind together in union of interests the east and west, by creating a quick and constant intercourse between the western and Atlantic divisions of your common country. Now, the first and main object, the increase in value of the public lands, never could be effected, unless you carried the road, not merely "to and through" Ohio, where, in 1802, your public lands for sale chiefly lay, but would only be fairly realized by carrying the road "to and through" each of the other western states, as your lands, by the extinguishment of the Indian title in these states, should come into market. These were the views upon which you set out, in your propositions of compact at first. These were your "inducements" held out to Ohio, and repeated in each of your engagements to make the Cumberland road, with Indiana and Illinois. With these determinations, asserted through your public and authorized agents, you ask of the western states, in consideration of inducements thus held out, to do what? To grant you a trifling sum of money to aid you in your effort to improve the value of your own lands? No. To allow you to pass through their territory in such way as you choose? No. No such inconsiderable demands as these were on your lips. You demanded of them to surrender up for your benefit the tax on nearly all the property in these states for five years. In other words, you asked, and you received too, into the public treasury of the union, a direct tax for five years on all, or nearly all, the lands in three large and populous states. You said to the purchaser of your lands buy of us, and your property thus acquired shall be free from taxation for five years; and thus you got in increase of price paid to you, what otherwise would have gone, in the shape of taxes, into the coffers of the states. This is true in regard to almost all the lands in the three states of Ohio, Indiana, and Illinois. Each of these states was admitted into the union with barely 60,000 inhabitants. The quantity of lands then sold was so inconsiderable as to make no sort of change in the estimated value of the right we surrendered. Take Ohio, for example. She gave up to you her right to tax all lands then unsold, for five years after they should be sold. She had then 60,000 inhabitants; she has now probably one million and a half of population, and there are yet public lands unsold in that state. Thus, you can see that we have released to you our right to tax lands in the hands of

nineteen-twentieths of our people for five successive years. This, too, was done at a time when there was scarcely any other subject of taxation but lands, and when, in the infancy of our several state governments, the first movements of political and social machinery require heavy expense from those least able to bear it. Let us see what it was in money that we gave. It will be found, on examination, that the three states interested cover an area, according to the best authorities, of something over one hundred and twenty millions of acres of land. Deducting something for reservations made before the compact, we may safely estimate the lands then to be sold in the three western states, at one hundred and twenty millions of acres. We gave up the right to tax these for five years from the day of sale. What has been the usual rate of taxation upon lands in these states? I think I may fairly affirm that the rate of taxation on lands in the three states interested has been one dollar on every hundred acres. This, levied on one hundred and twenty millions of acres, would give one million two hundred thousand dollars per annum, which, in five years, the time for which the tax was surrendered by the states, would give the sum of six millions of dollars. This sum have we paid into your treasury for your promise to complete the road in question. In addition to this, we surrendered our sovereign right of taxation within our own limits—a right itself so dear to states that, as matter of pride, just pride, its surrender could only have been extorted by the strongest hope of advantage—the hope of some great and striking improvement in our whole country, such as this great work will be, when you complete it, as you have promised.

Mr. Speaker, I have shown that the three western states have given into the national treasury, in effect, six millions of dollars, for the promise to construct this road. Let us now advert for a moment to the cost of the work as estimated at the time of the contract, and we shall find that the government then understood, that this sum would construct the road from the Atlantic waters to the Mississippi; nay, that in all probability there would be a surplus remaining in the treasury after the road was finished. The kind of road, its location, and the time of its completion, were all left with this government to be adjusted, under a fair interpretation of the compact. After proper examination, it was determined to commence at Cumberland, and strike the Ohio line at Wheeling, in Virginia.

On the 3d of March, 1808, Mr. Gallatin, then secretary of the treasury, reports to congress that the road had been located from Cumberland towards Wheeling, a distance of seventy miles, and adds, the expense of completing that part of the road is estimated at \$400,000. This estimate shows that the average estimated cost of the road, over by far the most expensive part of it, was a trifle less than six thousand dollars per mile. The whole length of the road, from Cumberland to the Mississippi, as surveyed, is 650 miles; it may be a mile or two, more or less. Now take the estimated cost per mile, as reported by Mr. Gallatin, which was for the mountain region entirely, and remember that one-half less, it was supposed, would suffice to make the road across the level plains of the west, and we shall see at once how reasonable it is that the congress of that day, after receiving what was equivalent to six millions of dollars, should make an unconditional promise to construct the road to the Mississippi river.

The contract as then understood from the estimates was simply as follows:

Value of the tax released in favor of the federal government by the three western states	\$6,000,000
Cost of the road, 650 miles, at \$6,000 per mile, according to Mr. Gallatin's estimate for the first 70 miles	3,900,000
	\$2,100,000

Leaving two millions in the treasury, after making the road as then estimated. Upon this view, founded on facts and representations of public men, contemporaneous with this compact, it is clearly shown that the states paid the federal government, what the parties then believed a full consideration for completing the road the entire distance proposed. From this, what follows? Why, surely, that the government promised to do what in conscience it ought, that is, to do the act which they were paid for doing—to make the road complete according to the contract.

But here, Mr. Speaker, I am told that whatever may have been the reasonable expectations of the parties, as to the completion of this work, when the contract was made, the government only bound itself to appropriate two per cent. of the net proceeds of the public lands, and that this has been done, and no moneys remain of this fund applicable

to the purposes of the contract. To this I reply, that such is not the contract, and I think I have shown this from the proofs already adduced. I grant you that two per cent. of the net proceeds of the public lands are pledged for the performance of your promise to make the road; but this pledge does in no sense limit the contract for which it is only a mere security. Let it be remembered that, when this contract was made, the public lands were pledged for the payment of a large national debt. To increase the value of these lands, was one motive to make the road, and the states aided you in this, paid you for it, by relinquishing the taxes on them for five years after sale; it was, therefore, only fair, as the government was deeply in debt, that the states should have some security for the performance of your contract. This security was given by pledging the two per cent. named in the contract. But it was not the contract, it was only a security given to the states for its faithful performance. This interpretation is fortified by other stipulations in the contract. The time, manner, and location of the road are all left to the general government. Why was this? Because you had bound yourselves in general terms to make a road. And it was, therefore, only reasonable that you should have control over a work which you bound yourselves to finish. Had you bound yourselves only to pay, for the purpose of the work, a specified sum, such as the two per cent. mentioned, is it possible to suppose the states would have left you to appropriate their money, for which they paid you, in your own way and according to your own discretion? Such a contract, on the part of the states, would have been absolute insanity. It involves an absurdity too gross for serious consideration. This itself shows that the two per cent. fund was only a pledge, a security, and not, as some have supposed, the contract itself. Thus you have always construed the contract. According to your own admission, you have gone on to make the road without regard to the two per cent. fund. You say vastly more than this has been expended. Why did you do this, if only two per cent. on the sales of lands were to be given to the road? No rational answer can be given to this question but one. The two per cent. did not limit the contract, it only secured its performance; and this has been your own uniform construction of it, as evinced by all your conduct up to this day, through a lapse of more than thirty years.

Let me suppose, Mr. Speaker, that the two per cent. fund was all you promised, which, however, I by no means admit. You say it was to be expended by you; you are the trustee of the fund, and the agent for its appropriation. Be it so then, for the sake of the argument. What was this fund committed to your charge? Two per cent. upon the sales of one hundred and twenty millions of acres of land. This you was bound to sell for \$2 per acre, for this was the price fixed by law at the time of the contract. This would produce \$240,000,000. Two per cent. upon this would be \$4,800,000. You had estimated the road to cost \$3,900,000. Thus you see that, by every calculation based upon the state of things as existing at the date of the contract, the states and yourselves had a right to suppose that happen what might, if you acted up to your engagements, the road would be made. But \$2 per acre was then the minimum price of the land, and we, being interested in the fund, had, and now have, a right to demand of you that you, as trustee, shall get as much more as possible by selling all the land at auction in the way fixed by law as it then stood. Now let us see how you have complied with the law and reason of this contract, in the management of the fund given in trust for its execution. In the first place, you sunk the value of the fund nearly one-half by reducing the price of the land from \$2 to \$1 25 per acre. In the second place, you have given away immense amounts of this fund in bounty lands to soldiers, which you never can sell, and for which you can render no account. Thirdly, you have given to individuals, for purposes unconnected with this contract, a very large amount which never has or can be accounted for upon the principles of your solemn engagements with us. Fourthly, you have given very large amounts to the states to make canals, exacting from them as an equivalent the right to carry your mails, arms, armies, and munitions of war on them free of tolls forever. Fifthly, you have given away many millions of acres in pre-emption claims at the minimum price, without any attempt to sell, and account (as you were bound to do) for the proceeds. Thus you, our agent to manage a fund destined to make our road, have so wasted it, and used it for own purposes, that you never can tell whether it would have produced the expected amount or not. What is the consequence in law, in reason, in justice? What follows? Why, sir, any justice of the peace can tell you. You, the

agent, must answer for this by replacing, out of your own funds, what you have wrongfully taken from us. But as you have so disposed of the trust fund that you never can tell what, if sold at auction, it would have produced, and so cannot, by any certain rule, therefore, ascertain the amount you have taken wrongfully from us, you must suffer the inconvenience; you must take from your own funds, and do what, when you contracted with us, you affirmed this wasted fund would do, that is, complete the road in question from Cumberland to the banks of the Mississippi river.

Is not this equitable, fair, honorable, just? Why then stick in the bark? as the lawyers say. Why these pettifogging quibbles, these dilatory pleas? Does such conduct become a great nation? Sir, it has been said that honor is the vital principle of monarchy. You say you represent sovereigns—the sovereign people. Act then as becomes the dignity of your royal constituents. Leave no room to doubt your probity. Observe fully and entirely the faith of your promise whenever made. No such thing, says the gentleman from South Carolina, (Mr. Clowney,) this morning. If you have made a contract, no matter; you had no constitutional power to do so, therefore cease your efforts to fulfil your engagements. And there the gentleman would stop; he goes no further. What a beautiful example of political morality would you then exhibit! Some years ago you entered into a contract, a treaty, with three sovereign states. You have received from them all they agreed to give you. You have their money in your pockets. Now you turn to these states, with all seeming honesty, and say, true I promised, but I had no right to promise, my conscience is affected, I have sinned, I repent, I will do so no more, but I will keep your money. I cannot violate my conscience by doing as I agreed. Oh, no, that is too wicked; I pray you do not ask it; but still I shall keep the money you paid me. Yesterday my friend from Kentucky, (Mr. Calhoun,) with a power of argument and generosity of sentiment equally honorable to his head and heart, spoke in favor of this bill; he adverted to certain objections made by his colleagues (Messrs. Graves and Underwood.) They had opposed the bill as partial in its operation, as giving to the three states through which the road passes a disbursement of money which Kentucky was not permitted to enjoy. He said the disbursements in Indiana would flow into Louisville, in Kentucky, where goods and even liquors would be bought, with which the labor on the road would be paid. Upon this another gentleman from South Carolina, (Mr. Pickens) takes fire. "This (said he) shows the demoralizing tendency of the system! This is the motive to vote appropriations, that money be raised to buy whiskey for the poor laborer to drink!" Sir, I have no objection to the gentleman's moral lectures, but I do not see the necessity of throwing his moral sensibilities into convulsions at the sight of a glass of punch, while he can look with a sanctimonious composure at broken promises and violated national faith.

Mr. Speaker, I have one word to say, before I sit down, to the gentleman from Kentucky, (Mr. Underwood.) He spoke the other day in opposition to this bill. He did not deny that the Cumberland road might be useful; but as he could obtain no money here to enable his people to build dams and make slack-water navigation on Green river, he would not help us to make a road on the northern side of the Ohio. And then the gentleman proceeded in a grave disquisition upon our constitutional powers to make roads and improve rivers. What says the constitution? "Congress shall have power to regulate commerce with foreign nations, among the several states, and with the Indian tribes." What is the gentleman's commentary? You have, says he, a clear and undoubted right to improve rivers, but not so of roads. And why, Mr. Speaker, why? Do you, sir, remember the reason for this distinction? It was this: "Providence (says the gentleman) has marked out rivers as the proper channels and avenues of commerce." What a beautiful and exalted piety is here shedding its clear light upon the dark mysteries of constitutional law! And then how logical the conclusion! Thus runs the argument: Since it is not the will of God that commerce should be carried on dry land, but only on the water, the powers over commerce, given in the constitution by our pious ancestors, must be understood as limited by the Divine commands; and therefore, says he, you have power to remove sandbars and islands, and blow up the rocks out of rivers and creeks, to make a channel which providence has begun and left unfinished; but beware, he would say, "how you cut down a tree, or remove a rock, on the dry land, to complete what Providence has begun there. You have no power by law to do this last; besides, it is impious, it is not the will of God."

Mr. Speaker, I know of no parallel to this charming philosophy, unless it is to be found in the sayings of Mause Hedrigg, an elderly Scottish lady, who figures in one of sir Walter Scott's novels. In one of her evangelical moods, she rebuked her son Cuddie for using a fan or any work of art to clean his barley. She said it was an awesome denial of Providence not to wait his own time, when he would surely send wind to winnow the chaff out of the grain. In the same spirit of enlightened philosophy does the gentleman exhort us in Ohio, Indiana, and Illinois, to cease our impious road-making, and wait the good time of Providence, who will, as he seems to think, surely send a river to run from Cumberland over the Alleghanies, across the Ohio, and so on, in its heaven-directed course, to St. Louis. Mr. Speaker, the gentleman from Kentucky is not the author of this theory. Our Atlantic brethren, especially of the south, have long held the same doctrine. They have long since discovered that our glorious constitution was nothing more at last than a fish made for the water, and which can only live in the water. According to their views, he is a goodly fish of marvellous proper uses and functions while you keep him in the water; but the moment he touches dry land, lo! he sufficates and dies. The only difference between this school of constitutional lawyers and the gentleman from Kentucky is this: he believes your constitution is a fish that thrives in all waters, and especially in Green river slack-water; whereas his brethren of the south insist that he can only live in salt water. With them the doctrine is, wherever the tide ceases to flow, he dies. He can live and thrive in a little tide creek, which a thirsty musquito would drink dry in a hot day; but place him on or under the majestic wave of the Mississippi, and in an instant he expires. Mr. Speaker, who can limit the range of science! What hand can stay the march of mind! Heretofore we have studied the science of law to help us in our understanding of the constitution. Some have brought metaphysical learning to their aid. But now, in the middle of the 19th century, these labors are all ended. Ichthyology, sir, is the key to open all the doors that have hitherto barred our approaches to truth. According to this new school of philosophy, if you teach coming generations the "nature of fish," those great problems in constitutional law that vexed and worried the giant intellects of Hamilton, Madison, and Marshall are at once revealed and made plain to the dullest peasant in the land. Sir, if I appear to trifle with this grave subject, the fault is not mine; it arises from the singular nature and contrariant character of those arguments which I am most willingly compelled to combat.

The gentleman from Kentucky (Mr. Underwood) has inquired, with a very significant look, what has become of the three per cent. fund, given to the states, for improvements within their respective limits. He says he has inquired of the secretary of the treasury, and he can give him no account of the disposition the western states may have made of this fund, and hence the gentleman seemed to infer that no one could tell him any thing satisfactory on the subject. Sir, if your secretary of the treasury is the only source of information, then are the fountains of knowledge scanty, indeed and nearly dried up with us. If every thing is unknown which he does not know; if we can see nothing which has not been revealed to him, why, then, the Lord help us; the lights of the age burn dimly enough, and must be well-nigh extinct. Sir, if the gentleman, instead of consulting the "Penny Magazine" of the treasury, had gone to the libraries of this city and looked into the statistics of these states, he would have found that this fund had been faithfully, to the last dollar, expended in making roads "to and through" the public lands in the states; thus increasing the value and hastening the sale of your national property. The gentleman reproaches the three states on the right bank of the Ohio for having obtained from the national domain large grants for making roads and canals. Does not the gentleman know that in every instance you have received an equivalent for these lands, by obtaining from the states or companies the right to carry your mails, arms, troops and munitions of war, over such roads or canals, at all times free of charge? If you gave the alternate sections of land for a road or canal, you held up the remaining section at double your minimum price, and have always realized it, and thus made money for yourselves out of the capital and labor of the states, whilst you boast the transaction as a benevolence to others.

But, sir, Kentucky should be the last state in the union to raise an argument of this kind against her sisters of the west. How came she by the whole of that very Green river country which now comprises one-fourth part of that state? Virginia had reserved that territory to satisfy her revolutionary

debt to her troops. When she ceded the northwestern territory to the United States, she reserved the land between the Little Miami and Scioto rivers (now in Ohio) as a residuary fund for the satisfaction of her revolutionary land warrants, if the lands reserved for that purpose in Kentucky should prove insufficient. Well, sir, what happened? Soon after this, Kentucky seized upon the whole Green river country, and refused to the war-worn veteran of the revolution the right to locate his warrants there. The consequence was, the whole country reserved in Ohio was exhausted, and the Virginia claims, to the amount of many millions, have been lately paid out of the treasury of the union in the shape of land scrip. Sir, I have said this domain, thus seized by Kentucky, was equal to one-fourth part of the state. Now, suppose you had given to Ohio, Indiana, and Illinois, what Kentucky received—one fourth part of all the lands within their respective limits—sir, it would have constructed this road through their territories ten times over. And yet, with these facts all before him, the gentleman sits weeping over the dams and slack-water of Green river, like a froward child, spoiled by too much indulgence, complaining of its mother's partiality, to the really much less favored members of our common family. Sir, this is unlike Kentucky; it is unlike the uniform justice and generosity of both the gentlemen, (Messrs. Graves and Underwood,) who have so vehemently opposed this bill. I beseech them to desist. Cease to drive this jew's bargain with your sister states. Relax the miser's gripe you have laid upon your neighbor's rights. Throw away the knife of Shylock, clothe yourselves in the robes of justice and generosity. Stand out in your true characters, and in the proper costume of your noble state. Look upon this bill with the eye of an American statesman. The interests of the whole valley we inhabit in common are the same. You cannot separate them by lines or rivers. Sir, the same cloud that dispenses its fertilizing showers upon Kentucky drops fatness upon the states of Ohio, Indiana, and Illinois. The same sun that warms vegetation into early and vigorous life, on the rich plantations of Kentucky, also mellows the fruit and ripens the harvests that cover the vast plains outstretched upon the right bank of the Ohio. The God of nature has decreed us a common lot, and it is vain and impious to offer our feeble opposition to his will.

Mr. Speaker, some gentleman have complained that one section of land out of every thirty-six has been given to the western states for the use of common schools. Do gentlemen recollect to whom this benefit results? Who are they that inhabit the great valleys of the west? Emigrants surely from the old states of the south and east. The children to be educated there are your children. Sir, we heard (some of us at least) an English gentleman (Mr. Buckingham,) in one of his interesting lectures lately delivered in this city, say, when speaking of British emigration to America, that he was sorry they had not sent to this country better specimens of their population. Sir, I can say to my friends on this side of the mountains, with equal sincerity, as to some of those you send out, "I am sorry you did not send us better specimens." But the truth is, we get in the west the very best and the very worst of your population. The poor come there for bread, and the enterprising and industrious to find a field which gives ample scope to their energies, and rewards to their labor. This fund, then, is for the education of the poor, and the rich, too, if any such there be, which you send in masses every year to the west. And can I assure gentlemen it has been faithfully applied in Ohio. It has been added to by heavy taxation upon our people. Some gentlemen, (I speak it in no spirit of pride or vain boasting,) some gentlemen from the old states might learn something new to them in the history of civilization, would they but visit that western world, of which they often seem to me to know little. They might see there, in the very spot where but yesterday the wild beasts of the wilderness seized their prey by night, and made their covert lair by day, on that same spot to-day stands the common school house, filled alike with the children of the rich and poor—those children who are to be the future voters, officers, and statesmen of the republic. Over that vast region, so lately red with the blood of savage war, the seed-fields of knowledge are planted, and a smiling harvest of civilization springs up. And there, too may be seen what a christian statesman might well admire. The schoolmaster is not alone. That holy religion, which is at last the only sure basis of permanent social or political improvement, has there its voices crying in the wilderness. Upon the almost burning embers of the war-fire, round which some barbarous chief but yesterday recounted to his listening tribe with horrid exultation, his deeds

of savage heroism, to-day is built a temple dedicated to that religion which announces "peace on earth, and good-will towards men." Yes, sir, all over that land, side by side with the humble school house, stand those

"steeples-towers

"And spires whose silent finger-points to Heaven."

Is it sir, can it be in the heart of an American statesman, to check in its progress, or crush in its infancy, a social and political system, which has tendencies and fruits like this? But, sir, I find myself tempted, by themes so full of hope, to wander, as some may think, into subjects having a bearing upon the immediate question, too remote to justify their discussion here. I beg to remind this house that the bill now before it is a part, small, indeed, but still a part of a system of policy which long ago you established for the western country, which hitherto you have cherished, and which aided by the patient, persevering labor of your people there, has produced the happy results which I have so hastily and imperfectly laid before you. I feel an assured confidence that I do not plead in vain to an American congress in such a cause. Still should I unhappily be mistaken in this, conscious of the rectitude of my own motives, I shall cheerfully submit to whatever decision it shall please the house to make.

When Mr. Corwin concluded, the *previous question* was demanded by Mr. Casey, and carried; and the main question being put on ordering the bill to be read a third time, was decided as follows:

YEAS—Messrs. Adams, Alexander, J. W. Allen, Anderson, Beatty, Biddle, Bond, Boon, Borden, Briggs, Bronson, J. Calhoun, Casey, Chambers, Childs, Coffin, Corwin, Cranston, Curtis, Cushing, Davee, Davis, Dunn, Ewing, Fairfield, R. Fletcher, Fillmore, Foster, R. Garland, Goode, William Graham, Grant, Gray, Greenell, Haley, Halstead, Hammond, Hauser, Harlan, Harrison, Harper, Hastings, Henry, Herod, Hoffman, Howard, W. H. Hunter, Ingham, Jennifer, H. Johnson, J. Johnson, Leadbetter, Lincoln, Logan, Marvin, Samson, Mason, May, Maxwell, Robert McClellan, McKennan, Menefee, Mercer, Milligan, Miller, Mitchell, Morgan, C. Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Paynter, Peck, Petrikin, Phelps, Pope, Potts, Prentiss, Rariden, Randolph, Reed, Ridgway, Russell, Sheffer, Sibley, Snyder, Southgate, Taylor, Tillinghast, Titus, Toland, Webster, A. S. White, J. White, Elisha Whittelsey, J. L. Williams, Worthington, Yell, Yorke—96

NAYS—Messrs. Andrews, Atherton, Beirne, Bell, Bicknell, Birdsall, Bouldin, Brodhead, Bruyn, Canbr'long, Wm. B. Campbell, J. Campbell, William B. Carter, Cheatham, Cleveland, Clowney, Coles, Connor, Crockett, Cushman, Dawson, Deberry, Dromgoole, Edwards, Elmore, Everett, Farrington, J. Fletcher, Fry, J. Garland, J. Graham, Grantland, Graves, Griffin, Hawes, Haynes, Hopkins, R. M. T. Hunter, T. B. Jackson, J. Jackson, J. W. Jones, Keim, Kemble, Lawler, Legare, Lewis, Loomis, Lyon, Mallory, J. M. Mason, Martin, Maury, McKay, Abraham McClellan, McClure, Montgomery, S. W. Morris, Murray, Noble, Owens, Parker, Pennybacker, Pickens, Reilly, Rencher, Rhett, Richardson, Robertson, Rumsey, Sawyer, A. H. Sheppard, C. Shepard, Shields, Slade, Smith, Spencer, Stanly, Stuart, Stone, Stratton Taliaferro, Thomas, Thompson, Toucey, Towns, Turney, Underwood, Vanderveer, Wagener, Weeks, L. Williams, S. Williams, J. W. Williams, C. H. Williams, Wise—80.

So the bill was passed to a third reading, and was on the same day, read a third time, and passed.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

May 24. After the disposition of the communication from the treasury department, in reply to Mr. Clay's resolution in relation to the receipt of bank notes as revenue, (as stated in our last,) on motion of Mr. White, the president's message and the communication of the secretary of war, on the subject of delaying, for two years, the removal of the Cherokee Indians, and of making further provision for their removal and for indemnities to be made to them, was taken up, and, after some remarks by Mr. White and Mr. Sevier, it was referred to the committee on Indian affairs.

On motion of Mr. White, the secretary of war was required to inform the senate whether any answer had been given by the Cherokee delegation to the propositions contained in his communication on the subject of the removal of the Cherokee Indians, and, if so, to transmit to the senate a copy of such answer.

The following bills were severally read a third time, and passed:

The bill to authorize the entry of lands in Arkansas covered by alleged, but unconfirmed, French and Spanish claims; and the bill for the continuation of the Cumberland road in Ohio, Indiana, and Illinois, which was passed by the following vote:

YEAS—Messrs. Allen, Bayard, Benton, Buchanan, Clay, of Kentucky, Crittenden, Cuthbert, Davis, Grundy, Knight, Linn, McKean, Morris, Nicholas, Robbins, Robinson, Sevier, Smith, of Indiana, Swift, Tallmadge, Tipton, Wright, Young—23.

NAYS—Messrs. Brown, Calhoun, Clay, of Alabama, Clayton, Hubbard, King, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Prentiss, Preston, Rives, Smith, of Connecticut, Trotter, White—18.

This bill was sent to the house, and subsequently returned with an amendment, in which the senate concurred.

On motion of Mr. Wright, the senate proceeded to consider the bill making appropriations for the naval service for 1838.

Mr. Crittenden moved to amend it by striking out the appropriation for the exploring expedition.

This motion occasioned a debate by Messrs. Crittenden, Wright, Rives, Niles, Preston, and Davis, who gave way on the suggestion of Mr. Webster, and the action on the bill was suspended by consent, with a view to obtain better information in regard to the command by a lieutenant of a vessel rated at twenty guns, there being, apparently, an express law against it.

The senate adjourned, after an executive session.

May 25. After the transaction of some business of minor importance, Mr. Linn, from the special committee on the Oregon territory, reported the bill referred to them, for the occupation by the United States of the Oregon river, with an amendment; which was read.

Mr. L. stated that this bill was accompanied with a special report on the subject from the committee; which report he would ask to have read to the senate on Monday next.

The senate resumed the consideration of the bill making appropriations for the naval service for the year 1838.

The question being on Mr. Crittenden's motion to strike out the appropriation for the exploring expedition, Mr. Davis concluded the remarks which he commenced yesterday, in favor of this motion, not on account of any objection to the general object proposed by the expedition, which he highly approved, but because—as he argued at considerable length—there was every practical reason for want of confidence in the talent, promptness, and energy of those to whom the direction and disposal of the expedition were committed, and in whose hands they were still to remain; and because that, by the appointment of a commander of the expedition over the heads of more than a hundred superior officers, a fatal blow would be given to the feelings of honor and spirit of chivalry so all important in the navy; and especially because that, by the appointment of a lieutenant to command a twenty-gun vessel, an express law was violated, and, by the same appointment to command a squadron, there was also a violation of an express order of the department, under the hands of the navy commissioners, the secretary of the navy, and the president of the United States.

The question was now put on Mr. Crittenden's motion to strike out the appropriation for the exploring expedition, (about \$200,000, in addition to \$700,000 already expended,) and it was negatived as follows:

YEAS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, Morris, Prentiss, Rives, Robbins, Spence, Swift, White, Young—18.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Pierce, Preston, Robinson, Sevier, Smith, of Connecticut, Smith, of Indiana, Tallmadge, Trotter, Williams, Wright—27.

The bill was then ordered to be engrossed for a third reading, and, by consent, was at once read a third time, and passed.

On motion of Mr. Hubbard, the senate took up the joint resolution introduced by Mr. Clay, of Ky. which was as follows:

Resolved, &c. That no discrimination shall be made as to the currency or medium of payment in the several branches of the public revenue, or in debts or dues to the government; and that, until otherwise ordered by congress, the notes of sound banks, which are payable and paid on demand in the legal currency of the United States, under suitable restrictions, to be forthwith prescribed and promulgated by the secretary of the treasury, shall be received in payment of the revenue and of debts and dues to the government, and shall be subsequently disbursed, in a course of public expendi-

ture, to all public creditors who are willing to receive them."

Mr. Webster (Mr. Clay assenting) offered the amendment inserted in our last, for the proceedings on which see page 208.

May 26. Various bills of a private character were received from the house, and severally read twice and referred.

The senate resumed the consideration of Mr. Clay's joint resolution, prohibiting discrimination in the kinds of money received for the public revenue in its different branches, and requiring the receipt and disbursement of sound specie-paying bank notes.

The question being on Mr. Clay's motion (the privilege of modifying it having been refused to him) to strike out that clause in the resolution requiring disbursements to be made in the bank notes received, when the public creditor should be willing to receive them, the debate was continued on the resolution generally, and on its particular provisions, by Messrs. Clay, of Kentucky, Calhoun, Sevier, Wright, Rives, Niles, Morris, Smith, of Indiana.

In the course of the debate Mr. Rives suggested, but without offering it, an amendment to the resolution, requiring the secretary of the treasury not to demand the specie at the banks for the notes received, except for the purpose of securing the safety of the public funds; of carrying on the necessary operations of the government, or of preventing dangerous over issues of paper by the banks.

The motion of Mr. Clay, to strike out the clause of the resolution requiring the bank notes received to be paid out to those who should be willing to receive them, was carried in the affirmative: Ayes 44, no 1—Mr. Tipton.

Mr. Wright then moved to strike out the provision requiring the notes of sound specie-paying banks to be received by the government. This motion was carried in the affirmative as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, Morris, Mouton, Nicholas, Niles, Norvell, Pierce, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Williams, Wright, Young—28.

NAYS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, McKean, Merrick, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Spence, Swift, Tallmadge, Tipton, Webster, White—19.

The whole resolution now consisted only of the substitute for the first clause adopted yesterday on motion of Mr. Webster, prohibiting the issuing and enforcing of any order making discrimination in the kinds of money received in the different branches of the revenue; (that is simply annulling the specie circular, and prohibiting all similar orders hereafter.)

Mr. Morris then offered a long amendment requiring that the secretary of the treasury, acting under the resolution of 1816, should receive such notes, and none other, as are authorized by law to be paid out to the public creditors; that such notes should be presented monthly at the respective banks for payment, which should be deposited in special deposits as directed by law, or as the secretary of the treasury should think proper, and should there remain, till withdrawn by order of the secretary; that the notes of no banks should be received which issued notes of less denomination than \$5, nor of any bank that should not be within — miles of the place where the notes should be offered in payment.

Mr. M. expressing a wish to speak on this amendment, and pleading indisposition for not proceeding this evening, (it being now half past 6 o'clock,) asked an adjournment; and the senate adjourned.

May 28. The Vice President presented the following:

A communication from the secretary of the treasury, in pursuance of a senate resolution of February 28th, with tables of the rates of exchange, foreign and domestic, and of the prices of bank notes. Laid on the table, and ordered to be printed.

A communication from the secretary of war, in reply to a resolution offered by Mr. White, and informing the senate that no reply had been received from the Cherokee delegation to the measures proposed by the secretary of war in relation to further time for the removal and further indemnity of the Cherokee Indians, but that John Ross and another of the delegation had expressed their acquiescence to those measures. Referred, on motion of Mr. White, to the committee on Indian affairs.

A communication from the postmaster general, in reply to a senate resolution of the 23d instant, informing the senate that having no legal authority to require of the postmasters the receipt by them of bank notes, the postmaster general had issued no

orders to that effect, but that postmasters generally had returned to the practice of receiving specie-paying banks' notes as they did before the suspension of specie payments. Laid on the table, and ordered to be printed.

A great number of private bills, a list of which was published in the house proceedings of Saturday last, all of them, but one, being bills granting pensions, were received from the house, and by consent referred, without reading, to the appropriate committees.

Mr. Buchanan presented a petition from Lucius W. Stockton, and Stockton & Stokes, praying interest on money awarded to them by the solicitor, and withheld by the postmaster general, the principal of which had been paid to them. Referred.

Mr. Norvell presented a copy of an act of the legislature of Michigan, which was understood to be the charter of a university, for which a grant of land had been asked from congress. Referred.

On motion of Mr. Hubbard, it was

Resolved, That when an act of congress pass for the settlement of any private claim, the secretary of the senate shall transmit to the officer charged with the settlement of such claim the original papers relating to such claim. [This serves as a general proviso to the senate resolution before offered by Mr. H. that such original papers shall remain in the possession of the secretary of the senate.]

Mr. H. also offered a resolution, which, being objected to, lies over one day, that the daily meetings of the senate should be hereafter at 11 o'clock, till otherwise ordered.

Several bills were reported from committees, read, and ordered to a second reading; among them was a bill reported by Mr. Niles authorizing an exemption of duty on foreign coal used in vessels propelled by steam.

The following bills were severally considered, and ordered to a third reading: The house bills to secure the payment of certain commissions on duty bonds to the collectors of the customs, (with an amendment); and for the relief of Moses Merrill, (with an amendment.) Also, the senate bill for the relief of Moses Merrill. The house bill for the relief of Henry Beamish was, on motion of Mr. King, indefinitely postponed. The senate resumed the consideration of the resolution prohibiting the secretary of the treasury from issuing or enforcing any general order, (like the specie circular,) making a discrimination in the kinds of money received in the different branches of the public revenue.

The question being on Mr. Morris' long amendment, (published in detail in Saturday's proceedings,) restricting (at this time) to utter exclusion the receipt of all bank notes,

Mr. Morris spoke at great length in favor of his amendment, and in defence of the specie circular, and in opposition to banks and banking generally. In concluding, he withdrew his amendment, and offered the following resolution, as an appendage to the resolution under consideration:

Resolved, That the joint resolution of 1816, authorizing the receipt by government of sound specie-paying bank notes, be, and hereby is, repealed.

This resolution was rejected without debate, as follows:

YEAS—Messrs. Allen, Benton, Brown, Calhoun, Morris, Niles, Smith, of Conn., Strange—8.

NAYS—Messrs. Bayard, Buchanan, Clay, of Ala., Clay, of Ky., Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Linn, Lumpkin, Lyon, McKean, Merrick, Nicholas, Norvell, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana; Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, Williams, Wright, Young—36.

The question now recurred on the resolution (in the form given to it by Mr. Webster's substitute) which was as follows:

"Be it resolved by the senate and house of representatives, &c. That it shall not be lawful for the secretary of the treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues, accruing to the United States, may be paid."

In this form the resolution was ordered to be engrossed for a third reading by the following vote:

YEAS—Messrs. Bayard, Buchanan; Clay, of Alabama, Clay, of Kentucky, Clayton, Crittenden, Cuthbert, Davis, Grundy, King, Lumpkin, Lyon, McKean, Merrick, Nicholas, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, Williams, Young—34.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Hubbard, Linn, Morris, Niles, Smith, of Connecticut, Strange—10.

Mr. Webster now moved an adjournment, (with the view of making some remarks on the subject to-morrow,) but withdrew the motion with a view to take up the general orders.

A number of bills for the relief of individuals were ordered to a third reading, and then the senate adjourned.

May 29. After some unimportant business had been disposed of on motion of Mr. White, the message of the president, and the documents on the subject of the removal of the Cherokee Indians, were ordered to be printed.

The resolution offered yesterday by Mr. Hubbard that the senate meet daily hereafter at 11 o'clock, (modified by the mover so as to read from and after Monday next,) was taken up, and, after a brief conversation, was, on motion of Mr. Norvell, mainly on the ground that it would interfere with the business of the standing committees, laid on the table: Yeas 26, nays 14.

Several bills, among them the bill to secure the payment of certain commissions on duty bonds to collectors of the customs, and the bill to confirm land claims in Louisiana, were severally read a third time, and passed.

The senate took up the resolution of Mr. Clay, as amended by the senate, modified by the mover, at the suggestion of Mr. Webster, prohibiting the secretary of the treasury from issuing or enforcing any general order, like the specie circular, making discrimination in the kinds of money received for revenue in its different branches.

The resolution having been read a third time, and the question being on its passage, Mr. Webster addressed the senate at considerable length explaining the nature, relations, and bearing of the resolution, and touching on various topics connected with its subject-matter. Mr. Strange spoke in reply to Mr. Webster, and in opposition to the resolution, arguing, especially, that the resolution of 1816 was merely permissive, and that even in this view it ought to be repealed, and a total separation made between the business of government and banks. Mr. Webster, in reply to Mr. Strange, said that the word *may* was not used in the resolution of 1816, and argued that it was just as obligatory on the department to receive good bank notes as treasury notes. Mr. Strange responded that, although the word *may* was not used, the expression of the resolution was equivalent to the import of that word. Mr. Calhoun spoke at considerable length, denying that the resolution of 1816 gave any discretionary power whatever, arguing great danger in any such discretionary power, and objecting strongly to the resolution that by implication it surrendered such power. Mr. Webster argued and insisted that the resolution went only to restrain and not at all to surrender such discretion. He would gladly take away all unnecessary discretion, but finding that impracticable he was willing to go as far as he could in restraining and controlling it. Mr. Benton read and argued chiefly to show that the secretary of the treasury would be very liable to censure, whatever he might do under the resolution of 1816.

Mr. Lumpkin, in explanation, said he had voted against this resolution, as an amendment to the sub-treasury bill, because he did not wish to embarrass that measure. He should now, without any change of opinion vote in its favor. Mr. King argued, briefly, that the resolution of 1816 was never considered obligatory; he insisted that it was well known to be otherwise when it was adopted, and had always been practised upon as discretionary.

Mr. Clay, of Ky., expressed regret that the second portion of his resolution had not been adopted; and he hoped that some farther remedies might be provided, especially the repeal of the provision in the deposit law of 1836, by which the notes of a denomination less than \$5 are now excluded from being received.

After a few remarks by Messrs. Hubbard and Webster, the resolution was passed by the following vote:

YEAS—Messrs. Bayard, Buchanan, Clay, of Ala., Clay, of Kentucky, Clayton, Davis, Fulton, Grundy, King, Lumpkin, Lyon, McKean, Merrick, Mouton, Nicholas, Norvell, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Trotter, Webster, White, Williams, Young—34.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Hubbard, Morris, Niles, Smith, of Connecticut, Strange—9.

The senate then adjourned.

May 30. After several private bills had been disposed of, Mr. Davis rose, and said that the house bill for the relief of Henry Beamish had been considered by the committee on commerce, and reported to the senate with a recommendation for its indefi-

nite postponement: but, understanding that additional testimony in its favor was about to be sent in, Mr. D. had requested that it might remain on the table for a few days. Owing to the absence or inattention of Mr. Davis, or to the fact that he frequently could not hear even the title of a bill, and much less its substance, this bill, two days before, but within the time entitling it by the rules to a motion for reconsideration, had, notwithstanding, been taken up, and indefinitely postponed. As this was evidently a mistake on the part of the senate, and as the additional testimony expected had now arrived, Mr. Davis moved that a message be sent to the house, asking the return of said bill, with the accompanying documents.

This motion was opposed by Messrs. Wright, Calhoun, and Lumpkin, advocated by Messrs. Davis, King, Bayard, Buchanan, Tipton, and White, chiefly on the grounds of a different construction of the rules, and of establishing a troublesome precedent, and it was carried in the affirmative without a division.

This bill and the documents were subsequently received from the house, and a motion made by Mr. Davis to reconsider the vote for indefinite postponement of the bill was laid on the table till the committee on commerce should report on the new testimony which had been received.

Mr. Webster offered the following resolution, and asked its consideration at this hour:

Resolved, That the committee on finance be instructed to take into consideration the act of June 23d, 1836, entitled "an act to regulate the deposit of the public moneys," and to inquire whether, according to the provisions of that act, it is now competent for the secretary of the treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments; and, also, to inquire into the expediency of repealing or modifying those provisions of the said act which prohibit the receipt, in payment of debts and dues to the United States, of the bills of all banks issuing notes of a less denomination than five dollars, and to report their opinion thereon.

The immediate consideration of this resolution requiring the unanimous consent of the senate, and being objected to by Mr. Morris, the resolution consequently lies over one day.

Mr. Webster here offered the resolution noticed in our last paper.

The bill making indemnity to the legal representatives of John J. Bulow, deceased, for property destroyed by the Indians, on the ground that it had before been recently occupied by the United States troops, was taken up, advocated by Messrs. Hubbard, Bayard, and Preston, opposed by Messrs. Buchanan and King, and on motion of Mr. Buchanan, laid on the table—Yeas 22, nays 13.

The bill in regard to the town of Southport, in Wisconsin, was taken up, discussed (mainly on the question of the comparative eligibility of several different places for a harbor) by Messrs. Wright, Clay, of Alabama, Hubbard, and Niles, and ordered to be engrossed for a third reading. The senate then adjourned.

May 31. Mr. Buchanan presented the petition of Francis P. Blair, stating that he, with col. A. Crockett, was security for Samuel B. Crockett, a delinquent postmaster, and praying an abatement of the amount in default, for the whole of which the postmaster general holds him responsible; and stating also that he had received from the department, when under Mr. Barry, \$1,500 as payment for actual services rendered the department, the whole of which Mr. Kendall holds, notwithstanding, as a balance against him; Mr. B. in this case also praying relief. Referred.

Mr. Clay, of Kentucky, presented two memorials from citizens of Hartford county, Connecticut, and of Jamaica, Long Island, praying the establishment of a national bank, which Mr. C. accompanied with some remarks that occasioned a discussion. (to be given hereafter,) in which Messrs. Clay, of Kentucky, Clay, of Alabama, King, Niles, and Wright participated. The petitions were laid on the table, and ordered to be printed, (with the names, at the desire of Messrs. Wright and Niles.)

After several petitions from individuals had been presented, and the committee on commerce and pensions had been severally discharged from the consideration of several petitions which had been referred to them, the resolution concerning banks, offered yesterday by Mr. Webster, was taken up, modified by Mr. W. so as to extend the inquiry as to the competency of the secretary of the treasury to receive bank notes, to those banks which, since the passage of the deposit act of 1836, had issued notes under the denomination of five dollars, as well as those that had suspended; and in this form the resolution was adopted.

The bill from the house requiring the United States district court to be held at Jackson, Tennessee, was read twice, and referred.

The senate took up, on its third reading, the bill in regard to Southport, Wisconsin.

This bill, at considerable length, was opposed by Messrs. *Sevier* and *Calhoun*, chiefly on the ground that the bargain with the citizens of Southport, by which they were to have the land, all of which yet belonged to the United States, at a great excess above the minimum price, with which excess they were to construct the harbor, was a bad precedent, rather beneath the dignity of the government, as well as injurious to its interests; and it was advocated by Messrs. *Buchanan*, *Clay*, of Ala., *King*, *White*, and *Webster*, on the ground that if the late pre-emption bill should pass without this, the whole of this land would fall, at an immense profit, into the hands of two or three individuals, at whose mercy the citizens of this place (50 or 60 families) would thus be left, and the government must still construct the harbor at its own expense, thus adding greatly to the profit of these two or three speculators.

The bill was passed by the following vote:

YEAS—Messrs. Bayard, Buchanan, Clay, of Alabama, Clayton, Crittenden, Fulton, Grundy, Hubbard, King, Lyon, Mouton, Nicholas, Norvell, Prentiss, Rives, Robinson, Smith, of Ind., Spence, Swift, Trotter, Wall, Webster, White Young—24.

NAYS—Messrs. Benton, Calhoun, Lumpkin, Niles, Pierce, Sevier, Smith, of Conn., Southard, Strange, Tipton, Wright—11.

The *Vice President* presented a communication, with a report and documents, (the subject not stated by the chair,) which were referred.

The bill to establish the territory of Iowa from a portion of Wisconsin, was made the special order for to-morrow.

The following bills, &c. were considered, and ordered to be engrossed for a third reading:

In regard to a seminary of learning in Wisconsin. To disapprove and confirm an act of the legislative council of Wisconsin chartering a bank. Granting to the territory of Wisconsin in the alternate sections of the land on the line of a proposed canal to connect lake Michigan with Rock river. And for the relief of Guerdon S. Hubbard.

The senate adjourned, after an executive session.

HOUSE OF REPRESENTATIVES.

Tuesday, May 22. Mr. *Stone* having offered a resolution directing the committee on the post-office to enquire into the expediency of a establishing a mail route from Kellysville, Marion county, Tennessee, to some point in Squirreltown, in Dade county, Georgia,

Mr. *Connor* asked leave to offer a resolution fixing the hour of meeting, during the residue of the session, at 10 o'clock, A. M.

Objection being made, he moved for a suspension of the rules, and demanded the yeas and nays; which were taken, and resulted as follows: Yeas 127, nays, 42. So the rules were suspended. Mr. *Boon* moved to amend the resolution by adding a provision for a daily recess from half past 2 to 4 o'clock. Mr. *Reed* advocated the amendment, on the ground that there would, in fact, be a recess; and it was better to have it all at once and under a rule. Mr. *McKenna* opposed it, hoping the members would agree to sit till 4 o'clock, which, in ordinary cases, he deemed late enough. The amendment was further advocated by Mr. *Boon*; when, Mr. *Montgomery*, to cut off debate, moved the previous question. The demand was sustained by the house. The previous question was carried, and the resolution adopted. So the hour for meeting is changed from 11 to 10 o'clock.

Mr. *Sherrod Williams* asked leave to make an explanation. Leave being granted,

Mr. *W.* stated that there was an erroneous statement in several of the public papers, conveying the idea that he had consented to accept a modification of his resolution (rescinding the effect of the specie circular) as proposed by the gentleman from Indiana, (Mr. *Boon*.) He had never said so. He had said to that gentleman, at one time, that he would accept as a modification the printed resolution from the senate on that subject: but after further examining that resolution, he had informed the gentleman that he could not do so. It applied only to one officer of the government, whereas his own resolution applied to all. Mr. *W.* then stated that he had modified his resolution so as to make it a joint resolution of both houses; and if the house would now agree to consider it, he was willing to modify it still farther, if any gentleman, should desire it. He explained why he had not earlier made an effort to get up the consideration of the resolution.

He then asked leave to move the resolution in the form which he preferred.

Objection being made by Mr. *Cambreleng*, he moved to suspend the rules, and demanded the yeas and nays, which were ordered. Mr. *Boon* now wished to explain. Mr. *Hopkins* objected, as the gentleman from Kentucky (Mr. *Williams*) had gone into nothing personal, and it would only consume time. The gentleman from Indiana (Mr. *Boon*) had explained on a former day.

The question being taken on suspending the rules, the yeas and nays were as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Bell, Bond, Boon, Burden, Biggs, Wm. B. Calhoun, John Calhoun, Casey, Cheatham, Childs, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Davies, Deberry, Dennis, Dunn, Evans, Everett, R. Fletcher, Fillmore, R. Garland, Goode, James Graham, William Graham, Grantland, Gray, Greenell, Haley, Hall, Halsted, Harlan, Harper, Hastings, Henry, Herod, Hoffman, J. Jackson, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Legare, Lincoln, Marvin, S. Mason, Maury, May, Maxwell, McKenna, Meneff, Mercer, Milligan, Mitchell, Morgan, C. Morris, Naylor, Noyes, Parmenter, Peck, Pope, Potts, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, A. H. Shepperd, Shields, Sibley, Slade, Snyder, Southgate, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, A. S. White, J. White, Elisha Whittlesey, T. T. Whittlesey, L. Williams, Sherrod Williams, J. L. Williams, Wise, Yell, Yorke—104.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Bouldin, Buchanan, Bynum, Cambreleng, Chapman, Cleveland, Clowney, Coles, Connor, Craig, Cushman, Dawson, Davee, Dromgoole, Duncan, Edwards, Elmore, Farrington, Fairfield, Isaac Elletcher, Fry, Glascock, Grant, Harrison, Hawkins, Haynes, Holey, Holt, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Martin, McKay, R. McClellan, A. McClellan, McClure, Moore, Murray, Noble, Owens, Palmer, Parker, Pennybacker, Petrick, Phelps, Potter, Pratt, Prentiss, Reilly, Sawyer, Sheffer, C. Shepard, Shepler, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vanderveer, Webster, Weeks, J. W. Williams, Worthington—88.

Two-thirds not voting for the motion, the house refused to suspend the rules to enable Mr. *Williams* to offer his motion.

Mr. *Naylor* obtained leave to offer a petition and have it referred.

Mr. *Whittlesey*, of Ohio, from the committee of claims, reported a bill to continue in force an act passed on the 18th of January, 1837, to provide for the payment for horses and other property lost or destroyed in the military service of the United States.

Mr. *Whittlesey* moved to go into committee of the whole on the bill to continue in force the act for the payment for horses lost in the last war. The motion prevailed, and the house accordingly went into committee of the whole, (Mr. *Reed* in the chair,) on that bill. Mr. *Whittlesey* briefly explained, expressing his hope that the provision, which had been formerly limited to two years, should, as now proposed, be rendered permanent. Mr. *Graham*, of Indiana, called for the reading of the act proposed to be continued; and it was read. Mr. *G.* then moved an amendment, the object of which was to extend the provisions of the law to mounted rangers in Indiana and Illinois, whose horses had been lost without fault on their part. Mr. *G.* explained at length, and advocated the amendment with great earnestness.

Mr. *Hoffman* moved for the rising of the committee; whereupon before any question was taken, the committee rose, reported progress, and obtained leave to sit again.

The *Chair* presented a communication from the president notifying the house of his approval of the bill to authorize the issuing of treasury notes to meet the current expenses of the government.

The *Chair* laid before the house a communication from the president concerning the Cherokee treaty, &c. of the same import as that noted in this day's proceedings of the senate. [See senate proceedings page 204.]

On motion of Mr. *Bell*, the communication was referred to a committee of the whole on the state of the union, and ordered to be printed. Mr. *Cambreleng* pressed a motion to go into committee of the whole on the state of the union with a view to take up the bill for the suppression of Indian hostilities. Mr. *Everett* inquired of Mr. *Cambreleng* whether there was any estimate sent to the committee of

ways and means for the expense connected with the subject in the message? and whether that committee intended to offer any amendments to the bill for the suppression of Indian hostilities to cover those expenses? Mr. *Cambreleng* replied in the negative, and insisted that whatever might be done in reference to the message, the bill for the suppression of Indian hostilities must still be passed, as three-fourths of its appropriations were for debts already incurred, and which must be met. Mr. *Everett* was of a different opinion, contending that the two subjects were intimately connected, because, if any thing should be done in this proposal of accommodation, there would be no necessity of keeping up the force in the Cherokee nation. Mr. *Cambreleng* observed that all the diminution of appropriation, in that case, would be simply in the pay of the troops, since they must be kept there until the final arrangement should be completed. Mr. *Glascock* wished the communication referred, not in the first place to the committee of the whole on the state of the union, but to the committee on Indian affairs. He warmly pressed a motion for reconsideration. On this motion a debate ensued, in which Messrs. *Everett*, *Howard*, *Holey*, and *Reed* took part, and which ended with a motion by Mr. *Reed* to lay Mr. *Glascock's* motion for reconsideration on the table. Mr. *Holey* demanded the yeas and nays; but the house refused to order them. The motion was then negatived: Ayes 65, noes 68. The debate was further continued by Messrs. *Bell*, *Cambreleng*, and *Cushing*; when, the question being taken on reconsidering, it was decided in the affirmative: Ayes 73, noes 69. So the reference of the president's communication to the committee of the whole on the state of the union was reconsidered. That reference was then negatived: Ayes 72, noes 84. The question then recurred on a motion of Mr. *Glascock*, to refer the message to the committee on Indian affairs.

Mr. *Everett* moved to amend the motion so as to give the committee power to send for persons and papers, since, as matters stood, the committee could not know whether the proposals of the president had been accepted by the Cherokee delegation.

Mr. *Dawson* remonstrated very warmly against the consequences of giving the committee such a power; the object of which, he insisted, was to bring John Ross before the committee, and thus thrust the authority and influence of that chief in the way of the execution of the treaty of 1835 which must inevitably lead to an Indian war. He closed by moving that the president's communication be laid on the table and printed. He withdrew this motion at the request of Mr. *Wise*, who promised to renew it. He then replied with equal warmth to the speech of Mr. *Dawson*, denouncing the alleged treaty of 1835 in the strongest terms. He expressed lively joy at the reception of such a message, and complimented the president, as he said, for the first time in his life. Mr. *Wise*, in his eagerness, forgot to renew the motion, and Mr. *Glascock* obtained the floor. Mr. *Wise* now renewed the motion, but it was too late.

Mr. *Glascock* addressed the house with earnestness, insisting on the obligation of the treaty of 1835, and the sacredness of the vested rights of Georgia under it; the certainty that her citizens would take possession of these lands, and the imminent danger of an Indian war. Should the government attempt to overturn that treaty, Georgia would never be found wanting to herself, as she had once before proved. Mr. *Atherton* now demanded the previous question, (the effect of which would be to bring the house to an immediate vote on the reference to the Indian committee, and would cut off Mr. *Everett's* amendment.) Mr. *Owens* moved to lay the message on the table, and demanded the yeas and nays. Mr. *Wise* strenuously endeavored to get the floor farther to reply to Mr. *Dawson* and Mr. *Glascock*; but her *Chair* insisted on the rule which forbids debate after a motion to lay on the table. Mr. *Cambreleng* and Mr. *Legare*, asked that the communication be read again. The *Chair* pronounced it out of order, as a motion had been made for the previous question. Some confusion arose. The *Chair* vindicated its decision; but, on earnest remonstrance, put the question on the reading of the message, though, as he insisted, not strictly in order. Mr. *Wise* insisted that the documents should also be read. The *Chair* now insisted on the rule. Mr. *Wise* took an appeal. The decision of the *Chair* was sustained. The question was now put on the motion of Mr. *Owens* to lay the message and documents on the table, and negatived by yeas and nays: Yeas 89, nays 118.

Mr. *Montgomery* appealed to Mr. *Atherton*, to withdraw his call for the previous question, and suffer the whole subject to be postponed for a week.

The *Chair* pronounced such a withdrawal out of order. The question was then put on sustaining the previous question and carried: Ayes 78, noes 53.

The previous question was then put and carried, and the reference to the Indian committee agreed to.

So the communication of the president, in reference to the treaty with the Cherokees, was laid on the table and ordered to be printed.

Mr. *Cushing* now resumed and concluded his speech in support of his motion to commit the president's message on the subject of the northwestern territory of the United States to the committee on foreign affairs, with instructions to inquire into the expediency of establishing a post on the river Columbia, for the defence and occupation of the territory of the United States watered by said river; and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign powers with the Indians of the United States.

Mr. *Howard* called for the reading of the instructions moved by Mr. *Cushing*; which were read accordingly. He then went at some length into a reply, not expressing any decided opinion as to the propriety of the measure to which his instructions looked, but throwing out a doubt whether this government could take possession, as proposed, of the country on the Columbia, in consistency with the stipulations of our convention with England. He had no objection to the instructions.

Mr. *Elmore* moved as a substitute the following:

Resolved, That the committee on foreign affairs be instructed to inquire into the extent of the country claimed by the United States west of the Rocky Mountains, on the northwest coast of the Pacific ocean; the title under which it is claimed, and the evidence of the correctness of the title; the extent of sea-coast, and the number and description of its harbors; the nature of the climate, soil, productions, and trade; and also whether it is expedient to establish a territorial government, or one or more military posts, as possession for the same or any part thereof; and what will be the expense necessary to establish the same, and the annual expense for its support; what fortifications and ships will be required for said territory, and what number of soldiers and sailors will be necessary for its protection, both in time of peace, and in case of a war with any foreign power; and that the committee report thereon to this house.

But subsequently agreed to add it to Mr. *Cushing's* as an amendment; in which form it was agreed to. The instructions, therefore, read as follows:

Resolved, That said communication be referred to the committee on foreign affairs, with instructions to inquire into the expediency of establishing a post on the Columbia river, for the defence and occupation of the territory of the United States watered by said river; and also to consider the expediency of making further provision by law to prevent the intermeddling of the officers or subjects of foreign powers with the Indians of the United States.

"Also, to inquire into the extent of the country claimed by the United States west of the Rocky mountains, on the northwest coast of the Pacific ocean; the title under which it is claimed, and the evidence of the correctness of the title; the extent of seacoast, and the number and description of its harbors; the nature of the climate, soil, productions and trade; and also whether it is expedient to establish a territorial government; or one or more military posts, as possession for the same or any part thereof, and what will be the expense necessary to establish the same, and the annual expense for its support; what fortifications and ships will be required for said territory, and what number of soldiers and sailors will be necessary for its protection both in time of peace and in case of war with any foreign power; and that the committee report thereon to this house."

Mr. *Elmore* wishing to make some remarks, and it being past 4 o'clock, moved an adjournment; which prevailed.

And the house adjourned.

Wednesday, May 23. After the reading of the journal, Mr. *Tolluferro* desired that the house be counted. He wished to know whether those who had voted to change the hour of meeting to 10 o'clock were, themselves, on the ground. The *Chair* stated that 87 members only were present. Mr. *Turney* moved a call of the house. On this motion Mr. *Everett* demanded the yeas and nays, which were accordingly taken; when the following was the result: yeas 63, nays 66.

Messrs. *Sherrod Williams*, *McKenna*, and *Lyon* obtained leave to present memorials.

Reports from committees were presented; among them the following: Mr. *Whitelsey*, of Ohio, from the committee of claims, made a report upon the propriety of amending the act entitled "An act to provide for the payment of horses and other property lost or destroyed in the military service of the United States," approved January 18, 1837.

Mr. *Martin*, from the committee on the judiciary, reported against the petition of R. H. White and others, asking aid to enable said White to procure witnesses to sustain himself in his defence at the suit of the government of the United States on a charge of burning the treasury building.

Mr. *Everett*, from the committee on Indian affairs, reported senate bill No. 75, to provide for the security and protection of the emigrant and other Indians west of the states of Missouri and Arkansas, with an amendment.

Mr. *Everett* submitted an amendment to the 28th rule of the house, permitting any member of the house to have his name recorded on a question taken by yeas and nays, who shall come in before the last name is called. The proposed amendment was laid on the table.

The resolution to print an extra number of copies of the report of the committee on duelling, &c. coming up in order—

Mr. *Mason*, of Ohio, resumed and continued, for some time, his remarks in opposition to printing the report of the committee, but in favor of printing the evidence and journal of the committee. Before Mr. M. had concluded what he had to say, the morning hour expired.

Several bills from the senate received their first and second readings, and were referred to committees, &c.

The resolution offered by Mr. *Cushing* in relation to the occupation of the territory on the Columbia river came up next in order. Mr. *Elmore*, who had offered an amendment to Mr. *Cushing's* instructions, had the floor in support of that amendment, but waived his right to address the house. The question was then taken, and Mr. *Cushing's* resolution was adopted by the house. Several senate bills were read twice, and referred.

Mr. *McKay* asked leave to offer the following resolution:

Resolved, That the secretary of war be directed to communicate to this house, with as little delay as practicable, the amount that will be required for the additional allowances proposed by him to be made to the Cherokees in his letter to John Ross and others, under date of the 18th of May, 1838, specifying under separate heads the amount necessary under each.

Objections being made, Mr. *Bell* moved a suspension of the rules; and the house suspended. The question being then on putting the question on the resolution at this time, objection was again made. Mr. *Bell* again moved to suspend the rules. They were suspended, and the resolution adopted.

The house then went into committee of the whole on the state of the Union. (Mr. *Howard* again in the chair,) on the bill for the suppression of Indian hostilities.

The question being on the following amendment offered by Mr. *Bell*:

"Provided, that if the president shall ascertain that all dissatisfaction and further opposition on the part of any portion of the Cherokee Indians to the treaty of 1835 can be allayed or avoided by allowing an additional compensation for lands ceded to the United States by said treaty, and that thereby the government may be saved the expense of keeping up the large military force within the Cherokee country now contemplated, he is hereby authorized to apply two millions of dollars of the sum appropriated by this act to that object."

Mr. *Wise* rose, and addressed the house with great animation on the general subject of our Indian relations; the past policy of the country in removing the Indians west of the Mississippi; the dangers which threaten our western frontier; and the course of Georgia toward the Cherokees. The late treaty with the Senecas, in the state of New York, was incidentally alluded to, which brought up Mr. *Fillmore* in explanation. Mr. *Turns* then rose in reply to Mr. *Wise*, and spoke in explanation and vindication of the course of Georgia in dealing with the Indians in her limits; in the course of which he made some very severe remarks on the character of John Ross, whom he declared to be openly in market. He deprecated the least delay in the execution of the treaty. Mr. *Marvin* made some statements in reference to the treaty with the Senecas. He gave a history of the getting up of an application to the senate to have all the circumstances of the alleged treaty thoroughly investigated. There were allegations on both sides. He expressed lively indignation as to the course pursued in the payment of the annuities of these Senecas.

cas. He gave a history of the difficulties of the Indians from the failure of their crops, and the holding back of the money by the agents who should have paid it, and the efforts to get the Indians to take goods instead of the money, although the annuity itself is but the interest of a fund originally belonging to the Senecas, and placed on trust in the hands of Gen. Washington. He animadverted with severity on the conduct and character of the Rev. Mr. Schermerhorn, whose unauthorized interference he deprecated as of itself sufficient to cast a suspicion over any transaction with Indians.

Mr. *Cushing* said that reference having been made, in this debate, to the circumstance that an agent of the state of Massachusetts had participated in the negotiation of the late treaty with the Seneca Indians, he wished, before the committee left that subject, to make a brief explanation of the facts in behalf of his state. In 1786 the states of New York and Massachusetts concluded a compromise of the claims of the latter in New York, by which a session of a certain part of the soil of New York was made to Massachusetts, the jurisdiction remaining with New York. This cession embraced the pre-emptive right of land in the occupancy of the Senecas. In 1788 Massachusetts conveyed a part of her pre-emptive right to Oliver Phelps and Nathaniel Gorham; and in 1791 conveyed the residue to Robert Morris. Massachusetts thus parted with all her title to the lands in question; but she had undertaken, and has anxiously endeavored, to see that justice should be done to the Senecas, in the negotiation of any treaty for the extinguishment of their occupation-title. Accordingly, in the negotiations of 1788 she employed the celebrated missionary, the Rev. Samuel Kirkland, the great friend of the Indians, to see to their interest; in 1791 the honorable William Shepard; and on the recent occasion Dr. Trowbridge. Mr. C. said that Massachusetts had no interest in these cases, but to exercise, in good faith, a parental care of the Indians. Whatever, therefore, might be the fact in regard to the late treaty with the Senecas; whether honestly obtained or not, (of which he (Mr. C.) was not prepared to judge,) he felt sure that the governor of Massachusetts, careful as he had always been of the rights of the Indians, had selected, as the agent of the State on this occasion, a gentleman, whose character for integrity and personal respectability gave reasonable assurance that the honor of Massachusetts would not be sacrificed in his hands.

Mr. *Wise* now moved a proviso to the bill, to the effect that no part of the money should be used in removing the Cherokees west of the Mississippi till the result of the pending negotiation should be ascertained.

But the amendment not being now in order, he gave notice that he should move it when in order.

Mr. *Wise* went at length into a further discussion of the general subject of the negotiation of the treaty of New Echota, speaking with great severity of the manner in which it had been effected, and especially on the conduct of the Rev. Mr. Schermerhorn in that matter. He quoted documents in support of his positions, commenting on them as he proceeded.

Frequent explanations were interposed, and questions put, during the speech, by Messrs. *Dutton*, *Legare*, *Graham*, *Granland*, *Townes*, and *Downing*.

Mr. W. had not concluded when he yielded the floor to a motion to adjourn, which was made by Mr. *McKenna* about 4 o'clock.

Before the house adjourned, the *Chair* laid before the house the following message from the president of the United States:

I herewith transmit to the house the copy of a letter addressed to me on the 28th ultimo, by the governor of Maine, enclosing several resolves of the legislature of the state, and claiming reimbursement from the general government of certain moneys paid to Ebenezer S. Greely, John Baker, and others, in compensation for losses and sufferings experienced by them respectively, under circumstances more fully explained in his excellency's letter.

In the absence of any authority on the part of the executive to satisfy these claims, they are now submitted to congress for consideration; and I deem it proper at the same time, with reference to the observations contained in Governor Kent's note, above mentioned, to communicate to the house of representatives copies of other papers connected with the subject of the northeastern boundary of the United States, which, with the documents already made public, will show the actual state of the negotiations with Great Britain on the general question.

M. VAN BUREN.

Washington, May 19, 1838.

[The following important papers are among those accompanying the above message:]

Department of State,
Washington, April 27, 1838.

The undersigned, secretary of state of the United

States, has the honor, by the direction of the president, to communicate to Mr. Fox, her Britannic majesty's envoy extraordinary and minister plenipotentiary, the result of the application of the general government to the state of Maine on the subject of the northeastern boundary line, and the resolution which the president has formed upon a careful consideration thereof. By the accompanying papers,* received from the executive of Maine, Mr. Fox will perceive that Maine declines to give a consent to the negotiation for a conventional boundary; is disinclined to the reference of the points in dispute to a new arbitration; but is yet firmly persuaded that the line described in the treaty of 1783 can be found and traced whenever the governments of the United States and Great Britain shall proceed to make the requisite investigations, with a predisposition to effect that very desirable object. Confidently relying, as the president does, upon the assurances frequently repeated by the British government of the earnest desire to reach that result, if it is practicable, he has instructed the undersigned to announce to Mr. Fox the willingness of this government to enter in an arrangement with Great Britain for the establishment of a joint commission of survey and exploration upon the basis of the original American proposition, and the modifications offered by her majesty's government.

The secretary of state is, therefore, authorized to invite Mr. Fox to a conference upon the subject at as early a day as his convenience will permit; and the undersigned will be immediately furnished with a requisite full power, by the president, to conclude a convention embracing that object, if her majesty's minister is duly empowered to proceed to the negotiation of it on the part of Great Britain.

The undersigned avails himself of this occasion to renew to Mr. Fox the expression of his distinguished consideration.

JOHN FORSYTH.

H. S. Fox, esq. &c. &c. &c.

Washington, May 1, 1838.

Sir: I have the honor to acknowledge the receipt of your official note of the 27th ultimo, in which you enclose to me a communication received by the federal government from the executive of Maine, upon the subject of the northeastern boundary line; and in which you inform me that the president is willing to enter into an arrangement with her majesty's government for the establishment of a joint commission of survey and exploration, upon the basis of the original American proposition, and of the modifications offered by her majesty's government, as communicated to you in my note of the 10th of January last; and you invite me to a conference, for the purpose of negotiating a convention that shall embrace the above object, if I am duly empowered by my government to proceed to such negotiation.

I have the honor to state to you, in reply, that my actual instructions were fulfilled by the delivery of the communication which I addressed to you on the 10th of January; and that I am not at present provided with full powers for negotiating the proposed convention. I will forthwith, however, transmit to her majesty's government the note which I have had the honor to receive from you; in order that such fresh instructions may be furnished to me, or such other steps taken, as the present situation of the question may appear to her majesty's government to require. I avail myself of this occasion to renew to you the assurances of my high respect and consideration.

H. S. Fox.

The hon. John Forsyth, &c.

Mr. Evans moved the postponement of the consideration of this communication to Friday next, and that it be printed. Mr. Cumbreleng hoped they were to have no premature debate on the subject of this message. These motions to postpone to a day certain had often proved great interruptions to the public business. Mr. Evans observed there were other sorts of public business worthy of the attention of Congress besides appropriation bills, whatever the chairman of the committee of ways and means might think; but, Mr. E. said, no interruption should be occasioned by him. Mr. Cumbreleng would not be understood to say that the subject of this message was not very important public business. He only deprecated having a premature debate under a motion to postpone to a particular day. Mr. Cushing protested against the notion that nothing constituted public business but the honorable gentleman's money bills. He also protested no less decidedly against gentlemen being prohibited from choosing their own time for their own motions, without being dictated to as to the order of business. The further consideration of the message

was then postponed to Friday next. Mr. Wise asked that the amendment he had proposed to offer to the Indian appropriation bill might be printed; which was ordered.

And then the house adjourned.

Thursday, May 24. After a call of the house, (as stated in the last number,) Mr. Hoffman rose, and called the attention of the house to the fact that a very exceptionable document had been ordered to be printed, and was yesterday laid on the table. He referred to a message of the president of the United States enclosing communications from the secretaries of state and the treasury, in reply to a resolution of inquiry, adopted on the 30th April, 1838, calling for information as to the extent to which the deportation of foreign paupers to this country had been carried on. That document contained two extracts from the New York "Truth-Teller," in which there was nothing at all pertinent to the subject of inquiry, but which consisted of anonymous and violent denunciations of the mayor and city council of the city of New York. Mr. H. said he could not believe but that the transmission of this document, as a reply to the resolution of April 30, was the result of a mistake, to which the president himself could have been no party. The documents alluded to contained gross personal attacks upon individuals of character and respectability in New York, and Mr. H. thought that this was the first time that an ephemeral article of this kind, from the public press, without signature or responsibility, had ever been embodied in a message to that house from the executive, and that house asked to stamp it with their sanction. The president, if this indeed were the result of mistake, should have an opportunity of correcting it, as should also the secretary of the treasury, neither of whom, Mr. H. suggested, could have purposely transmitted such documents to that house. If it was intentional, the person actually responsible should be ascertained, and held up to the reprehension of the house and the country.

Mr. H. presumed that every member of the house had read this message. He was happy to say, as he did, with pride and pleasure, that many gentlemen of that house, as well as those in favor of the administration as those opposed to it, had expressed themselves in terms of strong disapprobation with regard to that document. He gave notice that it was his intention to offer the following resolution at the proper time, or something like it. He moved that the resolution be read for the information of the house:

Resolved, That the select committee to which was referred "the president's message, together with reports from the secretary of state and the secretary of the treasury, with accompanying papers, in answer to the resolution of the house of the 30th ultimo, relating to the introduction of foreign paupers into the United States," be discharged from the further consideration of the two papers numbered 8 and 9, annexed to the report of the secretary of the treasury, and that the same be returned to the president.

Mr. Beatty objected to the reception of the resolution at this time. Mr. Hoffman moved a suspension of the rules to enable him to introduce the resolution, and asked the yeas and nays, which were ordered. Mr. Foster hoped that this subject might be postponed until to-morrow. Mr. Williams, of North Carolina, demanded the reading of the documents alluded to. Mr. Hamer asked for the reading of the resolution of inquiry, under which this information was given. Mr. Curtis said that it was recited in the message in question.

The clerk then read the resolution of the 30th April, 1838, as follows:

Resolved, That the president of the United States be requested to communicate to this house copies of all correspondence and communications which have passed between this and any foreign government, and the officers or agents thereof, relating to the introduction of foreign paupers into the United States; also, what steps, if any, have been taken to prevent the introduction of such paupers into the United States: provided such communications are not incompatible with the interest of the United States."

Mr. Hoffman proposed that the documents marked 8 and 9 should be read, omitting the preliminary ones. Mr. Curtis was desirous that No. 7 might also be read. Mr. Grant called for the reading of two others of the documents in question.

The documents were then read. [They shall have a place in our next "REGISTER."]

Mr. Bronson (before the reading was concluded) moved to suspend the further reading of these documents, but the house refused to sustain the motion, and the reading of the above papers was concluded. The reading being finished, Mr. Bronson requested Mr. Hoffman to withdraw his motion to suspend the rules, for the present; but Mr. H. declined to do so.

The question upon suspending the rules was then taken, (requiring two-thirds,) and was decided as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Bell, Bond, Borden, Bouldin, Briggs, Wm. B. Calhoun, J. Calhoun, W. B. Campbell, Carter, Chambers, Cheatham, Childs, Coles, Connor, Corwin, Crockett, Curtis, Cushing, Dawson, Davies, Dennis, Dunn, Evans, Everett, Ewing, R. Fletcher, Fillmore, R. Garland, Glascock, J. Graham, Wm. Graham, Grantland, Graves, Gray, Grennell, Griffin, Hall, Halsted, Harlan, Harper, Hawes, Herod, Hoffman, Hopkins, R. M. T. Hunter, J. Jackson, H. Johnson, W. C. Johnson, N. Jones, Kennedy, Lincoln, Lyon, Mallory, Marvin, S. Mason, Maury, May, Maxwell, McKennan, Menefee, Milligan, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Patterson, Pearce, Peck, Potts, Pratt, Rariden, Randolph, Reed, Ridgway, Robinson, Rumsey, Russell, Sawyer, Sergeant, A. H. Sheppard, C. Shepard, Shields, Slade, Stanly, Stone, Stratton, Thompson, Tillinghast, Toland, Underwood, Vanderveer, Albert S. White, J. White, E. Whittlesey, L. Williams, S. Williams, Wise, Yorke—111.

NAYS—Messrs. Andrews, Atherton, Beatty, Beirne, Bicknell, Boon, Brodhead, Bronson, Cumbreleng, J. Campbell, Casey, Cleveland, Clowney, Cushman, Dromgoole, Duncan, Farrington, Isaac Fletcher, Foster, Fry, Gallup, Grant, Haley, Hammond, Hawkins, Haynes, Holt, Howard, Hubley, Ingham, J. Johnson, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Martin, McKay, R. McClellan, A. McClellan, McClure, Montgomery, Moore, Morgan, Murray, Noble, Owens, Palmer, Parmenter, Pennybacker, Petrik, Phelps, Potter, Prentiss, Reily, Richardson, Rives, Sheffer, Shepler, Snyder, Spencer, Stuart, Taylor, Thomas, Titus, Toucey, Turney, Wagener, Webster, J. W. Williams, Worthington, Yell—75.

So the rules were not suspended, and Mr. Hoffman was refused the leave to make his motion.

Mr. Thompson said that this was a question of privilege. He believed that these documents had been sent to the house without the knowledge of the executive. The information called for was specific, and the reply to the call was a collection of infamous and scurrilous libels from one of the common sewers of party abuse. Mr. T. suggested to the Chair to apply to the executive to know if this document was indeed sent to that house by his order. The Chair reminded Mr. T. that his remarks were not in order, no proposition being before the house. Mr. Thompson then asked leave of the house to offer the following resolution:

Resolved, That the president of the United States be requested to inform this house whether document No. 9, and that which follows, accompanying his message of the 11th of May, were communicated to this house by his direction. This being objected to, Mr. Thompson moved to suspend the rules to enable him to offer the resolution he had indicated his intention to offer. Lost.

Reports of committees were then received, among them was the following:

By Mr. Thomas, from the committee on the judiciary, a bill to prevent the issuing and circulation of the bills, notes, and other securities of corporations created by acts of congress which have expired.

Mr. Johnson, of Virginia, from the committee of accounts, moved that the committee be discharged from the further consideration of the resolution of the 30th of April, to vest in the house the appointment of librarian to the house, and to unite the office with that of the keeper of public documents; which motion was agreed to.

Mr. Taylor, from the committee on invalid pensions, reported the following resolution, which was agreed to:

Resolved, That this house will, on Saturday next, after the hour of 12 o'clock, proceed to the consideration of bills which have been or shall then be reported from the committee on invalid pensions and the committee on revolutionary pensions.

Several bills from the senate, some with and some without amendment, being referred to appropriate committees, the house, upon motion, went into committee of the whole on the state of the union, (Mr. Howard in the chair,) and took up bill No. 676, for the suppression of Indian hostilities. Mr. Bell's amendment was immediately under consideration. Mr. Harlan gave notice of an amendment. Mr. Wise who was entitled to the floor, resumed and concluded his remarks on that part of the bill relating to the removal of the Cherokees. Mr. Glascock followed at length, on the other side, and in favor of the bill. Messrs. Downing, and Graham, of N. C. spoke on the same side, and, before the latter finished his remarks, the committee, on motion of Mr. J. L. Williams, rose, and had leave to sit again.

After the passage of a senate bill to repeal certain provisions in the act imposing duties upon imports, and the first and second reading of a bill from the senate to settle the title of certain lands in Arkansas, the house took up the Cumberland road bill, (upon

* Vide senate doc. No. 424, 2d session, 25th congress.

amendment thereto by the senate.) Mr. Pope moved that the house concur with the senate in its amendment. Mr. Ewing, of Indiana, objected to that clause of the amendment which restricted the labor on the road to certain points; but, at the instance of Mr. Pope, of Ky., and other members, withdrew his objection. He stated that his constituents felt aggrieved, and had petitioned to rescind the restriction mentioned, but he could not allow himself, as intimated, to endanger the bill, and would therefore not insist on the change, the senate being constituted as it is.

Mr. Campbell moved to refer the bill to the committee of ways and means. Motion negatived—ayes 50, noes 80. Mr. Ellmore moved that the house adjourn. Lost. Mr. Campbell moved to lay the bill and amendments on the table. A motion was made that the house adjourn, and lost. The yeas and nays on the motion to lay the bill on the table were ordered, and the house negatived the motion by the following vote—yeas 69, nays 84. A motion was then made to adjourn. Lost.

The house then concurred in the amendment of the senate, without a division; and then the house adjourned.

Friday, May 25. The Chair laid before the house the following message from the president of the United States:

To the house of representatives of the United States:

I herewith submit a report from the secretary of the treasury, explanatory of the manner in which extracts from certain newspapers relating to the introduction of foreign paupers in this country, and the steps taken to prevent it, became connected with his communication to me on that subject, accompanying my message of the 11th.

Sensible that those extracts are of a character which would, if attention had been directed to them, have prevented their transmission to the house, I request permission to withdraw them.

M. VAN BUREN.

May 24, 1838.

Treasury Department, May 24, 1838.

Sir: My attention has just been called to two extracts from one of the presses in New York city, relating to the introduction of foreign paupers, and submitted to the house of representatives with your message of the 11th inst. This department has been engaged in collecting information on that subject during the last two years, and, while so employed, the local difficulties, in some of the principal seaports, caused by attempts to prevent the introduction of such paupers, became a topic of frequent communication to it—sometimes by writing and printed statements, and sometimes in person by municipal officers.

Among other communications concerning it some were made, in the course of the last summer, by a part of the commissioners of health for the city of New York in a visit to the department, and others were made by some person feeling an interest in the question, by forwarding the extracts before mentioned, as containing matter pertinent to the subject.

Without a critical examination, they were placed on file with the clerk having particular charge of that business; and, when the papers in this department, concerning the introduction of foreign paupers, and, "also, what steps, if any, had been taken to prevent the introduction of such paupers into the United States," were collected for you, in the preparation of a reply to the call of the house, these extracts were submitted in connection with other matter bearing on those inquiries.

This was done, in the pressure of business, without noticing the circumstances that in those extracts certain remarks and strictures of a personal character appear to be mingled, concerning the correctness of which the department of course knows nothing—which it could not desire to aid in republishing—and which, had they been observed at the time, would not have been communicated.

Respectfully, yours,

LEVI WOODBURY,

Secretary of the treasury.

To the PRESIDENT of the United States.

Mr. Russell observed that his colleague (Mr. Hoffman) was not now in his seat, but Mr. R. had prepared certain modifications of the resolution yesterday offered by that gentleman, and he wished the resolution moved by him to be now taken up and considered, that the president and secretary might have an opportunity to set themselves right before the house and the country.

Mr. Cambreleng said, after what the house had now heard, all that was necessary was a simple motion that the president's request be complied with, and that he have leave to withdraw the papers referred to in the message; for which end he moved the following resolution:

"That the committee to which the papers alluded to in the said message have been referred, be discharged from the consideration thereof, and that they be withdrawn from the files, and returned to the president."

Mr. Whittlesey, of Ohio, thought that the course suggested by Mr. Cambreleng was the proper one. It was evidently through mistake that the papers had been sent. Mr. Dromgoole thought that the correct parliamentary course would be to discharge the committee from the further consideration of those documents.

Mr. Everett called for the reading again of the message and its enclosure; and they were read accordingly. Mr. McKennan moved that, as the gentleman from New York, (Mr. Hoffman,) who introduced this subject to the notice of the house, was not in his seat, the consideration of the message be postponed until to-morrow.

Mr. Adams preferred that the message and documents should be laid on the table until the gentleman from New York appeared in his seat. After the explanation which had been given, he presumed there would be no disposition on the part of any member to impute blame to the secretary of the treasury. Still, the fact itself was an important event in the relations of this house with the executive department, and the course of the house in regard to it should be deliberate and determined. The occurrence which had led to the conversation was, no doubt, unintentional on the part both of the president and the secretary. But, if it had been intentional, he had no hesitation in saying that it would have been one of the grossest violations of the privileges of the house, that ever had been committed by a president of the United States. It was evident, however, that the thing had happened without any such intention. Mr. A. would not apply any severity of principle to the intercourse between the house and the Executive. But the event itself was by no means indifferent or of small consequence. These offensive papers would go to the world, and would have as injurious an effect against the individuals concerned, the mayor of the city of New York and distinguished members of the corporation of that city, as if they had been communicated purposely. He should prefer that the consideration of the subject be deferred until the gentleman from New York should be in his seat; but it ought not to be put off till to-morrow, nor for a day, or a minute after that time. It was a question of privilege, and of the very highest order. He hoped it would be acted upon this day.

On motion of Mr. McKennan, the consideration of the resolution was postponed until after the committees should have reported.

Reports were then received. Among them was the bill from the committee on the District of Columbia, received from the senate for extending the charters of the banks in said District.

Mr. B. pressed for an immediate consideration of the bill. He said he was persuaded that it granted to the banks as good terms as they could obtain from either house. He considered the terms, indeed, as very hard ones; harder, probably, than any banks ever had to submit to from a state legislature. But, at present, both the banks and the citizens were in a state of painful suspense; and did not know what to do; and it would be a relief to them to have the bill immediately acted upon.

Mr. Petrikin moved to postpone the consideration of the bill to Monday week. He remonstrated warmly (though almost inaudibly to our reporter, from the noise in the house) against the bill, and against having it crammed down the throats of gentlemen without time for consideration.

Mr. Bouldin reminded the gentleman and the house that the charters of the banks would expire on the 4th of July next. If the bill was not acted on speedily, it would be too late to act upon it to any useful purpose.

Mr. Thomas said, on account of the deep interest his own constituents had in this bill, he must say a few words in regard to it. It was very true that the charters of these banks would expire on the 4th of July next. It must be plain to every gentleman that the house could not, at this time, take up the general subject of banking, or discuss the question of chartering these District banks for fifteen or twenty years. He was glad to learn that the banks were willing to accept the charters extended to them in this bill, which did but prolong their corporate existence for two years, and that on terms advantageous to all. The effect of the bill would be to distinguish between the sound and the unsound banks in the District; so that, before congress shall meet the next time, it would be fully ascertained which banks were, and which were not worthy of public confidence. The passing of the bill would be the very best mode of settling that point. He hoped gentlemen on all sides would con-

sent to act on the bill at once, and that it would pass in its present shape.

Mr. Mercer added the expression of his wish that the bill should be acted on now. His own constituents were deeply interested in its fate. The terms granted by it to the banks were very hard; so hard, that if there were time for the discussion he should make an effort to mitigate their severity; but as this might endanger the bill he would not press it. He considered this as peculiarly an unfit time to enter into a general debate on the subject of banking; it could scarce avoid being tinged more or less by party spirit. He trusted that the bill, therefore, such as it was, would be acted on without delay.

Mr. Jenifer said it was important to all parties interested that some speedy action should be had upon the bill just reported, as the charters of all those banks would expire by limitation on the 4th July next. He agreed with the gentleman from Virginia (Mr. Mercer,) that the provisions of the bill might operate with considerable prejudice, not only to the institutions, but to all who were in any manner concerned in the circulation of the notes of the District banks. There were three conditions contained in the bill as it came from the senate, and which has been reported by the committee for the District of Columbia, without amendment, one of which, if adopted, might press heavily upon those institutions, without any benefit whatever to the community. The bill proposes to extend the charters of those banks for two years after the expiration of their present term, upon condition—

1st. That from and after the passage of this act, they shall cease to pay out any note under the denomination of five dollars.

2d. That after the 1st day of August next, all notes of five dollars shall be paid in specie; and

3d. That after the first January next, specie payments shall be made in full for all their notes, and sooner, if the principal banks of Baltimore and Richmond should pay specie for their notes.

Mr. J. said it was to the second condition to which he had objection. The banks of Maryland and Virginia do not pay specie for their notes of any denomination; and what will be the consequence of the District banks resuming? Certainly, if there continues to be a demand for specie, no matter how low the premium the five-dollar notes of the District may be at, the banks will be called on to redeem them in specie. The result will be, that the banks will be compelled not to issue any notes of five dollars of their own, and those of Maryland and Virginia of that denomination will be substituted for them. All the notes now in circulation, and there is a considerable amount of five-dollar notes out, will speedily find their way back to the banks from which they were issued. And should those banks refuse, as they will, no doubt, to reissue them, a clamor will be raised against them for not furnishing a specie circulating medium. If the banks throughout the country, or those of Baltimore and Richmond, paid specie for their five-dollar notes, then the condition would be a salutary one. But the effect inevitably will be to withdraw from circulation all the five dollar notes of the banks of the District of Columbia until the first of January, when a general resumption of specie payments is contemplated, and a substitution in their place of similar notes of banks of surrounding states, over which congress has no control.

Let it not, then, be said hereafter, to their prejudice, should a petition be made for a renewal or modification of the charters of those banks, that they refused to issue five-dollar notes for the accommodation of the surrounding community, when you will, by your own act, have driven them out of circulation.

Mr. J. said he apprehended that his colleague (Mr. Thomas) was mistaken when he said the bill was acceptable to those interested. The directors of those institutions, it is true, may be compelled to accept the terms proposed by this bill, more particularly as a refusal to do so would, after the 4th of July next, forfeit their charters.

Another objection to the bill is, that it leaves them no option, and, therefore, they must accept whatever terms you choose to impose, or their charters will be forfeited. Mr. J. said at a proper time he intended to move an amendment providing time to enable those banks to wind up and close their concerns, should they deem it inexpedient to accept a continuation of their charters upon the terms proposed by the bill. He should also move to strike out the second condition, believing it to be more oppressive than the conditions imposed upon any of the banks by the states. He did not consider it expedient or prudent at the present time to deal more rigidly with the banks in the District of Columbia than had been exercised by the states of Virginia and Maryland towards their institutions.

Mr. Petrikin again took the floor against the bill, demonstrating, with some warmth, against the idea that the house was to be governed in its legislation by the wishes of the banks. Were banks to dictate to congress what laws they should enact? It was an insult to the house. This dictation was the work of bank officers and bank directors, not of the stockholders. The poor stockholders were mere machines, ciphers, to be used for the benefit and at the pleasure of the bank boards. He denounced the bill as a fraud on the community, professed war against the welfare of the people of the District, and challenged an investigation of the affairs of the banks. He complained that all the measures of the District committee were, in this way, forced down the throats of members. He insisted that on the very face of the bill it was an imposition on the people: it left an open question as to which were the most respectable banks of Baltimore and Richmond. Who was to settle this point? was it the courts of justice, or these bank themselves?

Mr. Bouldin moved the previous question. Mr. Adams said he wished to offer an amendment to the bill, and hoped the motion for the previous question would be withdrawn. He was in favor of the bill, and desirous that it should pass without delay, but desired opportunity to propose an amendment. Mr. Bouldin declined to withdraw his motion, as he was convinced no better terms could be obtained, and amendments would only risk the bill. The call for the previous question was seconded—Ayes 74, noes 60.

Mr. Dromgoole demanded the yeas and nays, but the house refused to order them. The previous question was then put, and carried. The main question, on ordering the bill to its third reading, was decided as follows:

YEAS—Messrs. H. Allen, J. W. Allen, Anderson, Andrews, Banks, Beatty, Beirne, Bell, Bicknell, Birdsall, Bond, Boon, Borden, Bouldin, Briggs, Bronson, J. Campbell, W. B. Carter, Cheatham, Clark, Cleveland, Coles, Craig, Crary, Crockett, Dawson, Davies, DeGraff, Dennis, Duncan, Dunn, Edwards, Evans, Everett, Ewing, Farrington, R. Fletcher, Fillmore, Foster, Fry, J. Garland, R. Garland, Glascock, J. Graham, Wm. Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Hall, Hammond, Hauer, Harlan, Harper, Hastings, Henry, Herold, Howard, Hubley, Ingham, T. B. Jackson, H. Johnson, J. Johnson, Kemble, Kilgore, Klingensmith, Logan, Mallory, Marvin, Samson, Mason, Maury, Maxwell, R. McClellan, McClure, McKennan, Menefee, Mercer, Morgan, M. Morris, C. Morris, Murray, Naylor, Noble, Noyes, Palmer, Parmenter, Pearce, Pennybacker, Phelps, Pickens, Potts, Prentiss, Rariden, Randolph, Reed, Reilly, Rencher, Rhett, Ridgway, Rives, Robinson, Ruess, Russell, Sheffer, A. H. Sheppard, C. Shepard, Shields, Slatte, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Taylor, Thomas, Tillinghast, Toucey, Vail, Vanderveer, Wagener, Weeks, Albert S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, Wise, Worthington—133.

NAYS—Messrs. Adams, Alexander, Aycrigg, Wm. B. Calhoun, Cambreleng, Casey, Connor, Cushing, Cushman, Davee, Dromgoole, Fairfield, Goode, Halsted, Hawkins, Haynes, Holt, Hopkins, R. M. T. Hunter, Jennifer, Keim, Leadbetter, Loomis, McKay, A. McClellan, Montgomery, Owens, Patterson, Peck, Petrikin, Potter, Robertson, Shepler, Snyder, Poland, Turney, Underwood, Webster, Jared W. Williams, Yell—41.

So the bill was ordered to a third reading.

When the question as to the time of the third reading was put, Mr. Petrikin moved Monday week; but the house refused that motion, as well as another for Monday and another for to-morrow; and ordered the bill to have its third reading at this time.

The bill was accordingly read a third time; and the question being, shall the bill pass?

Mr. Adams moved that the bill be recommitted, with instructions to report, as a fourth condition of the charter, that the banks shall make no dividends during a suspension of specie payments. On this motion he demanded the yeas and nays; which were ordered.

Mr. Fillmore inquired whether the bill contained any clause requiring an acceptance of the charter on the part of the banks? This he considered was necessary, in order that, if the banks failed to comply with the conditions of their charters, the holders of their notes might have a hold upon them for their money. Such was the practice in New York.

Mr. Bouldin said he had not the smallest objection to both the amendments, but he was opposed to the recommitment as likely to be fatal to the bill. He was not, himself, an advocate of all the clauses of the bill; some of them he thought very hard ones; and he was not for breaking the bones of the people

of this District because they could call him to no reckoning. But he had diligently informed himself of the probable effect of this sending the bill back to the senate, and also of what were the wishes of the people of the District, not only the stockholders of these banks, but the people of the District generally, and the result was that he must refuse his assent to the commitment of the bill.

[Here the morning hour expired.]

Mr. B. moved to suspend the rules to consider this bill.

Mr. Adams reminded him that the existence of the globe did not depend on the passage of this bill; it could lie over till to-morrow, without any general calamity or catastrophe.

The motion for suspension of the rules was rejected. So the subject lies over till to-morrow.

The subject of the president's message, received to day, now again came up in order, and an interesting debate ensued; of which we shall present a report in the next "REGISTER." At present we can only state that Mr. Hoffman addressed the house, expressing his gratification that the president had fully exonerated himself from all blame in this affair; he did not seem much inclined to acquit the secretary for having such a document placed on file and sending it through the president to the house without examination. Mr. Dromgoole thought the committee ought first to be discharged from the consideration of these documents before any question was made as to returning them to the president. Mr. Whittlesey inquired whether, if the resolution of Mr. Hoffman passed, the obnoxious documents would remain on the files of the house, and be bound up with the documents of the house? The Chair thought they would not. He was told by the clerk that the message and documents would be reprinted, omitting these. Mr. Atherton spoke in defence of the secretary. Mr. Briggs replied, and expressed strong disapprobation of the placing such documents on file at all. Mr. Cushman asked Mr. Russell, whether he did not know that such documents were in the department when he offered the original call for the papers on the subject of paupers? Mr. Russell denied all knowledge of it.

Mr. Cushman made a short speech in defence of the secretary. Mr. Hoffman replied, warmly complaining that documents so injurious to his constituents should be placed in the archives of the government, and sent to the house of representatives.

Mr. Calhoun, of Massachusetts, inquired whether these documents had been furnished by the department in a written form, and duly certified, or in a printed form, and without certification?

Mr. Russell produced the originals as sent to the committee, consisting of portions cut out from a New York paper called the "Truth Teller." Mr. Calhoun expressed strong regret at such a mode of responding to a call from congress. Mr. Menefee addressed the house; and, in the course of his speech, referred to the doctrine maintained by president Jackson, at the time of the removal of the deposits, respecting the irresponsibility of subordinate officers, and the responsibility of their superior for their acts; which he applied as an *argumentum ad hominem*, though he reprobated it himself as abominable.

Mr. Sibley proposed, as the subject of the abuse of the character of citizens in public documents was under consideration, that the president have leave also to withdraw that portion of his annual message in which he imputed to the people of the state of New York the bartering of their elective franchise for the favor of banking institutions, &c.

Mr. S. was repeatedly checked by the Chair, and called to order by members as discussing a subject not connected with the resolution before the house. He then said that he should avail himself of a future opportunity to bring this subject up.

Mr. Crary ended the debate by moving the previous question; but withdrew it at the request of Mr. Reed, who asked whether the clerk could withdraw a document which had been printed by order of the house? He thought not. Besides, if these documents should be withdrawn from our files, the message of this morning would be unintelligible for want of the documents to which it related. The call for the previous question was sustained: Ayes 102. The previous question was put and carried. And the resolution of Mr. Cambreleng, as given above, was then agreed to without division. Mr. Cambreleng moved that the message of the president and the accompanying documents be laid on the table, and printed. Mr. Harlan demanded a division of the question; and it was first put on laying the message on the table, and carried. The question then recurring on the printing, Mr. Harlan stated, in reply to Mr. Atherton's apology for the secretary, that the printed scraps from newspapers which had been produced by the gentleman from New York (Mr. Russell) had on their margin, in the handwriting of

Mr. Woodbury, a memorandum directing the clerk that they should be filed among the papers in relation to paupers. After a few words from Mr. Crary, the question was carried, and the printing ordered.

The hour then passed to the consideration of private bills, of which a large number were disposed of. And then the house adjourned.

Saturday, May 26. Mr. Everett, from the committee on Indian affairs, reported a bill to provide for running the boundary lines of lands assigned to Indian tribes west of the Mississippi, and for surveying portions thereof to be held in severally.

Mr. Mathias Morris, from the committee of expenditures in the department of state, made a report at length in relation thereto.

Mr. Mason, of Ohio, resumed and concluded his remarks upon the proposition to print extra copies of the reports, evidence, and journal of the duelling investigation committee.

Mr. Potter made a few remarks, in reply, and suspended his remarks when the morning hour elapsed, and the house passed to the orders of the day.

On motion of Mr. Taylor, the house went into committee of the whole, (Mr. McKennan in the chair,) and took up the pension bill (calendar; and, having considered them severally, a large number were reported to the house, as having passed in committee without amendment. They also reported several bills with amendments, and asked leave to sit again on others, in which they reported progress, which was granted.

It was then proposed to take the question on engrossing the bills, whose titles are above given, *en masse*.

The chairman of the committee on revolutionary and invalid pensions having stated that each of the bills had been acted on separately in committee, this course was adopted, and the above recited bills were severally ordered to be engrossed and read a third time this day.

A number of bills, amended by the committee, were next taken up and ordered to a third reading. Several bills, (giving room to debate) were laid aside in committee, and leave granted to sit again thereon.

The bill for the relief of capt. James Hunter, which had been postponed in the early part of the day, was then taken up for consideration, and after debate, read a third time, ordered to be engrossed, and finally passed.

Mr. Taylor moved that the house go again into committee of the whole on those bills upon which progress had already been made, and on which leave had been granted to sit again. The motion prevailed, and Mr. McKennan resumed the chair; and the committee first took up the bill for the relief of Benjamin Gannett. [This bill presents a curious case. The claimant is represented as the surviving husband of Deborah Gannett, to whom he was lawfully married on the 7th day of April, 1764: that she died on the 29th of April, 1827. In the early part of her life she said Deborah enlisted as a soldier in the army of the revolution, under the assumed name of Robert Shurtleff, where she faithfully served her country three years, and was honorably discharged in November, 1788. On account of a wound received in the service, she received a pension as an invalid until the passage of the act of 1818, and received a full pension under the act until her disease. The effects of the wound which she received followed her through life, and probably hastened her death. The petitioner is represented to be eighty-three years of age, infirm in health, and in indigent circumstances. He had two daughters dependent on charity for support. He asks that he may receive the amount of the pension of his wife from the time of her decease, and that it may be continued to him until his death. The claim is sustained by good evidence, and Mr. Hastings represented that the claimant is now dead, and moved an amendment, whereby the children of the claimant may receive the pension.]

The amendment was adopted in committee, and the bill ordered to be reported.

A bill for the relief of Josiah Strong and Samuel Remick, and a bill for the relief of James Bailey, were, after some discussion, ordered to be reported to the house.

The bill for the relief of Pamela Brown, widow of the late major general Brown, and granting her five years' half-pay of a major general, under the law of congress allowing such pay to the widow of a major general wounded fatally in battle, came up for consideration.

Mr. McKay suggested that a former relief granted by congress had been taken in lieu of the claim to half-pay. Mr. Bronson considered that relief but in the light of a gratuity, just after the death of general Brown. It ought not to be deducted, as suggested by the gentleman from North Carolina. Mr. Adams hoped such a proposition would not be pressed. He could not believe that that house would deduct from the half-pay justly due to the widow of the gallant

Brown, whose life was shortened by wounds received in the service of his country, what was but a gratuitous relief offered at the time of his death.—H. knew general Brown well, and could bear cheerful testimony to the merit of his private as well as his public character. He hoped this suggestion of Mr. McKay would not be pressed by that gentleman. Mr. Williams, of North Carolina, thought with Mr. Adams, that the gratuity alluded to ought not to be deducted, if the claim were well founded. He could not believe that it was, and should vote against the bill. Mr. Williams, of Kentucky, moved to strike out the enacting clause, and opposed the bill at some length, upon the ground that this claim was not sustained by competent medical testimony as to the death of gen. Brown being the consequence of his wound in battle. Mr. Haynes took a different view of this point. He believed this testimony was based upon professional minutes, which he thought was good evidence, and expressed his opinion that gen. Brown did die in consequence of wounds received in the service of his country. Mr. Grennell said that this claim depended upon the character of evidence. That evidence was not liable to the objection urged against it here, inasmuch as it is a kind of evidence on which property, character, and life depend. It is professional testimony, and is entitled to respect as such. And it is testimony, too, based upon the knowledge of the friends and intimate acquaintances of the party, and proved clearly that gen. Brown died of wounds received in the service of his country, just as much as if he had died on the day after those wounds were received. Mr. G. asked to have the report in the case read. Before this should be done, Mr. Taylor referred the committee to the law under which this claim was set up. Mr. Aycrigg expressed doubts as to the wound of gen. Brown being the cause of his death. Mr. Millory (who, as well as Messrs. Haynes, Aycrigg, and Taylor, is a medical man) expressed a contrary opinion. The motion to strike out the enacting clause was then rejected, and the bill was ordered to be reported to the house.

Several other bills having been considered, and the bill to create a pension agency at Montpelier, Vt. coming next in order, Mr. Bond said he wished to say a few words on this bill. He moved that the committee rise, and report the bills acted on, and ask leave to sit again on those laid aside. This motion prevailed, and the house acted on the bills reported.

Mr. Williams moved that the enacting clause be stricken from the bill for the relief of the widow of the late major general Brown. He moved an adjournment, but withdrew the motion to enable the Chair to lay before the house an executive communication.

The Chair laid before the house a message from the president of the United States, enclosing estimates of the cost of the removal of the Cherokee, &c. in answer to a call of the house. Referred to the committee on Indian affairs. The house then adjourned.

Monday, May 23. This day, under the amended rules of the house, being appropriated to the reception of resolutions, the states were called in order, and the following among others were presented, and variously disposed of:

On motion of Mr. Williams, of N. H. it was *Resolved*, That the message of the president of the United States, communicated to this house on the 14th of February, 1837, transmitting a claim of the state of New Hampshire for reimbursement of expenses, incurred by that state in maintaining jurisdiction over that portion of its territory north of the 45th degree of latitude, known by the name of Indian Stream settlement, be referred to the committee on foreign affairs.

On motion of Mr. Adams, it was *Resolved*, That the president of the United States be requested to cause to be communicated to this house, if not incompatible with the public interest, any correspondence not heretofore communicated between this government and that of the republic of Texas, and also with the government of any other country, relating to the annexation of the said republic of Texas to the United States; and to inform this house whether the application from the said government of Texas to the United States for admission to this union has been withdrawn.

On motion of Mr. Cushing, of Mass., it was *Resolved*, That the president of the United States be requested, if in his judgment not incompatible with the public interest, to communicate to this house the proceedings of the commissioners appointed under the seventh article of the treaty of Ghent to fix and determine the boundary between the United States and the possessions of Great Britain, in North America, from the foot of Nebis Rapids, as fixed under the sixth article of said treaty, to the northwesternmost point of the Lake of the

Woods; and also to communicate to the house the correspondence, if any, which the two governments may have had in relation to the disagreeing reports of said commissioners, and any other information in the possession of the executive on the same subject.

Mr. Cuthoun, of Massachusetts, moved to amend the 18th rule by adding thereto the following:

"No order or resolution of the house shall be so construed as to deny the printing, reading, or reference of resolves from the legislature of any state in the union."

This resolution lies over for one day. Mr. Briggs, of Massachusetts, offered the following, which lies over for future action:

Resolved, That the committee on the library be instructed to inquire into the expediency of obtaining from Mr. Catlin, an American artist, his original Indian portraits, now being exhibited in this city, which were taken by him during seven years travel and residence amongst thirty-eight different nations; and also to ascertain from Mr. Catlin upon what terms they may be possessed by the government, to be preserved as memorials of the native tribes which they represent.

On motion of Mr. Grennell, it was

Resolved, That the secretary of the treasury be requested to communicate to the house an account of the moneys received by him from the French government, and transferred to the United States by authority of the act of July 13, 1832, entitled "An act to carry into effect the convention between the United States and his majesty the king of the French, concluded at Paris on the 4th of July, 1831," showing the gross amount of the several instalments of indemnity, with interest thereon, as paid by the French government, in execution of said convention; the mode and medium of transferring the same to the United States; the expenses or other deductions sustained in making said transfer; and the net proceeds thereof payable and paid to the parties entitled in virtue of the award of the commissioners appointed under said convention.

On motion of Mr. Lincoln, it was

Resolved, That the committee on military affairs be instructed to inquire into the expediency of directing an immediate distribution of the arms and equipments deposited in the several armories and arsenals of the United States to the several states and territories thereof, in conformity to the act of congress of April 28, 1803, so far as the same can be done without prejudice to the requirements of the public service.

Mr. Russell, of New York, offered the following resolution, which lies over for future action:

Resolved, That the committee of ways and means be instructed to inquire into the expediency of repealing so much of the 5th section of the act entitled "An act to regulate the deposits of the public money," passed the 23d of June, 1836, as prohibits receiving in payment for dues to the government, and disbursing the same, the bills of specie-paying banks which issue notes or bills of a less denomination than five dollars. And, also, so much of the 2d section of the act entitled "an act making appropriations for the payment of revolutionary and other pensioners of the United States, for the year 1836," passed April 14th, 1836, as prohibits the offering in payment by any officer of a department of the government the notes or bills of specie paying banks of a less denomination than \$20.

On motion of Mr. Naylor, it was

Resolved, That the secretary of the navy be requested to communicate to this house copies of all letters, communications, documents, and correspondence which have passed between him and the naval commissioners, naval constructors, and all other officers and persons, relative to the construction, building, and equipment of the steam-frigate Fulton, now at the navy yard at Washington; and also state to the house the cost of the said vessel and equipment, designating separately the cost for the hull, engines, and boilers.

Mr. Henry, of Pennsylvania, presented an amendment, which he stated he intended to offer to bill No. 802, reported by the committee on the post office and post roads; which was read, laid on the table, and ordered to be printed; which is as follows:

"That newspapers shall be carried in the mail free of postage within the limits and bounds of the respective counties where the same are printed and published."

Mr. Petricin submitted the following resolutions, which lie over for future action:

Resolved, That the committee for the District of Columbia be instructed to call upon the banks within the said District who are now asking for an extension of their charters, to furnish to said committee, for the information of this house, statements of the situation of said banks on the 1st day of this month, and give such information as will distinctly show their actual condition on said day.

Resolved, That said banks be called upon by said committee for a list of the names of the presidents, cashiers, directors, and other officers of said banks, respectively, with the amounts due from each of said officers to said banks, either as drawer or endorser, with the date of the original indebtedness of said officer to such bank.

Resolved That said banks be called upon by said committee for a list of amounts due from members of congress, with the name of each member, and whether drawer or endorser, and the date of the original loan or indebtedness.

Mr. Mercer offered the following, which, being objected to, lies over for future action:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of vesting the power of appointing the attorneys and marshals of the several courts of the United States in the judges thereof; that the committee of ways and means be instructed to inquire into the expediency of vesting the power of appointing and removing the several officers of the customs in the secretary of the treasury, with the restriction that he shall, in case of every removal, transmit to congress his reasons therefor; and that the committee on the post office and post roads be instructed to inquire into the expediency of causing the salary of the postmaster general to be reduced to the sum of \$3,500 per annum, to take effect whenever a vacancy shall occur in the said office, and of requiring that officer, on his removal of any deputy from office, to transmit to congress his reasons therefor.

On motion of Mr. Campbell, of S. C. it was

Resolved, That the committee on military affairs be instructed to inquire into the expediency of providing, by law, for the payment of expenses incurred and supplies furnished on account of the battalion of South Carolina militia, received into the service of the United States for the suppression of Indian hostilities in Florida, during a part of the campaign of 1837.

Mr. Haynes, of Georgia, offered the following, which lies over for future action:

Whereas, each of the states of this union has a right to participate in the public lands, the common fund for their use and benefit, according to their respective proportions in the general charge and expenditure:

Resolved, That as the public lands constitute a revenue fund, subject to the said principle of distribution; and as taxes are levied upon the people, and not upon the states, as such, that any distribution which may be made of these lands should be made among the citizens of the several states and territories of the union, according to the principle by which direct taxes are regulated by the constitution; and that a select committee be appointed, with instructions to report a bill making an apportionment of all the public lands of the United States among the citizens of the several states and territories, according to the ratio by which direct taxes are apportioned among them.

Mr. Hurlan offered the following, which lies over for future action:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the next session of the present congress shall commence the first Monday of November next.

On motion of Mr. Garland, of Louisiana, it was

Resolved, That the secretary of state be directed to communicate to this house whether there is, or not, evidence on file in the department of state, showing that the government of Spain, after the treaty of St. Ildefonso, concluded on the first day of October, in the year 1800, between Spain and France, did not continue to claim all the territory south of the 31st degree of north latitude, and east and north of the island of Orleans, lying between the Mississippi and Perdido rivers, as forming a part of the province of West Florida, until the execution of the treaty between Spain and the United States on the 22d day of the month of February, 1819; and whether Spain did not continue to hold possession of said territory, and exercise actual jurisdiction over the same, until about the year 1810; also, whether there is, or not, evidence on file showing that the government of the United States protested or remonstrated against the claim or right set up by France to the aforesaid territory, under the treaty of St. Ildefonso, prior to the execution of the treaty between France and the United States on the 30th day of April, 1803, ceding Louisiana; and, if any such documents or evidence do exist, that then the said secretary communicate the same to this house, together with all the documents on file showing the time and manner of taking possession of said territory by the United States.

Mr. Boon offered the following, which lies over for future action:

Resolved, the senate concurring therein, that the speaker of the house of representatives and president

of the senate close the present session of congress by an adjournment of the two houses over which they preside, respectively, on the first Monday of July next.

Mr. Snyder offered the following:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of abolishing the military academy at West Point.

On the question to agree to this resolution, it was decided in the negative. So the resolution was rejected.

[Many other resolutions of minor importance were also presented, which are omitted in this day's paper for want of room.]

Mr. S. Williams offered the following joint resolution, which was read:

"Whereas, the opinion is entertained by many members of the house of representatives who voted against the issuing of treasury notes that it is the intention of the administration to fix upon the country a government bank, and that the issuing of treasury notes is the commencement or foundation upon which a government bank, or something nearly approaching thereto, is to be erected and established; and, whereas, in the opinion of those who opposed the issuing of treasury notes, there is not any thing more to be deprecated than the establishment of a government bank, or the issuing of treasury notes as a medium or currency for the people and the government: therefore—

Resolved by the senate and house of representatives of the United States of America in congress assembled, That they deprecate and condemn in the strongest terms the issuing of treasury notes with a view or intention to fix upon the country and the government a government paper currency or medium or circulation in lieu of gold and silver or the bank paper of specie-paying banks.

Resolved, further, That they deprecate and condemn, in terms equally strong, any attempt, either directly or indirectly, to establish a government bank, or any institution that approaches thereto, or in any wise resembles or has the appearance or coloring of a government bank."

Mr. Cushman objected to its consideration at this time, and when it should come up for consideration he should move its indefinite postponement. Mr. S. Williams said that he did not suppose the house would ever reach the resolution, if allowed to lie over. He therefore moved that the rules be suspended for its consideration at this time. On this motion he asked the yeas and nays; which were ordered. Mr. Adams said he should vote for the suspension of the rules to allow of its consideration, though he should prefer some alteration in the phraseology of the resolution.

The house decided not to suspend the rules by the following vote—Yeas 81, nays 84.

The states were then called in order for petitions, of which a large number were presented.

The call for petitions being over, the Chair was about calling for reports of committees, when

Mr. Cambreleng moved that the house go into committee of the whole, and take up the Indian hostility bill. He withdrew it at the request of Mr. Bell, who offered the following amendment to that bill from the committee on Indian affairs, which was ordered to be printed, and committed to the committee of the whole house.

"Provided, that if the president shall ascertain that all dissatisfaction and further opposition on the part of any portion of the Cherokee Indians to the treaty of 1835 can be allayed or avoided by allowing an additional compensation for lands ceded to the United States by said treaty, and that thereby the government may be saved the expense of keeping up the large military force within the Cherokee country now contemplated, he is hereby authorized to apply two millions of dollars of the sum appropriated by this act to that object."

Mr. Bell also presented the following resolution, from the same committee, which was adopted:

Resolved, That the secretary of war communicate to the house any information in his department showing the value of Cherokee improvements assessed under the treaty of 1835; and that he also state what amount of money has already been paid for said improvements; whether the improvements of that portion of the Cherokees who have heretofore opposed the executions of said treaty have been examined, and the value thereof assessed; and whether any, and what portion of the value of said improvements has been paid, and in what manner, distinguishing the amount paid to the Cherokees who have emigrated for improvements, with the amount deducted therefrom for their debts, and the amount paid on account of the spoiliations of such Cherokees; and that he also state the estimated balance of the five millions stipulated to be paid by said treaty, which will remain to be divided according to its provision.

Mr. Bouldin made an ineffectual attempt to get up

the District bank bill. Mr. Evans hoped that the house would take up the president's message upon the northeastern boundary line, which was the order of the day. Mr. Cambreleng renewed his motion to suspend the rules to go into committee of the whole upon the Indian hostility appropriation bill; which motion prevailed.

The house having again gone into committee of the whole, (Mr. Howard in the chair,) Mr. Graham of N. C., whose remarks had been suspended when the committee rose, on a former day, resumed the floor in support of the New Echola treaty. After Mr. Graham concluded, Mr. Haynes took the floor, and addressed the committee at length in support of the bill. He had made some progress, when he gave way to the motion of

Mr. Underwood, that the committee do now rise; which motion prevailed.

The house, on motion of Mr. Garland, of Virginia, went into committee of the whole, (Mr. Montgomery in the chair,) and took up the bill to establish an additional district court in Tennessee, which, being considered, was reported to the house, and ordered to be engrossed and read a third time to-morrow.

On motion, the house adjourned.

Tuesday, May 29. Mr. Boon moved that the house take up a resolution moved by him, fixing a day for the adjournment of congress. Objection being made, he moved a suspension of the rules, in order to take up his motion, but the house refused to suspend them.

Petitions having been presented by Messrs. C. Morris and Tillinghast, reports from committees were read, among them the following:

Mr. Craig from the committee on revolutionary claims, reported the following preamble and resolution:

Considering the long delay which has unavoidably attended the action of congress on many cases submitted to the committee on revolutionary claims in the ordinary course of legislation,

Resolved, That the chairman of that committee be instructed to make the following proposition to the house for adoption, viz. that the house will, at 12 o'clock on Saturday, the 2d of June, go into committee of the whole house on the bill reported from the committee on revolutionary claims.

Mr. Loomis moved to amend this resolution by adding, "and all other private bills before the house, each in its proper order." Motion so to amend negatived. Mr. Russell moved to amend the resolution by adding: "and the report of the committee on revolutionary pensions in the case of Stephen Freeman, now in committee of the whole house." Motion lost.

The resolution was then amended by adding "a bill to enlarge the provisions of the act entitled 'an act granting half-pay to widows or orphans whose husbands and fathers have died of wounds received in the military service of the United States in certain cases, and for other purposes;' a bill granting half-pay and pensions to certain widows; a bill to revive an act authorizing certain soldiers of the late war to surrender the bounty lands drawn by them, and to locate others in lieu thereof, and for other purposes; also, the several bills granting navy pensions." Thus amended the resolution was agreed to.

Mr. Bouldin moved to take up the senate bill for continuing the charters of the banks in the District of Columbia. After some preliminary conversation between Messrs. Bouldin, Adams, and Petrikin, the motion was carried. The Chair stated that the bill had been engrossed and read a third time; and that, pending the question on the passage of the bill, the gentleman from Massachusetts (Mr. Adams) had moved its recommitment to the committee for the District of Columbia, with instructions to amend the bill by adding a proviso that the banks should proclaim no dividend during a suspension of specie payments; on which motion the house had ordered the yeas and nays.

Mr. Petrikin moved to amend the instructions proposed by Mr. Adams, by adding thereto a proviso that no member of congress, nor clerk of either house, be eligible to a president or director of the banks in the District. Mr. Thomas demanded the previous question; but withdrew it at the request of Mr. Mercer, who promised to renew the motion; but he wished particularly to observe that, if the bill had proposed to continue these bank charters for fifty years, he should have deemed it important to insert the amendment proposed by the honorable gentleman from Massachusetts; but as the term was but two years, as the banks were to pay their five dollar bills in specie in August, and all their debts in specie on the 1st of January next, he did not consider it worth while to delay the measure by amendments. [Mr. M. forgot to renew the motion for the previous question.] Mr. Adams said it was perfectly immaterial to him whether the

extension was to be for two years, or two months, or two hundred years. It was a first principle of justice that no bank should make a dividend while under a suspension of specie payments. He never would vote to continue any bank charter for one day without a clause preventing this. All he wished was the yeas and nays.

Mr. Mercer now renewed the motion for the previous question. This motion was seconded by the house: Yeas 86, nays 56.

Mr. Petrikin wanted the yeas and nays; but the house refused to order them.

The previous question was then put, and carried; and the main question was ordered to be put.

The main question being upon the passage of the bill in the following form:

A bill "to continue the corporate existence of the banks in the District of Columbia."

Be it enacted, &c. That the charters of the Farmers and Mechanics' Bank of Georgetown, the Bank of the Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers' Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, extended to the fourth day of July, in the year eighteen hundred and forty: *provided*, the said banks, each for itself, shall conform to the following conditions:

1st. To cease receiving or paying out all paper currency of less denomination than five dollars, on or before the day of the promulgation of this act.

2d. To redeem all their notes of the denomination of five dollars in gold or silver, from and after the first day of August in the present year.

3d. To resume specie payments in full, on or before the first day of January, in the year one thousand eight hundred and thirty-nine, or sooner if the principal banks of Baltimore and Richmond should sooner resume specie payments in full.

The question on the bill's passage was decided thus:

YEAS—Messrs. H. Allen, Anderson, Banks, Beatty, Bierne, Bicknell, Biddle, Birdsall, Bond, Borden, Bouldin, Briggs, Brodhead, Bronson, Buchanan, John Calhoun, W. B. Campbell, John Campbell, Chambers, Chaney, Chapman, Cheatham, Childs, Clark, Clowney, Coles, Corwin, Craig, Crary, Cranston, Crockett, Cushing, Cushman, Dawson, DeGrati, Dennis, Edwards, Evans, Farrington, Fairfield, R. Fletcher, Fillmore, Foster, Fry, J. Garland, R. Garland, Glascock, W. Graham, Grantland, Grant, Graves, Griffin, Haley, Hall, Hammond, Hainer, Harlan, Harrison, Harper, Henry, Herod, Howard, Hubley, Ingham, J. Jackson, H. Johnson, J. Johnson, Kilgore, Klingensmith, Legare, Lincoln, Logan, Lyon, Marvin, Martin, Maury, May, Maxwell, Robert McClellan, Menefee, Mercer, Milligan, Morgan, C. Morris, Murray, Naylor, Noyes, Palmer, Pearce, Pennybacker, Phelps, Pickens, Pope, Potts, Prentiss, Rariden, Randolph, Reed, Reilly, Reicher, Ridgway, Rives, Robinson, Rumsey, Russell, Sergeant, Sheffer, A. H. Shepherd, Shields, Slade, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Thomas, Tillinghast, Titus, Vail, Vanderveer, Weeks, A. S. White, J. White, Elisha Whittlesey, T. T. Whittlesey, L. Williams, Sherrod Williams, C. H. Williams, Worthington, Yorke—131.

NAYS—Messrs. Adams, Alexander, Atherton, Win. B. Calhoun, Cambreleng, Casey, Connor, Dromgoole, Dunn, Everett, Goode, Halsted, Hawes, Hawkins, Haynes, Holt, Hopkins, R. M. T. Hunter, T. B. Jackson, Keim, Kemble, Leadbetter, Lewis, Loomis, Mallory, McKay, Abraham McClellan, Montgomery, Noble, Ogle, Owens, Patterson, Peck, Petrikin, Potter, Pratt, Robertson, Sawyer, Shepler, Snyder, Taylor, Turney, Webster, Jared W. Williams, Yell—45.

So the bill was passed, and now wants but the president's signature to become a law.

The house then proceeded to the orders of the day, and took up the message received from the president a few days ago, on the subject of the northeastern boundary of the United States.

Mr. Evans moved that so much of the message as related to the remuneration of the certain individuals therein named be referred to the committee on foreign affairs, and that the residue thereon be for the present laid upon the table.

On this subject Mr. Evans went at large into an examination of what he understood to be the proposition made by the American to the British government, for a new survey of the disputed line; contending that it was, on all grounds, highly inexpedient and of dangerous tendency, and that the state of Maine was entirely and irreconcilably opposed to it. Mr. Fairfield, who followed Mr. Evans in debate, agreed that if the proposition was such as his colleague understood it to be, it would be highly inexpedient; but expressed it as his opinion that the proposition was different, and did not involve the dangerous consequences supposed. Mr. Cushman took substantially the same view of the proposition which Mr.

Evans had done, and went into some illustrations to show that the proposition of our government would necessarily eventuate in giving up the American claims. Mr. *Cambreleg* now moved the previous question; but withdrew it at the request of Mr. *Howard*, who, having promised to renew it, insisted that the proposals of the secretary of state had been misunderstood; and argued that they involved no departure from the treaty, nor any abandonment of the American claims, but on the contrary provided for the true and proper mode of settling those claims. He complained of the discussion of the propositions of a pending negotiation as premature and improper; and regretted that the question seemed to have been treated by the state of Maine as though she alone, and not the whole country, were interested in it.

The debate was closed by Mr. *Howard's* renewing, according to promise, the motion for the previous question. Mr. *Thomas* moved a call of the house.

The yeas and nays were demanded, and, being taken, stood yeas 81, nays 39. But further proceedings in the call were dispensed with. The call for the previous question was seconded, yeas 63, noes 59.

The previous question was then put, and decided by yeas and nays, as follows: Yeas 89, nays 61.

The main question was on the reference of so much of the message as referred to the repayment of expenditure of certain moneys by the state of Maine; but before it was put, Mr. *Evans* moved that the whole subject do lie on the table; which motion was carried, yeas 88, noes not counted.

The house then, on motion of Mr. *Cambreleg* went into committee of the whole on the state of the union, (Mr. *Howard* in the chair,) and resumed the consideration of the bill for the suppression of Indian hostilities.

Mr. *Haynes* continued his speech in favor of the bill, in the course of which he adverted to the course of policy pursued by Georgia to the Cherokees; denounced John Ross as perfidious to the United States, to Georgia, and to his own nation; and expressed deep regret at the late course of the executive, as calculated to raise false hopes in that people, and lead to very unpleasant consequences on the part of the state contiguous.

A motion was now made for the rising of the committee by Mr. *Harlan*, of Kentucky; but it was negatived, yeas 58, noes 67.

Mr. *H.* arose and addressed the house for a short time; when he gave way for a motion that the committee rise; which was negatived: Yeas 58, noes 63. Mr. *H.* had proceeded about half an hour, when he again yielded the floor, and the motion for an adjournment was renewed, but with no better success: Yeas 50, noes 76. Mr. *Chambers*, doubting the correctness of the last count, moved again that the committee rise; when, the vote being taken by tellers, stood: Yeas 23, noes 76. No quorum having voted, the committee rose, and the chairman reported the fact to the house. Mr. *Underwood* moved that the house adjourn; but it was decided in the negative: Yeas 59, noes 83. Mr. *Adams* moved a call of the house. The *Chair* doubted whether the motion was in order; as the rule declared that, in such a case, as soon as a quorum appeared, the house should immediately go again into committee; but on reflection, the chair admitted the motion as privileged. Mr. *Wise* asked if it would be in order, at this time, to move an adjournment? The *Chair* thought the entertainment of such a motion would be a violation of the spirit of the rule. Oh, (said Mr. *W.*) if it is only of the spirit, I will make the motion. The *Chair*, after slight hesitation, admitted the motion. Mr. *Adams* demanded the yeas and nays; which being taken resulted as follows: Yeas 59, nays 83. Mr. *Adams* insisted that the question on the call of the house be put. Mr. *Dromgoole* made a question of order; insisting that the rule must be enforced, and that the house must immediately go into committee. Mr. *Adams* observed that more than one hundred members were absent without leave, and protested against the residue being compelled by a majority to stay, unless they had the power of enforcing the attendance of the absent members. [It was now near six o'clock.] Mr. *Thompson* said that, if gentlemen were disposed to give up the intellectual contest, and go into one of a physical kind, he was ready for them, and would vote for calls and adjournments, and yeas and nays, for sixteen hours, (to the hour of meeting to-morrow.) Mr. *Boon* exhorted gentlemen, rather than give way, to sit till the last week in June. He was ready now to sit there till June. Mr. *Dromgoole* appealed from the decision of the chair; but declined to go into an argument. The *Speaker* stated in full the grounds of his decision, the point being now raised for the first time. Mr. *Reed* supported the decision in a short speech, in

which he complained of the course of business; one portion of the house left the hall, so as to disable the house from proceeding for want of a quorum, got their dinners, and then returned and kept the residue of the house in session. The decision of the chair was sustained by the house. The motion of Mr. *Adams* for a call of the house was then taken, and decided by yeas and nays, as follows: Yeas 47, nays 99.

There now being a quorum present, the house immediately went into committee of the whole, (Mr. *Howard* in the chair.) Mr. *Haynes* thereupon moved that the committee rise; the vote was taken by tellers, and decided in the negative: Yeas 46, noes 78. Mr. *Harlan* resumed his speech, after some time, yielded again to a motion by Mr. *Reed* for the rising of the committee. The motion was negatived: Yeas 46, noes 71. There appearing again to be no quorum present, the committee was counted—113 members were present, whereupon the committee rose, and reported the fact that they were without a quorum. Mr. *Williams* of N. C. moved that the house adjourn. On this motion Mr. *Toucey* demanded the yeas and nays, which were ordered; and, being taken, resulted as follows: Yeas 54, nays 80. So the house refused to adjourn. [It was now half past seven.] The house again went into committee of the whole Mr. *Howard* resuming the chair. Mr. *Harlan* proceeded with his speech; but gave way, at a quarter before eight, for a motion to rise. The motion was negatived—Yeas 34, noes 63. No quorum having voted. The committee was counted, when 113 members appeared to be present. The committee thereupon rose, and reported to the house that a quorum was not in attendance. Mr. *Dromgoole* demanded a count of the house. The speaker counted the members present, and they were found to be 114. Mr. *Wise* moved an adjournment. Mr. *Duncan* demanded the yeas and nays; which were ordered, and resulted as follows: Yeas 57, nays 76. So the house refused to adjourn, and went back into committee of the whole. Mr. *Harlan* resumed, and concluded his remarks at half past eight o'clock. Mr. *Holsey*, of Geo., obtained the floor, and moved that the committee rise. The motion was negatived—Yeas 46, noes 75, (the chair voting, to make a quorum.) Mr. *Holsey* commenced his speech, and had proceeded to five minutes past nine o'clock, when Mr. *McKay* moved that the committee rise. The motion was negatived—Yeas 46, noes 52. No quorum having voted, the committee was counted, when there appeared to be 100 members present. The committee then rose, and reported that they were without a quorum. Mr. *Boon* moved an adjournment. Mr. *Cushman* demanded the yeas and nays, which, being taken, resulted as follows: Yeas 55, nays 70. So the house refused to adjourn, and went again into committee. At ten minutes before ten o'clock, a motion was made for the committee to rise, but without success—Yeas 44, noes 45. No quorum voting, the house was counted; when 108 members were found to be present. The committee being about to rise for want of a quorum, Mr. *Wise* appealed to the committee. He observed it was impossible to force the question to-night. He should claim the right of reply to those who had replied to him on this Seminole chapter; for there were two chapters to this bill—a Cherokee chapter, and a Seminole chapter, and the one would be found quite as long as the other. The committee then rose, and reported themselves to be without a quorum, when the house adjourned.

Wednesday, May 30. Messrs. *Prentiss* and *Word*, representatives elected from the state of Mississippi, appeared, and, after Mr. *Prentiss* had declared that he and his colleague did not claim their seats by virtue of the recent election, but by virtue of the election in November last, were qualified. The rules were now suspended, and the joint resolution from the senate, prohibiting the secretary of the treasury from making or continuing in force any general order, which shall create any difference between the different branches of the revenue as to the money or medium of payment in which debts or dues, accruing to the United States shall be paid, was taken up. The resolution was then read twice, and the question being on its third reading, Mr. *Boon* moved the previous question—seconded. Mr. *Sherrod Williams* called for the yeas and nays on ordering the bill to a third reading, which were ordered, and stood yeas 151, noes 27. So the bill was ordered to a third reading; and, after an ineffectual attempt by Mr. *Duncan* to recommit, Mr. *Boon* called for the previous question, which was seconded. Mr. *Chapman* of Alabama, asked for the yeas and nays, on the passage of the bill which were ordered and stood yeas, one hundred and fifty four—nays twenty-nine—so the joint resolution was passed and returned to the senate.

The house then went into committee of the whole on the Indian hostility appropriation bill; the proceedings on which will be given hereafter.

Thursday, May 31. A portion of the day was spent in the reception of reports, after which the house again went into committee on the Indian appropriation bill, and thus remained until a late hour. Particulars in our next.

CHRONICLE.

Distressing accident. On Saturday afternoon a son of Mrs. Eastwood, a widow lady, residing at No. 154 Norfolk street, aged 8 years, being persuaded by his playmates in the neighborhood, escaped from his mother's observation and wandered as far as the ship yards in the vicinity of the dry dock. Having crawled upon the scaffolding of a ship upon the stocks he became dizzy, and was precipitated to the ground with great violence driving in upon the brain large portions of the skull. He was immediately carried home and Dr. Legget being sent for called in Dr. Miniurn Post, who performed the operation of trepanning the patient and raised the piece of bone. Great hopes are entertained of the child's recovery. [N. Y. Com.]

Great match race, between the Leviathan and Luzborough, four year old nags for \$5,000 a side, four mile heats, was run over the Nashville course on the 23d. The track was heavy from the previous rains. The friends of Leviathan, brought to the stand James Jackson & co's. ch. f. Sarah Bladen, dam Morgianna, by Pacolet, and the friends of Luzborough, Dr. Merry's b. f. Leila, dam Sally Hope, by Archy.

The Luzborough filly was distanced on the fourth round. Time, 8m. 50s.

Twenty thousand dollars stolen. A tin box containing upwards of \$20,000, in bank notes and drafts of New York, was taken from the Trenton rail road office in Philadelphia, on Wednesday last, and has not since been found. It was intrusted to the conductor to take to New York; he left it in the office, and in the hurry of departure, forgot it.

Mr. Clay, during his late visit to this place purchased of Mr. Samuel Canby, of Woodside farm, one of his short horned Durham calves, about 7 months old. The price was one hundred and fifty dollars. We trust our farmers will take notice of the fact, and of the inducement it holds out to the cultivation of this valuable breed of cattle. [Del. Journal.]

The reported murder of Dr. Brewster, of Georgia, by the Cherokees, proves unfounded. It was got up, no doubt, to operate on the members of congress against the humane proposition lately offered to the tribe by the president.

Michigan money is thus classed—First quality, *Red Dog*; second quality, *Wild Cat*; third quality, *Catamount*. Of the best quality, it is said, it takes five pecks to make a bushel.

Promotions. The Green Bay Democrat states that gov. Dodge is offered the situation of brigadier general in the army, and that the hon. Aaron Vanderpoel, of Kinderhook, is spoken of as his successor.

Dividend of the safety fund. The comptroller, since the resumption of specie payments, has made a dividend of 4 per cent. on the capital of the safety fund paid into the treasury, and has apportioned the same among the safety fund banks in proportion to the amount contributed by each. [Alb. Argus.]

A report has been made to the Boston common council, upon the subject, of erecting a city hall on the lot now occupied by the old court house. The expense is estimated at \$100,000, which it is proposed to defray out of the city's portion of the surplus revenue which amounts to \$140,000.

Count Confalonieri. We learn from the New York Evening Star, that the Italian exile, count Confalonieri, lately in New York, is now residing at Montpelier. There he can see at least the Alpine region on the coast of Italy, and in a bright day can almost catch a gleam of Sardinia.

American Genius. As Whitney's cotton gin made a revolution in that fabric by its simplicity of structure and expedition in movement, so Mr. Gay's patent winders are likely to do the same for silk—They wind the fibres directly upon the spools from the cocoons, and then twist them into threads with the same remarkable rapidity and precision. [Star.]

Frost. The Cincinnati Post of Saturday says, "there was frost this morning in the country, followed by a fine bright sun. P. M. cloudy."

The river has risen four feet in the last twenty-four hours to 12 m. and is still rising fast.

Cold in Boston. It was so cold in Boston on the 25th ult. that fires were found to be indispensable to comfort. The great body of ice still off Halifax, is said to affect the temperature of the atmosphere.

Canal and rail road tolls. The whole amount received this season on the Pennsylvania canal and rail road, up to the 13th of May, was \$456,925 18.

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THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

Our congressional department is more than usually crowded this week; but the proceedings recorded are all of the highest interest, and could not well be omitted.

According to the New York Express the new treasury circular had struck the money market in that city with something like a panic—for the reason that the only city banks in the state of New York, which do not issue notes under five dollars, are the Manhattan, the Bank of America, the State Bank, and the Mechanics' Bank. It is, however, stated that there are treasury notes enough afloat to pay duties at the custom-house without a resort to bank notes.

Iowa. It will be seen by our congressional proceedings that Wisconsin territory has been divided, and a new territorial government erected to be called Iowa.

PETER FORCE, esq., was on Monday last re-elected mayor of Washington city, for two years from Monday next, without opposition.

CONSTITUTIONAL CHART. We have made an arrangement with Dr. MAYO of this city, which will enable us to present to our readers, as a supplemental sheet, his constitutional chart, in which is presented a comparative synopsis of the constitutions of the several states and of that of the U. S. From the admirable manner in which the chart is arranged, any fact in relation to the provisions of the different constitutions can be ascertained at a glance; and it is thus rendered a most valuable acquisition to all classes of politicians. The chart was formed to accompany Dr. Mayo's work entitled "Sketches of eight years in Washington," now in press, and is one of a series of similar charts which will be comprised in that publication—it is, however, so arranged that it can be bound in the "REGISTER;" and we feel assured that our readers will carefully preserve it, and, with us, admire the care, industry, and tact with which it has been formed.

BANKS, CURRENCY, &c. The New York Express of Thursday, says this is rather a blue day in the stock market. Yesterday and day before they commenced falling, and to-day declined more than any other. The coming agitation of the sub-treasury bill in congress, the declaration of Mr. Cambreling that the subject would be called up and acted on next week, has created additional alarm in the monied circles. Monied men who were large buyers last week, are now sellers, either disposed to realise or to escape a further loss. Delaware, which but three days ago run up to 86 and sold yesterday at 85, was knocked off to-day at 81—a fall of 3 per cent in one day. Stonington and Harlem run down 2 to 3 per cent. Phoenix bank, Kentucky, Mohawk, New Jersey, and Long Island rail road, all fell 1 to 2 per cent. United States Bank has drooped a little, but is less affected than any other.

Sales at the New York stock exchange, June 7.
7 shares United States Bank - - 120 3-4
12 do do do - - 121

Sales at the Philadelphia stock exchange, June 7.
100 draft on N. York - - 101 1-2
10 shares United States Bank - - 123 1-2
10 do Kentucky bank - - 93 1-2

Tennessee money market. The Nashville Whig of June 1, says—

Exchanges grow better. Mississippi river notes are bought up freely at 17 a 18 per ct. by the brokers, and a little lower by transient buyers. The Manchester and W. Feliciana banks stand better than last quoted. Checks on Philadelphia, at sight, are offered out of doors at 10 per cent. in currency, and 12 per cent. in Alabama paper.

The Frederick County Bank has declared a dividend of three per cent for the last six months.

The board of directors of the Farmers' and Mechanics' bank of Frederick county have adopted the following resolution:

Resolved. That in anticipation of a general resumption of specie payments, by the banks of Maryland, at an early day, we will from this day commence the payment of all our issues under five dollars in specie, and fractional parts of a dollar on all checks on the institution.

Vol. LIV.—No. 15.

The Baltimore American states that at a meeting of the officers of the banks of Baltimore, held on Monday, it was determined to ask the banks in the eastern, southern and western states, to meet in convention either in Baltimore or Philadelphia, in the course of the ensuing month, for the purpose of fixing on an early day for a general resumption of specie payments.

The Richmond Enquirer says—We feel ourselves authorized to state, that our banks are prepared, and will resume specie payments the very moment they can ascertain that the banks of Baltimore have commenced, or will commence with them the same day. We all know, that that city is the great receptacle of our paper; and it is not perfectly safe for our banks to resume, until the Baltimore banks agree to receive our checks on Philadelphia, New York and Boston, instead of specie, in the redemption of our notes.

A committee on behalf of the banks of Philadelphia, which have had the subject of the resumption of specie payments under consideration, met on Wednesday evening last, but had not received replies to the letters sent to the institutions in other states, sufficient to allow them to recommend any specific course in regard to that measure. Several banks had replied to the circular sent out, but sufficient time had not elapsed for all to have acted upon, and responded to, the circular.

The New York Journal of Commerce of Monday says that the letters received from Philadelphia state that the United States Bank would forthwith pay specie whenever demanded. The Journal however is of opinion that there would be no demand, if drafts on New York were furnished low enough.

OUTRAGE ON THE NORTHERN FRONTIER. On the next page we have given some particulars of a daring outrage committed on the British steamboat Sir Robert Peel, whilst peaceably lying within our waters, by a band of lawless individuals supposed to be Canadian refugees. The circumstance has justly excited much feeling among the British authorities in that quarter, and we are fearful that it will lead to serious difficulties unless promptly redressed by our government. By the article from the "Globe" it will be seen that the war department has promptly ordered all the disposable regular force to the scene of the outrage, and gov. Marcy went thither by express as soon as the facts were communicated to him. From these movements we have a guarantee that the offenders will be brought to punishment, if the arm of the government can reach them, and we doubt not but that it will be aided by every lover of his country's honor in that quarter.

The New York Commercial of Tuesday says—“We learn from a bearer of despatches, who arrived this morning on his way to Washington, having left Montreal since the date of our latest papers, that Sir John Colborne, with his staff, has gone to take the command of the forces in upper Canada. A movement that seems to indicate apprehensions of something serious.”

Letters from Quebec state that a reward of \$4,000 would be offered for the discovery and arrest of the pirates who destroyed the Sir Robert Peel.

Since the above was in type, we have received the following particulars of another outrage, which shows a deep state of excitement among the Canadian populace—but we sincerely hope the Montreal version of the affair is correct.

The following particulars are from the Rochester Daily Advertiser.

Captain Childs, of the steamboat Telegraph, states that on putting into Brockville, or rather while there, he was, about 10 o'clock on Friday night, fired into by the queen's militia, stationed at that place. From fifteen to 20 shots were fired, four of which we know to have struck the boat. An ounce ball passed through the ladies' cabin, near the centre, barely missing the chambermaid, who was standing by the stove. It must have been a narrow escape, judging from the holes in the wall compared with the position of the stove. It was known at Kingston that an attempt to destroy either the Oneida or Telegraph, was to be made that night, but the former passed without calling on them—

The Telegraph was fired on till out of reach, which was not long, as the engineer, suspicious of foul play, kept up during the stay of the boat a heavy press of steam. This wanton attack will serve to show the feeling against us in Canada, and admonish our government that means adequate to the protection of the frontier, cannot, with safety, be much longer withheld.

The officer commanding the guard at Brockville attempts an excuse by saying that the men had misapprehended his orders, which were to fire two muskets into the air as a signal, provided any suspicious boat should approach. The degree of suspicion that justly attaches to the Telegraph, may be learned from the facts, that her bell was sounded twice, as is customary at that place.

Col. Bonnycastle, in command of the queen's troops at Kingston, stated to capt. Childs, that he must be expected to be fired into so long as we acted as at present, adding, by way of taunt, that the next outrage from our side would be the signal for him to cross the line in a hostile attitude—that the Canadas could take the state without aid from England.

The tidings of this affair had reached Montreal on Tuesday, the papers giving a somewhat different version. We annex that of the Montreal Courier:

By passengers arrived from Upper Canada last night, we learn that the new steamboat affair, of which rumor had made so much through the day, was much less than rumor had made it. About 9 on Friday evening, it appears that the Telegraph, an American steamboat running between Ogdensburg and Rochester, touched at Brockville on her way up, with a vessel in tow. Just after she had left the wharf, she was hailed, and the captain desired any one who wanted to come on board to come out in a boat, as he could not come back.

No boat putting out, he again got under weigh and ten muskets shots were immediately fired into the boat, but without doing any mischief. The Telegraph let go the vessel she was towing and made off; and the men (two in number) who had fired, were seized, and their firing stopped by those on the wharf. One of our informants states that these men were volunteer sentries placed on the wharf; another understood that they were not on the wharf, but a little distance from it, and that the people were there for some time before they could stop them.

We are farther informed that the captain of the volunteer company at Brockville followed the Telegraph in the Kingston, and explained the whole circumstance to the captain, from whom he learned that no harm was done. It is added that the affair has not created any considerable excitement on the American side, and that the two men had been arrested.

Lord Durham had been received at Quebec with every demonstration of joy by the inhabitants of all political opinions. Immediately after he had taken the oaths, he issued a proclamation addressed to the people of both provinces, in which we find the following passage:

“In one province the most deplorable events have rendered the suspension of its representative constitution, unhappily, a matter of necessity; and the supreme power has devolved on me.

“The great responsibility which is thereby imposed on me, and the arduous nature of the functions which I have to discharge, will naturally make me most anxious to hasten the arrival of that period when the executive power shall again be surrounded by all constitutional checks of free, liberal, and British institutions.

“On you—the people of British America—on your conduct, and on the extent of your co-operation with me, will mainly depend whether that event shall be delayed or immediate. I therefore invite from you the most free, unreserved communications. I beg you to consider me as a friend and arbitrator; ready at all times to listen to your wishes, complaints, and grievances, and fully determined to act with the strictest impartiality.”

After his excellency had taken the oaths, he gave orders for a list of all the state prisoners to be laid before him on the ensuing morning.

Digitized by Google [New York New Era.

IMPORTANT LETTER FROM MR. BIDDLE. The intelligence of the final passage through the house of representatives of the joint resolution repealing the specie circular, was received in Philadelphia on Thursday, and on the afternoon of that day the following letter from the president of the U. S. Bank was published in the National Gazette of that city. The Philadelphia papers of yesterday concur in expressing the expectation of an early resumption of specie payments.

Philadelphia, May 31, 1838.

My dear sir: In my letter of the 6th ult. I stated my belief that there could be no safe nor permanent resumption of specie payments by the banks, until the policy of the government towards them was changed.

The repeal of the specie circular by congress makes that change. I see now, what until now I have not seen, the means of restoring the currency.

I rejoice very sincerely at the termination of this unhappy controversy, and shall cordially co-operate with the government by promoting what the banks are, I am sure, anxious to effect, an early resumption of specie payments throughout the union.

With great respect yours,

N. BIDDLE.

Hon. J. Q. Adams, Washington, D. C.

MEXICO. Extract of a letter received from a gentleman dated

Mexico, May 10, 1838.

"An act was passed on the 1st instant, by the house of representatives, conferring upon the president extraordinary powers for an unlimited time, excepting, however, the right to banish, or take the life of a Mexican citizen, save by process of law. Having been subsequently rejected by the senate, and sent back to the house of representatives for reconsideration, it was passed by a unanimous vote of that body, granting to the president the power to raise an army of one hundred thousand men, and the necessary funds, and to have resort to the means which he might deem most conducive to the interests of the nation, and the requisite to carry his plans into effect. It is understood that the portion of the priest party in the congress which advocated the measure in the first instance, for the purpose of enabling the president to take measures called for by the emergencies of the times, fearing that he might extend these powers to the confiscation of church property to pay the expenses of the war, have withdrawn their support from the measure, wishing to confine his powers to the raising of funds by the ordinary mode of taxation. Intelligence has been received from Yucatan that the whole of that state had pronounced for federation. A severe battle was fought at Merida, the capital between the national troops and the militia, six thousand of whom had obtained arms from Balize, Honduras. Four hundred men perished in the conflict." [Globe.

DESTRUCTION OF THE STEAMBOAT SIR ROBERT PEEL.

The following, which we find in the Albany Argus of Monday morning, contains the particulars of the transaction, alluded to in our first page, which, the editor of that print says, are from a source which entitles them to entire credence:

Watertown, June 2, 1838.

Dear sir: The following statement, relative to the seizure and burning of the British steamboat Sir Robert Peel, may be relied on as correct.

On her passage up the St. Lawrence she stopped at Will's island, seven miles below French Creek, about 2 o'clock on Wednesday morning, 30th May, to take in a supply of wood. While she was doing this, twenty-one—some accounts say twenty-two—persons entered on board, armed and disguised, took forcible possession of her, turned the crew and passengers on shore, and, after committing robbery, set her on fire, and she was burnt to the water's edge. There is some reason to fear that there was loss of life, but this is not certain.

I do not learn that there was any suspicion here that any such outrage was in contemplation, and the news of it caused a very general surprise. It has been subsequently ascertained that these marauders had two encampments on an island in the St. Lawrence, called Abel's island, lying about midway between French Creek and Will's island, at which they had rendezvoused a short time before their attack.

Ten persons have been already committed to the jail of this county on the charge of having participated in the outrage. All these, except one, are refugees from Canada. It is probable that a few American citizens were associated with them, but the perpetrators were mostly persons from the British provinces, and assigned, as the motive for destroying the boat, the desire to retaliate for the loss of their property in Canada.

The "Sir Robert Peel" was a boat of the middle size, new last year, and cost about \$40,000. Three quarters of the boat were owned by British sub-

jects, and the other quarter by Mr. Bacon, of Ogdensburg. She had not much freight on board. The robbers got considerable money, but most of it, (\$6,000,) has been recovered, and is now in the possession of the civil officers of this county. A commendable degree of zeal and activity has been manifested by them to detect and bring to justice the offenders. They will probably be all ascertained.

This affair, as it was natural should be the case, produced great excitement in Canada, but the people of that province are becoming satisfied that this movement was not known or apprehended by our citizens, except the few that were engaged in it, that it is strongly reprobated here, and that proper exertions have been and will continue to be made among us to bring the perpetrators to justice.

In consequence of the above outrage, sir George Arthur has issued the following proclamation:

Proclamation—Upper Canada.

By his excellency sir George Arthur, knight, commander of the royal Hanoverian Guelphic order, lieutenant governor of the province of Upper Canada, major general commanding her majesty's forces therein, &c. &c.

Whereas information has this day been received that, on the thirtieth day instant, the British steamboat, *Sir Robert Peel*, while lying peaceably at an American island, was treacherously attacked by a body of armed ruffians from the American shore, set fire to and burned; the passengers, among whom were defenceless females, wantonly and brutally insulted; and a large amount of money, and other property on board the said boat was either plundered or destroyed: And whereas the said robbery and outrage cannot fail to excite feelings of the utmost indignation in the minds of her majesty's subjects, who may be induced thereby to resort to acts of retaliation for the redress of injury, without properly considering that it belongs to the government of her majesty to claim that redress and to the government of the United States to see that it be promptly rendered.

The steamboat *Sir Robert Peel*, with the persons and property on board, lay at a wharf on the shore of a friendly power, in the confidence of that security which every civilized nation extends over the subjects and property of foreigners, within its territory in time of peace, and free commercial intercourse.

The government of the United States, it may be confidently expected, will vindicate the national honor, and feel deeply the insult which this act of savage and cowardly violence, committed in the dead of night, has inflicted upon their nation. They will not and cannot, without regard to national character, delay to bring the criminals to punishment, or to render to the injured subjects of her majesty, redress—though it be too late in this instance to offer them protection.

The demeanor and conduct of the population of this province has been that of a people resting securely upon the sanctity of law, and the regular exercise of the power of the British empire of which they form a part; and accordingly, even during rebellion, and foreign invasions, this country has not been disgraced by any scenes of individual violence or revenge, on the part of its loyal inhabitants. The character which has thus been gained to this province, has commanded the admiration of the British people—demonstrated the proud superiority of British institutions—and is too valuable to be sacrificed in the smallest part, for the sudden gratification of indignant feelings, however, justly they may have been aroused.

I therefore express to her majesty's faithful and loyal subjects, my entire confidence in their dignified forbearance, and that the British flag which has been so nobly defended by them, will not now be stained by having outrage or insult offered to the persons or property of foreigners within its territory, and under its protection.

It need not be said to men who understand the character and institutions of England—that injury offered to one British subject, is felt by all—and that the mutual ties of duty and affection which bind a free and loyal people and their sovereign together, give the strength of the whole empire to an injured individual. This consideration is all that is necessary to restrain a loyal community within becoming bounds, and to insure their leaving to their government that claim for redress which this unprovoked outrage imperatively demands.

Until the American government shall have taken such measures as will ensure the lives and property of British subjects within the territory of the United States from spoliation and violence, the utmost guard and caution is required on the part of masters of steamboats, and other vessels, in entering American harbors as it is but too plain, that at present the

subjects of her majesty may be sometimes placed in the power of lawless banditti, when they imagine themselves within the protection and authority of friendly government.

Given under my hand and seal at arms, at Toronto, this thirty-first day of May, in the year of our Lord one thousand eight hundred and thirty eight, and of her majesty's reign the first.

G. ARTHUR.

By command of his excellency:

C. A. Hagerman, attorney general.

D. Cameron, secretary.

From the "Globe" of Thursday night.

We understand that as soon as the war department learned that serious apprehensions were entertained of disorders being committed on the northern frontier by the Canadians who had taken refuge within our borders, and who have lately shamefully abused the hospitality extended to them, the most prompt measures were taken to bring there where ever regular troops could be drawn from other stations without imminent risk to the interests of the public service. From the temper displayed by many of our citizens on the Canada borders, and from the efforts to be apprehended from the Canadian refugees to re-establish their fortunes, a large regular force is required on that frontier to preserve the good faith and maintain the peace of the country; and it is a subject of deep regret that there should have been so much delay in the house in bringing forward the bill, which has twice passed the senate, to increase the military force of the United States, and reported favorably upon by the military committee of the house. All who look to the defenceless state of our frontiers, must be convinced of the absolute and immediate necessity of the passage of this bill. Not only is it demanded by a due regard for the safety and honor of the country, but it is recommended by every consideration of enlightened economy. To be compelled to every trifling outbreak to authorize the employment of volunteers, occasions an expenditure of money which, in the most ample state of the treasury, cannot fail to be burdensome; and which, under present circumstances, is ruinous. It is, besides, drawing from their agricultural pursuits a large body of our most useful citizens, for the performance of duties extremely onerous to them and injurious to the best interests of the nation. It is therefore, to be hoped that an early day will be devoted to the consideration of this most important subject.

DEBATE IN THE HOUSE OF REPRESENTATIVES.

Friday, May 25, on a message received from the president explanatory of the objectionable papers which accompanied a former message in relation to the introduction of foreign paupers into the United States.

The reports of committees having been received the next business coming up in order was the following resolution, moved by Mr. Cambreleng morning (after the receipt of the message transmitting the explanatory letter of Secretary Woodruff):

Resolved, That the committee to which the papers alluded to in the said message have been referred, be discharged from the consideration thereof, and that they be withdrawn from the files, and returned to the president.

Mr. Hoffman, who was now in his seat, (not having reached the house at the time the message was read,) rose, and said that he understood that, during his absence, a communication had been received from the president of the United States having an important bearing on the resolution he had offered. It would be remembered by the house that, at a time he offered the resolution, he had expressed hope, nay, the confident belief, that the president never could have authorized the transmission to the body of documents so offensive in their character as those to which the resolution referred; and now gave him cordial pleasure to say that, having perused the communication at the clerk's table, he was now enabled to say that the president had perfectly and completely exonerated from all blame in the transaction. It was manifest that the president had been imposed on by placing too great confidence in his heads of departments. When he found what sort of communications had been sent to the house, he probably called upon the secretaries of the treasury to furnish the reasons why papers of this character had been made to accompany a message, and the house had received a communication from that officer, which, while it completely exonerated the president from all intention to impose on the house by transmitting such documents in relation to its call, left the whole blame on the head of the secretary. The secretary, it seemed, had reported

to the president that various communications on the subject of the importation of paupers had for years been received at the department, some in writing, others in print, and some by personal conversation. These papers had, without any critical examination, been ordered to be placed on the files of the department, and from thence had been transmitted to the house without being looked into.—But by whom had papers of this character been sent? What confidential friend of the secretary was it who had furnished him with extracts of this kind, which could only furnish aliment to the most corrupt and morbid passions, and which were full, from one end to the other, of the most libellous and rancid abuse on the corporate authorities of a great city, and on respectable and worthy men by name? How did it happen that documents like these were ordered to be placed on the files of one of the departments of this government? Did this secretary of the treasury mean to make his department a depository of all the revolting libels daily poured forth by the lowest presses of a party? Were productions like these placed there without being read? Had they been read, or even glanced at, the nature of their contents could not for a moment have been mistaken; and what right, then, had the secretary to direct such personal calumnies to be put on the files of the government?

But again: What had the president been requested to send to the house? He had been called upon to furnish it, not with matters of loose suspicion, not with scurrilous extracts taken from the newspapers, but with information, with authentic facts, which should form a basis for legislative action. Thus called upon, the president very properly referred to the head of the department; and the secretary was thus placed in a solemn and responsible attitude. He was required to perform a weighty and important duty to the representatives of the American people. And what does he do? Without examination, and, as it would appear, without reading or the slightest inspection, he transmits to the president, and the president to the house, as a foundation for its action, extracts from the lowest party newspapers, filled with base and scurrilous abuse of individuals. Mr. H. called upon the house to pause upon a fact of this kind, and to consider what degree of reliance could hereafter be placed on official communications from a department. When a document came to the house bearing the official stamp of the head of a department, the house had been in the habit of receiving it as entitled to consideration and worthy of credit; but what became of all such confidence if papers were officially communicated without being read or looked at, and without ascertaining the fact that they impeached the personal character of members of the community as respectable in all points of view, as the honorable secretary himself; nay, without knowing whether they did not contain a libel on members of the house, and on the very member who had originated the call? If a secretary could transmit a paper which impeached, in the grossest manner, the chief magistrate of one of our greatest cities, a citizen who had twice received the public testimonial of the approbation of his fellow-citizens, and which heaped similar abuse on others of the constituted authorities of that city's municipal government, because they were the friends of an honest and disinterested party, (the Native American,) why might it not have impeached the very member who called for information? Mr. H. rejoiced for the honor of his station and of the country that the president stood completely exonerated in the matter. But, in an honest and strict regard to the violated privileges of the house, and for the abused and outraged character of his own constituents, he could not but express his astonishment and indignation that the head of the department should dare thus to insult and trifle with that house. This occurrence threw a light strong and clear, on the mode in which the duties of that department were performed. It showed how important matters were entirely entrusted to clerks and subordinate agents. Mr. H., in conclusion, said he should not object that these papers should be withdrawn by the president, but he trusted that what had occurred on this occasion would read his secretary such a lesson, that documents like these should never again be sent to that house. If the papers were withdrawn, he hoped that they would not be left on print among the archives of this house, as the recorded slanders of a party press.

Mr. Dromgoole suggested that it would be a more regular course to lay the communication on the president and its accompanying documents on the table, and order them to be printed, that thus the explanation of this unpleasant transaction might go with it to the country.

Mr. Whittelsey inquired of the chair whether should the pending resolution

be bound up in the volume of executive communications?

The Chair replied that ordinarily they would; but under peculiar circumstances of the present case, the clerk had stated to him that he should not order them to be bound up, but would send back the message and documents to be reprinted, with the omission of those now objected to.

Mr. Atherton said, if he had rightly understood the gentleman from Massachusetts, (Mr. Adams,) that gentleman was of opinion that both the president and secretary had relieved themselves from all suspicion of purposing to do any thing derogatory to the dignity of the house, and he was sorry to hear, from the remarks of the gentleman from New York, the expression of a different opinion. He could not conceive that the secretary of the treasury was placed in a different position when deceived by placing too great confidence in his clerks, from that in which the president stood by placing too great confidence in his secretary. It was well known to every gentleman at all acquainted with the course of public business, that the heads of departments must of necessity, trust in a great measure to their clerks. What was this case? In 1836, a resolution passed the senate, directing the secretary of the treasury to collect information from various sources as to the importation of foreign paupers into the United States. In reply to circulars from the department, information came in various shapes into the office, and was then placed on file by the clerks. It was probably examined only so far as to find to what general subject it related. When the call was made by the house, the secretary ordered his clerk to gather these papers together, and without particularly examining them, he transmitted them the house. He was sorry that the gentleman from New York had indulged in language which seemed to imply that the secretary of the Treasury had intentionally sent an offensive libel to the house. He believed it was admitted on all hands that if there was any thing for which that officer was distinguished, it was for assiduity and industry in the labors of his station. It was well known that he never shrunk from any toil in the discharge of his official duty; and he trusted the gentleman from New York would retract any language which implied that the secretary was negligent and shrank from bending all the energies of his mind to the trust confided to him. He was truly sorry to hear the abuse of remark from that gentleman. He could not conceive why the secretary was more chargeable with blame than the president and he thought it was honorable and candid in the gentleman from Massachusetts so promptly to exonerate both.

Mr. Briggs said that there had been, yesterday, but one sentiment in the house as to the character of two of the documents which had been sent with the president's message, and he believed there was but one opinion now relative to the manner in which the president had met the question. The president had frankly told the house that those papers were of such a character that, had he been apprized of it, he never would have sent them to the house. Mr. B. was sorry to say that the letter of the secretary was by no means so satisfactory. The gentleman from New Hampshire (Mr. Atherton) had alluded to the authority under which the secretary had proceeded to collect information on the subject of foreign paupers. The senate's resolution had directed him to call upon custom-house officers and foreign consuls.

[Mr. B. was here reminded, by some member, that the words "other sources of information" were also added.]

Mr. B. admitted this; but here were extracts from a newspaper sent to the department, not by any individual officially called upon, but, as the secretary informed the house, "by somebody who felt an interest in the subject," and, on this authority, were permitted to go on the files of the department. And what did the secretary say in his communication concerning these infamous papers? He uttered not a word of disapproval of their contents.—He tells the house, that, in the pressure of business, documents had been sent, in which objectionable remarks were "mingled" with information sent. Now, did these papers contain a single sentence of information? A single word that was relevant to the inquiry? Were they not full of the rankest abuse of individuals? Yet, Mr. Secretary tells the house, that "concerning the correctness of those statements the department knows nothing." Was it possible that the head of the department did not know whether such communications were correct or not? Could he not say, at a glance, that they were incorrect in the highest degree? Not a word was stated as to how such papers got into the department, or when or from whom they were sent.

pressed in regard to them. Under these circumstances, Mr. B. could not but consider the communication of the secretary as unsatisfactory.

Mr. Cushman inquired of the gentleman from New York (Mr. Russell) who was at the head of the committee on this subject of foreign paupers, whether, when he offered the resolution calling for this information, he did not know that these newspaper communications were then on file.

Mr. Russell said that, after presenting a memorial praying for a revision of our naturalization laws, he had offered a resolution calling on the secretary of state for such information as was in that department respecting the introduction of foreign paupers into our cities. In answer to this call, the secretary of state informed the house that he had not the means of obtaining the information sought. He, however, stated that there were certain communications which had passed between the agents of this government and the agents of foreign nations touching the emigration of certain classes to this country; but as all such correspondence was under the immediate direction of the president, he was not authorized to send it.

Mr. R. had then drawn up a resolution, carefully guarded, requesting this information, and inquiring what steps had been taken to prevent the introduction of that class of foreign emigrants who were complained of as becoming so burdensome to our community. He had no knowledge whatever of the existence of such documents as had been sent till he found them upon his table.

Mr. Cushman read the instruction of the senate in 1836, and expressed great regret that any censure should have been cast on the secretary. Gentlemen were all aware of the extreme pressure on the department, and the impracticability of the secretary's examining every paper sent for by congress. He must, of necessity, trust to his clerks. The president had acknowledged, with the utmost candor, the mistake which had occurred. So had the secretary. Then why this attempt to heap censure upon him? He hoped that gentlemen would exhibit a more charitable temper, and would be governed by the golden maxim of doing as they would be done by.

Mr. Hoffman regretted to trespass on the time of the house, but felt it his duty to reply to the remarks which had fallen from the two gentlemen from New Hampshire, (Mr. Atherton and Mr. Cushman.) The former of these gentlemen had commenced his speech with an eulogy upon the secretary; with all that Mr. H. was not disposed to find fault. He had the authority of Shakspeare for saying that "it was a most beneficent peacemaker." If the honorable secretary was distinguished for any thing, it was for his great industry. The gentleman had asked why Mr. H. had distinguished between the cases of the president and his secretary. The president was in the habit of transmitting to the house documents officially submitted to him by his heads of departments. They were submitted in a mass, and so sent to the house; but the gentleman from New Hampshire must remember that these newspaper slips had each been sent, singly and by itself, from some confidential friend and correspondent. It could scarce be but that the secretary must have found leisure, during some interval in the morning, or at noon, or in the evening, to read them. He said that they were then ordered to be placed on file; but why? How could he direct that such documents should be placed on the files of his department?

[Mr. Atherton replied that it was the custom of the department to file all documents received.]

Indeed? Was every newspaper sent to the department, however irrelevant to the public business, and however teeming with a tissue of libels against respectable people, placed on file amongst the papers of the department? If Mr. H. should send the secretary, to-morrow, newspapers full of party abuse, would they be placed, without reading or consideration, among the public archives? If this was the established rule, the government would soon want another treasury building. The new one would not be large enough to hold the libels that would be poured into it. If it was to become a receptacle of matter of this description, the burning of the treasury ought to be hailed as a blessing, and not a misfortune; and it was well suggested by a gentleman near him that it would not be surprising if documents like these should produce spontaneous combustion. [A laugh.]

The other gentleman from New Hampshire (Mr. Cushman) is greatly surprised and grieved that I should have dealt in harsh epithets in regard to so meritorious a public officer as the honorable secretary. Now Mr. H. would appeal to the house—nay, to the gentleman himself—to say whether he had indulged in any harsh or censorious epithets.

said of his conduct in this affair. Mr. H.'s business was not with the man, but with the thing. He cared not for the secretary in this matter, but for his acts; and could he not hold up to public reprobation an official act, without being charged with using injurious epithets concerning the man who was guilty of it? This charge reminded him of one which was brought in the house of burgesses in Virginia against Virginia's orator and statesman, Patrick Henry. The words of power which fell from that unparalleled debater on that occasion had first been read by Mr. H. in his youth, and they had ever since lived in his mind. Patrick Henry had been censured for animadverting with some freedom on the conduct of a high officer of state. His answer was, "Yes; even from that great man, whose valor and prudence gave us our independence, would I demand the reasons for his public acts. The very independence he gave me teaches me that I ought to demand them." Could the gentleman from New Hampshire believe that a representative on that floor, whose constituents had been grossly and insultingly assailed in a public document sent to the house from an executive department, dare not speak of such an act as it deserved, lest he should be accused of disrespectful epithets toward the secretary of the treasury? The gentleman was too pure a patriot himself to hold such a sentiment. Mr. H. should continue to condemn the act of the secretary in sending such vile papers to this house, and he here protested against its being drawn into precedent hereafter.

He again inquired of the *Chair* whether, should the resolution be adopted, these documents (Nos. 7 and 8) would remain on the printed files of this house?

The *Chair* again stated that the clerk would see that they were not bound up in the volumes of executive communications.

Mr. Calhoun, of Massachusetts, wished to make an inquiry of the chairman of the select committee, (Mr. Russell.) The gentleman from New Hampshire (Mr. Atherton) had lauded the secretary of the treasury for his industry, and his critical attention to the duties of his place. In the present case, he believed that these documents were almost the only papers accompanying the message, save one or two of little consequence. Now, if the honorable secretary was so extremely attentive and laborious, how did it happen that he had not looked at these documents before he sent them here? The inquiry he wished to put to the honorable chairman of the select committee (Mr. Russell) was this: had these documents been sent to that committee in the usual written form, attested by the signature of the proper officer to give them authenticity? or did they consist of mere scraps cut out from newspapers?

Mr. Russell replied, and produced the documents as sent: one was from a newspaper printed in New York, and called the "Truth Teller;" the other was a fragment, cut out from a newspaper, which, from its appearance, seemed to have been taken from another number of the same paper. There were no designations, save some marks upon the margin, to induce the belief that they were public documents officially communicated.

Mr. Calhoun resumed, and expressed his regret and mortification at the disclosure thus made; it reflected little credit on the secretary of the treasury. That officer stood before the house, in this transaction, in no very desirable light. This was the first time he had ever known papers to be thus sent; he trusted it was the first and the last time that scraps cut out of newspapers would be sent by the head of a department in reply to a call of that body. It was an act of charity to believe that the secretary never saw these vile communications; if he did, the offence was an atrocious one; if he did not, he was neglectful of his duty, and forgetful of the relation in which he stood to that house. Mr. C. regretted this, for the sake of the character of the government and of the country.

Mr. Menefee said that no one could have been shocked more than himself, by the communication to this house, by the president of the United States, of the offensive documents to which the resolution of the gentleman from New York (Mr. Hoffman) related. Such a procedure on the part of the executive undoubtedly demanded the instant notice of the house of representatives; and, in the absence of an instant explanation their marked reprobation. That notice was attracted and explanation demanded by the resolution; but I must suppose all reprobation to have been averted by the message which the house has this morning received from the president, in which he states that the communication to the house of the exceptionable documents was *not intentional*. For myself, I am fully satisfied with this explanation; and do not, therefore, require the supplicatory appeals on the

part of the friends of the president for an extension to him of the *charity* of the house. I extend to him what is more substantial than charity—*justice*; and justice simply, in my opinion, is all that is requisite to his defence under such circumstances.

This, sir, is but an instance of inattention to duty, or its violation, in one of the executive departments, by a subordinate officer, whose powers and duties are assigned by law—the president neither knowing nor participating. The just ground of complaint against the president, in such a case, is the continuance in office of the subordinate after the delinquency is known, rather than the original delinquency itself.

It must be acknowledged, however, that the President of the United States, judged in this instance by *his own principles* of presidential responsibility, has no right to demand, nor perhaps even a *decent pretext for asking*, the exoneration which has been thus promptly conceded; and I cannot allow to pass, unimproved, an occasion so appropriate for inviting the attention of the house to what those principles are—a task of no difficulty, as it consists merely in a reference to a document of no great antiquity, in which they are embodied in the most authentic form.

On the 17th of April, 1834, sir, the then president of the United States, whose principles and opinions are, by adoption, those of the now president, promulgated to the nation a paper among the most celebrated in its history: I mean his "solemn protest," of that date, addressed to the senate of the United States. In that remarkable state paper, the origin and history of which it is needless now to review, are expressed fully, the principles of that period, as entertained by that party, in regard to executive responsibility for the conduct of subordinate officers. Nor was that paper a mere abstract declaration of principles. It was, on the contrary, a practical display of principles, in upholding a *high executive act*; the highest, indeed, and the most high-handed executive act that disgraces our history. What are those principles?

That "*the whole executive power*" is "*vested in the president*;" that "*he is responsible for its exercise*;" that all subordinate officers are but agents and instruments "*to aid him in the performance of his duties*;" that the power of removal and appointment "*is an original executive power*;" and that for the conduct of all executive officers, "*the president is responsible*"—all, in turn, being "*responsible to him*."

Now, sir, in a land of laws under a limited constitution, these must be admitted to be extraordinary doctrines; which is not my present purpose to expose, but merely, by referring to them, to show what they are.

Executive unity was claimed, with all the qualities of individuality; and the thousands of executive officers in the civil, military, and naval service, in peace and in war, at home and abroad, on sea and land, in all their ramifications of government, were but bones and sinews, and muscles and nerves, of that vast constitutional unit of which they were parts—the president the whole! They were the eyes by which he saw, the ears by which he heard, the nerves by which he felt, and the bones, sinews, and muscles by which he moved forward, and, sir, by which he struck! The president, as the sensorium, directing all, moving all, *responsible for all*!

This was the doctrine maintained when an attempt was made to hold a high executive officer (the secretary of the treasury) *responsible to the law*, in a most critical period of our public affairs. The president interposed himself as the whole, undivided, indivisible, executive, responsible for the conduct of all his *aids* in the performance of his duties! He demanded to be held responsible for *their delinquencies*! In the career which that remarkable man was then running, he sought, with avidity, the responsibility of *atoning for all the sins*, if but allowed the pleasure of *wielding all the power*, of the whole executive department.

Yet, now, the president who represents these principles, and is committed to the execution of them, claims of the house *exoneration from responsibility* for an acknowledged delinquency of the head of an executive department! and of the same department!

It is well, I think, sir, to revert occasionally to the doctrines of yesterday; it inspires circumspection in the actors of to-morrow. In the present instance, there appears to be a striking propriety in drawing, though rapidly, across the vision of the president a picture of the past. It may serve to convince him that it is given to but few to demolish a free constitution and erect out of its strewn fragments an executive stronghold so stupendous as that erected, in practice, by his predecessor.

Sir, without expressing any opinion respecting the secretary of the treasury or others, I wholly exculpate the president, and do not, in a case like this, choose to withhold a public expression of the gratification which his late message has afforded. I recognise in that act, with profound satisfaction, the prompt performance of what was due, in my opinion, to the private citizen, to the house of representatives, and to a chief magistrate of the United States.

Mr. Sibley, of New York, expressed his entire concurrence in the sentiments of gratification which had fallen from his colleague, (Mr. Hoffman,) at the course proposed by the president in his message of this morning. For the reputation of the chief magistrate, and the honor of the country, I am glad (said Mr. S.) that permission to withdraw the extraordinary and offensive matter appended to his message of the 11th instant has been so promptly granted, and granted with entire unanimity. No member of the house can wish to see it degraded by becoming the medium of transmitting to the country the grossest libels of a partisan press upon the characters of private citizens or the constituted authorities of a municipal corporation. No citizen of this country can be willing to see this hall converted into a record-office for matter of that sort. I am glad, sir, that the good work of illustration is begun, and I shall be pleased to see it extended to another document, emanating from the same source, now lying upon your table, and soon to be bound up amongst the enduring records of the government.

I allude, Mr. Speaker, to that part of the president's annual message communicated to us at the commencement of the session, in which he arraigns, before the country and the world, the intentions and integrity of a large portion of the citizens of the state which I have the honor in part to represent.

That part of the recent message which the president now asks leave to withdraw, assails the reputations of only a few individuals residing at the metropolis of the state, and with much ribald personal abuse it mingles some strictures upon the public and official conduct of the gentlemen named. I look upon this latter feature as constituting some mitigation of the otherwise atrocious nature of the whole production; for, in relation to the official conduct of public men, I hold to the right of the severest scrutiny, and the freest animadversion of speech and of the press.

But, sir, that portion of the annual message which I would also give the president permission to withdraw is far more general and expansive in its assaults upon the character of our country. It involves the political purity and personal independence of multitudes of men in all parts of the state of New York; of men in the quiet and retired walks of life, occupying no public station, exercising no delegated trust, and in no wise accountable to any officer, high or low, of the federal government for the considerations which may influence them in the exercise of their original independent sovereignty.

In reference to the then recent election in New York, and for the purpose of inducing us to disregard that expression of popular sentiment in our deliberations upon the leading and favorite measure of the executive, the president has seen fit labor—in wary and ambiguous phrase, but with conclusions that have not been, and cannot be, misunderstood—"to bring the representatives of the people to believe that a large majority of the independent electors of that state, unmindful of the great interests staked upon our action, had cast their ballots in base subservience to what he is pleased to call, in that message, "the already overgrown influence of corporate authorities."

[Mr. Taylor rose to a question of order. He asked if it was now in order to discuss the annual message?]

If (continued Mr. S.) my colleague will indulge me for a few moments, he will perceive that my remarks do not violate any rule of order, or that I shall present to him a better opportunity of raising that question when I come to offer an amendment to the resolution under consideration.

[The chair suggested that Mr. S. should now send up his proposed amendment.]

It is my intention, sir, to offer such an amendment before I close; but I wish to introduce it with a few preliminary observations explanatory of its character and object; and, not intending to trouble the house again, I shall be willing, with the permission of the chair, to avail myself of the present speaking to assign some reasons for the adoption of the amendment, when it shall be offered.

I was proceeding, Mr. Speaker, to point out the exceptionable parts of the annual message to which my amendment, if in order, may be applicable.

The seventh page of that document represents to our consideration, in a short paragraph or two, the famous "sub-treasury scheme." But, no sooner does it give us a glimpse of its hidden mysteries—scarcely is our vision prepared to gaze into its dark recesses—when, as if fearful that our footsteps might turn from its gloomy passages into the brighter path to which public sentiment had directed them, the president begins to furnish us with reasons for disregarding that public sentiment. He tells us of the "more than one hundred and sixty millions of bank capital spread through all the ramifications of society"—of "its direct connexion with the then pending elections"—of "the feelings it was calculated to infuse into the canvass"—and of its having "exercised a far greater influence over the result than any which could possibly have been produced by a conflict of opinion in respect to a question in the administration of the general government more remote and less important in its bearings upon that interest." And, in immediate connexion with all this, he assures us that he is "more than ever convinced of the dangers to which the free and unbiassed exercise of political opinion would be exposed by any further increase of the already overgrown influence of corporate authorities."

Now, sir, no man doubts—no man can doubt—that, in all this extraordinary and unwarrantable criticism upon the motives which influenced the action of the people, the president means to say that that action was guided and controlled by the "overgrown influence of corporate authorities;" that the people of this country were capable of hartering the elective franchise for the favor of moneyed corporations; that the hardy yeomanry of New York had bowed down their free spirits before the golden calves which the president himself had erected before their eyes.

Mr. Speaker, if that portion of the annual message upon which I am commenting does not mean this, it means nothing. Strip it of this signification, and it is senseless. It has received this interpretation throughout this country and Europe. It has been used as authority for the grossest vituperation of the citizens of New York, by the public journals of our sister states, and abroad it has been quoted by the enemies of republican institutions, as evidence of the corrupting tendency of such institutions, and the degeneracy of the people who live under them.

Sir, I regard all this part of the message as unprecedented in the annals of executive communication; as conveying a severe and unmerited imputation upon the political independence and integrity of the citizens of my state, which ought not to remain upon the public records of the country. As we are engaged, this morning, in the business of purifying those records, I am willing that the president should, if he pleases, take back that part of the annual message of which I complain, along with the portion of his recent message which he has asked permission to withdraw; and, if my amendment prevails, he will have leave to do so.

[The Speaker. Such an amendment will not be in order. It is not connected with the subject now before the house. It may be in order as an original proposition, when the house is again in committee of the whole on the annual message.]

I am aware of that, sir, (said Mr. S.) but the difficulty is, the house will not again be in committee of the whole upon that message. I must, therefore, avail myself of the present occasion to show cause why the character of my constituents should not be impaired by the grave charges made against them by the federal head of the nation, or that opportunity will be gone. And I propose now to demonstrate to the house and the country, that all charges and insinuations, from whatever quarter they may come, that the recent political revolution in the state of New York was the result of bank influence, or that the free-thinking and independent men by whom that revolution was wrought out are capable of surrendering their judgments and consciences to such influence, are not only destitute of any foundation in fact, but that they are wholly impossible to be true.

[The Speaker. That discussion will not be in order, and cannot be permitted.]

Mr. Sibley. I shall, of course, be under the direction of the chair, and submit, with great deference, to the decision. I had hoped, indeed, that when the chief magistrate of the nation comes into this house and presents a bill of indictment against the people of a state, the representatives of that people (who are not here to answer for themselves) might at least be allowed the poor privilege of pleading *not guilty*. But I will say no more upon the unwelcome topic, and pass to some considerations more immediately connected with the subject actually before us.

The message of the president of the 11th instant, Mr. S. further remarked, when looked at in connexion with that which he has sent us this morning, presents a novel spectacle in the history of executive and legislative intercommunication. Let us contemplate it for a moment.

On the 30th ult. we adopted a resolution respectfully requesting the president to communicate to this house "copies of all correspondence and communications which have passed between this and any foreign government, and the officers or agents thereof, relating to the introduction of foreign paupers into the United States;" and "also, what steps, if any, have been taken to prevent the introduction of such paupers into the United States."

On the 11th instant, the president transmits to us a message, with accompanying documents, which he informs us are in answer to our resolution. As soon as these documents are printed, it is discovered that by far the longest of them, and comprising more than a fourth part of the entire communication, consists of an article having nothing to do with the subject of inquiry, extracted from a partisan newspaper edited by a foreigner in the city of New York, and containing little else than the most scurrilous and loathsome attacks upon the private and public character of the mayor and members of the common council of that city.

As soon as this outrage falls under the notice of my honorable colleague, (Mr. Hoffman,) he calls the attention of the house to the subject, and proposes a resolution discharging the select committee from the further consideration of the libellous effusions of the "Truth-Teller," and returning the offensive matter to the president. This movement of my colleague doubtless attracted the attention of the president for the first time to the exceptionable character of that part of his message, and he informs us this morning, with great propriety, and in a manner perfectly satisfactory, so far as he is concerned, that the extracts from the "Truth-Teller" "are of a character which would, if attention had been directed to them, have prevented the transmission to the house, and he requests permission to withdraw them."

Along with this last message, the president has sent us a communication from the secretary of the treasury, in which he attempts to excuse this invasion of our privileges, and perversion of his official position, in sending here this impertinent and scandalous matter. And what is his explanation? He does not tell us, indeed, that he has never read these newspaper extracts. But he says that, "without a critical examination, they were placed on file with the clerk having particular charge of that business;" that they were sent to the president in the pressure of business without noticing the personal character of the remarks, "and which, had they been observed at the time, would not have been communicated."

Now, sir, I am not satisfied with this excuse of the secretary. It does not go far enough back. It does not explain the extraordinary fact that such matter should have found its way to a place on the files of the treasury department. How came it there at all? It is because the clerk drew it from the files that our documents have been polluted with such foul stuff. It is because it was *there* that the president has been made the unwilling instrument of transmitting it to this house. Did it find its way there without such examination, "critical" or otherwise, as made the secretary acquainted with its true character? This is impossible; for no person can glance at the very caption of the article, or scarcely at any line of it, without discovering its true nature.

I had supposed, sir, that nothing was fit for a place upon the files or records of our executive departments which was not also fit for the public eye; and that every thing which might properly be deposited there might, at any time, be drawn from thence, and presented to this house, and to the nation, without any violation of dignity or decency. But it seems that the secretary of the treasury has contrived to accumulate upon his files such matter as, having accidentally found the light, he is ashamed of, the president is ashamed of, we are ashamed of; and all are anxious to hurry it back into the special care and keeping of the "financial head" of the government.

Mr. Speaker, we were told this morning by the honorable member from New Hampshire (Mr. Atherton) that if the secretary of the treasury was distinguished for any thing, it was for untiring assiduity in discharging the laborious duties of his office. Whatever eminence, sir, that high functionary may attain by patient toil and plodding industry, he will be yet more distinguished, I apprehend in the future history of this country, as having been the first head of an executive department who converted the public archives of the govern-

ment into a receptacle for disgusting libels upon the people of the country whose servant he is. That these foreigners, new landed upon our shores, should, "after eating from our basket and drinking from our cup," turn upon us, and "pour the senseless libels upon a people at whose firesides they were warmed," is quite enough to task the forbearance of a generous and hospitable nation; but that the high officers of this government should lend themselves to the work of rescuing from oblivion, and placing upon lasting record—that they should make our public archives the depositories of these stale slanders, from whence they may be drawn forth under all the sanctions of official approbation, to be turned against the characters of the living or the memories of the dead, is such perversion of official responsibility as ought not to pass without animadversion.

Mr. Speaker, the citizens of my own state seem of late to have become the peculiar objects of executive assault. At the commencement of the session, their representatives were compelled to sit here and listen to the grave charge preferred by the president in his annual message; but a few days ago, and it was deliberately and solemnly declared on this floor, in the face of the assembled representatives of the nation, that our principal city had been, from the commencement of the government to within a few months past, the victim of the unjust and oppressive legislation of that state as well as of this government; and now, sir, a portion of our citizens are attacked with foreign arms wielded with all the force and dexterity of the secretary of the treasury. Sir, if the federal government must war against the people of the states, I cannot but regret that its pugnacious favors are not a little more generally distributed.

New York, it seems, is to be assailed not only by imputations upon her political integrity and independence, but also upon the private characters of her citizens. And more than all, her whole career of legislations—ay, of democratic legislation—from the very origin of the government down to the late free banking law, is boldly denounced as characterized through all its course by injustice and oppression towards a portion of her population, whose rights and interests were committed to her care, whom she was bound, by every consideration of honor and duty, to cherish and protect, but of whom it is alleged she has made a victim and a sacrifice. The language employed by the chairman of the committee of ways and means, (Mr. Cambreleng) in debate the other day, was this: "New York has been, from the commencement of our government, the victim of unjust and oppressive legislation, state and national."

Now, sir, this is a grave and serious charge. It ought not to be lightly made; for if true, and wherever it is believed, it ought to, and it will, disgrace the government and people of that state in the eyes of the civilized world—if true, it would justify revolt and rebellion by the people of that city. But sir, it is not true. The legislation of the state of New York, toward that noble city, has, at all times, been liberal and just.

[The Speaker. The words upon which the gentleman from New York is now commenting were spoken in debate upon another subject, and cannot be replied to in this debate.]

Mr. S. proceeded. I am aware that, in this respect, I was trespassing somewhat upon the strict rules of debate. My object is answered, however, by calling attention to what I regard as a most unfounded charge upon those who have so long held a controlling influence in the legislation of my state, and upon those who have, in all past time, occupied seats in her legislative halls.

I will conclude by assuring gentlemen, that if the people of the state of New York, in their individual or representative character, are to be made the targets for the bolts of executive vengeance, and if this city and this hall are to become the vantage ground from which those bolts are to be discharged they will find New York buckling on her armor also; and I greatly mistake the character of the state if there will not be found amongst all her sons, without distinction of party, sufficient state pride and self-respect to repel these unfounded and undeserved assaults.

Mr. Cary moved the previous question.

Mr. Reed was very anxious to say a word or two and Mr. Cary agreed, at his request, to withdraw the motion, on condition that Mr. Reed would renew it.

Mr. Reed promised to do so. He wanted to call the attention of the house to a suggestion in regard to the clerk. He wished to propound to the chair the inquiry whether the clerk was authorized to withhold any portion of the documents which had been printed by order of the house from taking its place upon the printed archives of this body?

The *Chair* explained, and said that that was a matter within the power of the house. The clerk would be subject to its direction. He had supposed that no objection could be made, and that it would be done by unanimous consent.

Mr. Reed insisted that the documents must be published and bound up with the rest.

This was the regular course. Besides, if these documents should be withdrawn, the message of the president, received this morning, would be unintelligible to those who should come after them, as there would appear nothing on the record to which it referred. Mr. R. wished to avoid an evil which he should consider even greater than this, and that was an *expunge*. He then, according to promise, moved the previous question.

Mr. Harlan was anxious to speak, but Mr. Cray refused leave for Mr. Reed to withdraw the motion.

The call was seconded by the house—ayes 102, does not counted.

The previous question was put and carried.

The resolution of Mr. Cambereleng was then agreed to.

Mr. Harlan, of Ky. called for a division of the question; and it was divided as of right.

The question on laying upon the table was agreed to.

The question then coming up on the printing, Mr. Harlan, after thanking Mr. Cray for his courtesy said that his object had been to call the attention of the house to a remark of the gentleman from New Hampshire, (Mr. Atherton) in defence of the secretary. That gentleman might be called, indeed, the advocate general of that blundering officer. He wished to state that the Truth Teller—

The *Chair* observed that this was not in order on the question to print.

Mr. H. said he wished to give reasons why these documents should not be printed. This certainly was in order.

The *Chair* assented.

Mr. H. went on to say that this paper called the Truth Teller was published in the city of New York by an alien editor, and was notorious for its strains of low abuse on respectable men. The number of that paper which had been sent here bore on its margin, in the proper handwriting of Mr. Secretary Woodbury, a direction to the clerk to place that paper on file among the papers relating to the introduction of foreign paupers. Where now was the gentleman's excuse that this had never been seen by the secretary, but had gone on the files in the ordinary routine of business? The secretary must have read and examined the paper, and then wrote that direction on its margin.

Mr. H. had one excuse for both the president and his officer. Ever since the news of the democratic reaction throughout the country, the action of the secretary had been one series of blundering from day to day.

Mr. Cray said that anticipating what would be the remarks of the gentleman from Kentucky, (Mr. Harlan,) he had refused to withdraw his call for the previous question. Had he supposed they would have been of a character similar to those of the honorable gentleman from Massachusetts, (Mr. Adams) he should have withdrawn the motion with pleasure. He returned his thanks to the gentleman from Kentucky for demonstrating just what Mr. C. thought he would demonstrate.

The printing was then ordered; and the house passed to the consideration of private bills.

The following are the articles from the "Truth-Teller," which accompanied the report of the secretary of the treasury, and gave rise to the above discussion:

From the N. Y. Truth Teller of June 24, 1837.

ALIEN PASSENGERS—THE NEW COMMON COUNCIL—DASTARDLY CONDUCT.

The course pursued by the leading aristocrats of the present common council, particularly in the board of aldermen, is, beyond any thing we ever heretofore witnessed, ungenerous, ungentlemanly, and unjust—a course which only escapes the indignation of a few, to meet with the unqualified contempt of the many. The aristocrats, unused to power, but now possessing, unfortunately, an excess of it, act like men ordinarily temperate, who have for once engaged in a debauch and indulged too freely with liquor. Their demeanor is marked by a coarse and unfeeling recklessness towards the minority, than which nothing could be more pitiful; and when we reflect that they have been chosen to represent the aristocratic party, which includes in its numbers men of talent, and education, and decency, we are forced to wonder why such obscure, and, in some cases, illiterate individuals, have been elevated over men who, however fixed and unalter-

able in their political opinions, would yet never cast aside all regard for gentlemanly deportment and generous and liberal sentiments, to degrade their minds and souls by worshipping the idol of prejudice, and listlessly succumbing to the basest commands of the fiercest political bigots. Yet the aristocrats, guided by the same readiness to sacrifice principle and obtain power which urged them to uphold the famous Gulick, elected the obscure Mr. Clark to the mayoralty, and returned to the common council, *inter alios*, George W. Bruen, esq., the nondescript politician; Matthew C. Patterson, esq., a lawyer of very limited capacity, and of mushroom popularity, even amongst his own friends; and Mr. I. T. Merritt, the cheap grocer, and, *par excellence*, leader of the native American party, *vice* Dr. Paris M. Davis, now ruralizing at Blackwell's island. Mr. Bruen is, without exception, the most bitter, malignant, and narrow-minded politician known to this city; Mr. Patterson seems to be emulating his example with vanity that knows no bounds; and Mr. Merritt, like the frog in the fable, swells himself to bursting in the attempt to attract attention, and to attain importance to which he has no claim whatever.

We propose to make our readers acquainted with the conduct of this triumvirate at a meeting of the board on Monday last. The special committee on the subject of "alien passengers," consisting of Messrs. Bruen and Whitehead, (the latter of whom is so notorious for his flagrant breach of faith with the friends of Mr. Riker, the late chief engineer,) made a report, in which, after sundry observations about "the authorities of Jersey" &c., they recommended the adoption of the following resolution:

"Resolved, That the commissioners of the almshouse be, and they are hereby, authorized, if in their judgments they see fit, to contract for the transshipment back to their own country, with their consul, of such alien paupers as may now be, or are like to become, a public charge at the establishment at Bellevue or elsewhere, upon such terms and conditions as they may think will best promote the public interest, and at the same time shall prove no prejudice to the cause of humanity."

When this resolution, so perspicuous, lucid, and correct in language, was offered, it elicited severe comments from alderman Brady, who is ever watchful to protect all classes of citizens from unmerited insult, and whose sentiments are always of the most philanthropic and liberal character. He animadverted in strong terms on the injustice of stigmatizing as "paupers" all those who come here from Europe; mentioning the fact that one gentleman who landed a day or two since, had thousands of guineas in his possession, and, so far from being a "pauper," was a man of wealth. When Mr. Brady had concluded his remarks, the *cacoethes loquendi* took possession of Mr. Merritt, and off he started on a crusade against the English language, plain truth, and common decency—his success in which must have filled his fellow-aristocrats with envy. He said he was desirous all emigrants should be sent back to their native land, and he considered alderman Brady "very uncharitable" for wishing otherwise. Having delivered himself of his "speech," he resumed his seat, and was then doomed to find his own insignificance and inconsistency exposed by the individual whom he had undertaken to meet in argument. Mr. Brady, by a gentle *mondo*, conveying the suggestion that Irishmen are not *ungrateful*, reprehended Mr. Merritt, who, by selling groceries of a certain kind, at a certain rate, has won that little advance in which he now glories. His customers have chiefly consisted of Irish families, and he always spoke well of them (as Mr. Brady declared) until he discovered that the enlightened patriots of the thirteenth ward required the exercise of his splendid talents in our city legislature.

But the harmless chattering of alderman Merritt deserves little notice, while the fierce language and sweeping charges of Mr. Bruen are before us.—Mr. Bruen attacked Alderman Brady, the alien passengers, and adopted citizens, with the utmost fury; uttering statements which certainly require attention. He declared that "he knew that three thousand votes were, in 1834, fabricated on the oath of a single convict;" and repeated this statement, only omitting that the fabrication of the votes was not on the oath of one person. We are glad Mr. Bruen made this statement, because it affords us the means of showing how corrupt and dangerous he is, how unmindful of his duty as a citizen, or how totally destitute of veracity. He states that he knows personally that three thousand individuals were illegally naturalized in 1834, in this city. If this be true, why did not Mr. Bruen, at the time the votes were "fabricated"—why does he not now—institute a criminal prosecution against the illegal voters, and the person or persons who

are alleged to have perjured themselves when the votes were "fabricated," or against some of the offenders? How great is his presumption in calling himself a good citizen, and a friend to his own country, and an upholder of "the constitution and the laws," when, according to his own statement, he knew in 1834 of the commission of three thousand perjuries, and took no steps whatever to have the perjurers arrested! Is this upholding the laws? Is this preventing crime and infamy? Is this protecting the rights of citizens? We will explain the reason why Mr. Bruen did not endeavor to expose the perjuries he speaks of—they were never committed. It is utterly impossible that Mr. Bruen's statement can be true, unless the clerk of the court in which the three thousand aliens were illegally naturalized violated his oath and the law of the land; and if he did so, Mr. Bruen can easily detect and prove his guilt, and have him punished. We beg our readers to recollect this, and to be careful in perusing the following proofs of the statement we have just made.

The laws of the United States provide that, in order to entitle an alien to become a citizen of the United States, he must, have declared on oath or affirmation before some court of record, having a seal and a clerk, and possessed of common law jurisdiction, or before a circuit or district court of the United States, or before a clerk of either of the said courts, at least two years before his admission, his intention to become a citizen, and to renounce allegiance to any foreign government. When an alien declares his intentions, he is furnished with a certificate of the fact by the clerk of the court where the declaration is made; which certificate must be, and always is, impressed with the seal of such court. When he applies for admission as a citizen he must produce this certificate, or another or precisely the same kind, unless the declaration was made in the same court in which he applies for admission; in which case, the clerk, by referring to the records, can always ascertain if the declaration were duly made. The production of this certificate under seal, or finding the declaration in the records of the court admitting the citizens, is in all cases indispensable to the admission of the alien, unless he proves that he has continued to reside here since 18th June, 1812, or that he arrived in this country under 18 years of age, and resided here five years, including the three years preceding his attainment of majority. Unless this be proven, each alien who seeks to obtain admission as a citizen illegally must perjure himself, procure another person to do the same, forge such a certificate as is above mentioned, and counterfeit the handwriting of the clerk, and the seal of the court from which the spurious certificate would purport to emanate.

This proves that Mr. Bruen's statement cannot possibly be true. But in every point of view it is so absurd, and so preposterous, that no man in his senses can believe it. We defy him to substantiate his assertion by any reasonable or creditable testimony. He might as well endeavor to show that the moon is an icicle, or that alderman Merritt is a gentleman.

When Mr. Bruen made the gross charge which we have confuted, alderman Ingraham, whose coolness, and eloquence, and good judgment, make him so formidable an antagonist to the aristocrats, exposed the fallacy and injustice of Mr. Bruen's statement with much force of argument. This aroused the ire of Mr. Bruen, and he attained the climax of demented folly by saying that this country belongs to the Americans—that "if Irishmen assisted in obtaining our independence, they have been well paid for it;" and he thanked God the power of adopted citizens was at an end.

Alderman Patterson was foolish enough to state that his party did not exercise proscription, when he might just as rationally have denied being alive. He challenged alderman Ingraham to prove that adopted citizens have been proscribed. This is the *ne plus ultra* of brazen effrontery. A man stands by the stake on which he has seen hundreds of individuals suffer martyrdom for opinion's sake, and exclaims, "No one has suffered for his belief; this stake, these bones, and this scathed ground, are the evidences of the existence of civil and religious freedom." An incendiary stands on the smouldering ruins of the buildings he has destroyed, and proclaims that the buildings have not been consumed.

We have pursued this subject so far that we must leave it for the present, merely observing that the resolution we have copied *passed*, with a *proviso* that no alien passenger be sent back to Europe without his own consent. We will comment freely on this measure next week.

From the N. Y. Truth Teller of June 24, 1837.

To Aaron Clark, esq,

SIR: In the letter I addressed to you last week I pointed out to you the infamous notoriety which

must attach to your name from the document which you have put forth in relation to the emigrants arriving at this port. I did not expect that a brand would have been fixed upon you by one of your own party, in relation to this matter; but I perceive by the published debates of the common council, that your own partisans have, in the presence of your fellow-citizens, with their own red hot hissing instruments of punishment, left the scar-mark of your disgrace broad upon your forehead. Alderman Bruen has told the country that what the mayor stated, in relation to the emigrants was not true. The alderman stated that he had examined the passengers, and, with but few exceptions, they were not the poor, miserable, and degraded wretches Mr. Clark had represented them! What, sir, must be your feelings now? You are despised by your opponents; you are contemned by your supporters. Your calumnies have been thrown back in your teeth by those who have placed you in your present position; and they cannot, in their consciences, sustain one whose career has thus brought upon him the condemnation of every liberal mind. I am not disposed to deal in vituperation. Abuse injuries not the abused, nor does it add to the character of him who indulges in that species of attack. The arm that is raised to strike at you, is stayed when it is observed how low and degraded is the object upon which the blow may be inflicted. The regret that must enter into the minds of even your own friends must be indeed great when they behold you bringing the petty arts and practices of the lottery-office into the discharge of the duties of the office of mayor of the city of New York. They may indeed hang their heads with shame, when they read a document which resembles a lottery advertisement in more respects than one; when they see how far it assimilates to that species of writing in its pompous diction, its misrepresentations, and, above all, its studied effort to deceive the public mind and to produce erroneous impressions. It shows evidently that the habits of life cannot be thrown aside at once, and that the practices with which they are familiar in private, are apt to mark the public career of man.

You have, as I before said, been branded with having stated that which was not warranted by your own friends. Let me ask you to turn to the records and books of the commissioners of the alms-house, and answer some questions which I will put to you. Your object, evidently, in writing your message, was to produce the impression, not only that the passengers arriving here were paupers, but that the number arriving this year was greater than at any other previous time. Now, sir, will you answer whether or not the number arriving between the 1st of March and the 1st of June, of this year, was not less by several thousands than during the same period of time of the preceding year? If not will you give the public information on that point? And here, sir, let me lead forth into the public gaze one who feels proud of being harnessed to the same political car with yourself. I refer to one who has brought in a report on the subject of immigration, and who has with great adroitness, endeavored to sustain the impressions which your message was calculated to produce. He, sir, is the son of one of the descendants of the "land o' cakes," and yet seems eager to stigmatize as paupers the friends, and, for aught the public knows, the relations of his own father. Why, sir, did he not make inquiry into this subject and he would have found that the passengers arriving from Aberdeen were in possession of money to the amount of several thousand pounds. Let alderman Patterson not ride this hobby of Native Americanism too hard. The blood of old Scotia, transmitted from his sire, flows through his veins; and his cheek ought to redden with shame when he finds that he is reiterating the slanders of some of those who came from Nova Scotia, and who have been settled by his party on one of our city departments. He ought to hesitate before he heaps contumely on the children of the land of Burns and of Scott. Let him, as an honest politician, examine every subject fairly, and be distinguished above his associates, by always putting the saddle on the right horse. He ought to have more pride than to second the views of such men as are the leaders of the Native American faction, and let him leave that work to Master Walter, of the thirteenth ward.

To return to your honor. You have suggested that the passengers arriving during the present season are in a most wretched condition as regards health. Sir, at no season has less disease been among passengers than at the present time. At other periods we have had more passengers, more misery, more disease, greater expense on our alms-house establishment than at present, and yet we have no noise. It was not deemed necessary for

political purposes that our democratic commissioners should make tremendous statements, or that our democratic mayor should deal in misrepresentation. It was left for your administration to enter upon this line of conduct, which, in the end, will be found not only to degrade the character of the city, but deprive it of a revenue which, for years, has been paid into your treasury. You will find passengers arriving at other ports, and making their way to this city, in spite of laws, unless you build a Chinese wall around us, and, moreover, alter the constitution of the United States; and, at the same time, the amount heretofore received from commutation-money (in some years amounting to nearly forty thousand dollars) will be wholly withdrawn from the public treasury. You will, at the conclusion of your career, prove that you have been as incompetent for the discharge of the duties of your station, from your ignorance and want of judgment as you have already displayed yourself unworthy of it by your illiberality, inhumanity, and want of regard for the feelings of your fellow-men.

It is with feelings of any nature but those of a pleasant character that I address you. It is indeed humiliating to attempt to castigate one whose armor of hide is impervious to the lash. Surrounded as you are by a fetid political atmosphere, where malignity, falsehood, and slander alone can exist, it is with but little hope of reforming your conduct that I indite these letters. Your course of conduct, brief as it is, is blackened sufficiently to excite the disgust of every candid man; and you may rest assured, however those around you may, from interested motives, make you believe that you are growing popular, that there is a spirit of intelligence and liberality abroad, which silently but powerfully is advancing, and will never rest until it has consigned you to that retirement from which it had been better, both for your own character and that of our city, you never had been called.

PATRICK HENRY.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

June 1. After some business of minor importance had been disposed of,

The Senate proceeded to consider the bill to divide the territory of Wisconsin, and to establish the territorial government of Iowa, (west of the Mississippi.)

On motion of Mr. Crittenden, the term of service of the members of the higher branch of the legislative council was reduced from four to two years, and of the lower from two to one.

The amendment from the judiciary committee, changing the term of the judges from that during good behaviour, to four years, was advocated by Messrs. Webster, Morris, Grundy, Allen, and Sevier, chiefly on the ground that the requisition of the constitution, that the judges of the United States should continue in office during good behaviour, had reference to the States considered in a strict geographical sense, not including the territories; and that in a new country an opportunity would probably soon arise of selecting better men for judges; and it was opposed by Messrs. Clay, of Alabama, Norvell, and Prentiss, on the ground that the expression in the constitution, "the judicial power of the United States," meant the whole judicial power of the general government, whether in the states or the territories, geographically considered.

The committee's amendment, limiting the judicial tenure of office to four years, was agreed to.

On motion of Mr. Clay, of Alabama, all but while males were expressly excluded from the right of suffrage under the bill.

On motion of Mr. Crittenden, two new sections were added to the bill regulating the election, &c. of the members of the legislative council, and making temporary provision in relation to the judicial districts, and to the times of holding the courts.

Some minor amendments also were offered, and agreed to.

The bill itself was briefly opposed by Messrs. King and Sevier; and it was advocated by Messrs. Crittenden, Clay, of Alabama, and Buchanan; the arguments having mainly a reference to the size of the portion of the proposed territory inhabited by whites, (disputed, from 50 by 180 miles to 90 by 300 miles,) to the number of the white population, (from 25,000 to 80,000,) and to the comparative advantages of protection from Indian hostilities.

The bill was ordered to be engrossed for a third reading, without a division. Subsequently read a third time and passed.

Some time was spent in considering the bill making appropriations for the completion of certain roads in Michigan; but, before the question was taken, it was laid on the table. Ayes 19, nays 14.

On motion of Mr. Trotter, the bill to reorganize the district courts of the United States in Mississippi was considered, and ordered to be engrossed for a third reading. The bill to confirm certain pre-emption claims under the act of 1834 was taken up, opposed by Mr. King, advocated by Mr. Trotter, and laid on the table with a view to amend it, on the suggestion of Mr. Webster, so as to exempt from its operation cases of litigated claims. On motion of Mr. Benton, the senate held an executive session. After which the bills ordered to a third reading to-day were, by consent, severally read a third time and passed.

The senate then (with a view to summer arrangements in the chamber) adjourned over to Tuesday next.

June 5. After a number of petitions had been presented and disposed of,

Mr. Hubbard, from the committee of claims, reported the house bill referred to them, for the relief of the heirs of Robert Fulton, without amendment, stating that two of the committee were of opinion that the whole amount allowed by the house of representatives was justly due to the claimants; another member thought that about \$20,000 was due; but the other two members of the committee were of opinion that nothing whatever was due to the claimants. Mr. H. therefore gave notice that, when the bill should come up, he would move for its indefinite postponement.

Mr. White, from the committee on Indian affairs, to whom were referred the message of the president, the communication of the secretary of war, and other documents, in favor of two years' further delay in removing the Cherokee Indians, of further appropriations for indemnities, and of leaving the management of their removal, as far as practicable, to the Cherokees themselves, made a report, chiefly adverse in its tenor to the propositions submitted by the secretary of war.

The report was read; and, after arguing the great difficulty of submitting the question of the proposed two years delay to the respective legislatures of the states concerned, recommend that the removal should be effected as soon as it could be safely and conveniently done, in the opinion of the executive; that a sufficient sum of money for this, and for the purposes of indemnity, should be placed at the disposal of the executive; and that the removal should be managed by government authorities, so as to protect both them and the people of the places through which they might pass.

On motion of Mr. White, the report was laid on the table, and ordered to be printed.

On motion of Mr. Grundy, the committee on the post office and post roads were instructed to inquire into the expediency of providing by law for the employment of an additional number of clerks in the general post office department, to meet the demands of the increase of labor and the extension of business.

On motion of Mr. Davis, the secretary of the treasury was directed to inform the senate of the amount of the annual expenditure in the collection of the revenue on imports for the last twenty years, discriminating between what has been paid for services and on other accounts.

Mr. Morris offered a resolution, which lies over one day, that congress adjourn on Monday, the 2d of July, to meet on the second Monday in November next; that no member of Congress receive compensation for services during the recess; (and another item unheard.) The following bills were read a third time and passed: To reorganize the United States district courts in Mississippi. To authorize the location of certain pre-emption certificates in Arkansas. Making disposition of certain copies of the Biennial Register, and to supply the committees of congress with certain books.

On motion of Mr. Lyon, the senate took up the bill making appropriations for the completion of certain roads in Michigan.

On motion of Mr. Lyon, the bill was amended by adopting a substitute, granting to Michigan, for the purpose contemplated, five per cent. of the proceeds of the sales of the public lands in Michigan, from June 23d, 1835, to July 1, 1836, on the ground that during that time Michigan was entitled to have been a state of the union; one-fifth only of the above amount to be expended during the present year. The amount of this one-fifth, Mr. Lyon stated, in reply to an inquiry by Mr. Southard, was something more than \$100,000.

On the call of Mr. Davis, the yeas and nays were ordered, and the bill, so modified, was ordered to a third reading as follows:

YEAS—Messrs. Benton, Brown, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Linn, Lyon, McKean, Mouton, Norvell, Pierce, Robinson, Sevier, Tallmadge, Tipton, Trotter, Wall, Webster, Wright, Young—22.

NAYS—Messrs. Allen, Clayton, Davis, Knight, Lumpkin, Merrick, Morris, Niles, Prentiss, Preston, Rives, Roane, Robbins, Ruggles, Smith, of Connecticut, Smith of Indiana, Southard, Spence, Strange, Swift, White—21.

The bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for arrears of 1837, was received from the house, read twice, and referred to the committee on finance.

Mr. *White* gave notice that he should move, early on Friday morning, to go into executive business, with a view to clear the docket of all such business that called for the action of the senate before the final passage of the appropriation bills.

On motion of Mr. *Trotter*, the bill to confirm certain purchases of the public lands, under the act of the 19th of June, 1834, was taken up, amended by exempting cases of litigated claims from its operation, and, so modified, it was ordered to be engrossed for a third reading.

The bill granting the right of way through the public lands, to the state of Illinois, was taken up, advocated at considerable length by Mr. *Young*, and opposed by Mr. *King* and Mr. *Southard*, chiefly on the ground that a general bill on the subject had been passed at this session, doing equal justice to all the states, and the bill was indefinitely postponed.

The bill to grant a township of land to the French university of St. Louis, Missouri, was advocated by Mr. *Benton* and Mr. *Sevier*, opposed by Mr. *Clay*, of Alabama, and indefinitely postponed by the following vote:

YEAS—Messrs. Calhoun, Clay, of Alabama, Clay, of Kentucky, Clayton, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Niles, Pierce, Prentiss, Rives, Roane, Ruggles, Smith, of Connecticut, Southard, Strange, Wall, White, Williams—25.

NAYS—Messrs. Allen, Benton, Brown, Fulton, Linn, Lyon, Mouton, Norvell, Robinson, Sevier, Smith, of Indiana, Webster, Young—13.

The bill to confirm certain entries of public lands permitted to be made by the registers and receivers of the land districts, under the belief that the tracts had been offered at public sale, was explained and advocated by Mr. *Fulton*, amended by a substitute offered by him, and ordered to be engrossed for a third reading.

The house bill for the relief of John P. Converse and Henry J. Rees was discussed at much length by Messrs. *Merrick*, *Niles*, *Robinson*, and *Grundy*, and was lost on the question of ordering it to a third reading: Ayes 14, noes 16.

The bill for the relief of the widow and heirs of col. Albert Pawling was discussed by Messrs. *Hubbard*, *Prentiss*, *King*, *Norvell*, *Tallmadge*, *White*, *Sevier*, *Niles*, and laid on the table: Yeas 20, noes 18.

The senate adjourned; after an executive session.

June 6. On motion of Mr. *White*, the message from the president, received yesterday during the executive session, relating to Indian affairs, was referred, and ordered to be printed.

Mr. *Trotter* and Mr. *Mouton* presented petitions from individuals. Referred.

Mr. *Linn*, from the special committee on the establishment of a new territory on the Columbia or Oregon river, made a report on the subject, (the bill having been reported several days ago,) which report, on Mr. *L.'s* motion, was laid on the table, and ordered to be printed.

Mr. *Wright*, from the committee on Finance, reported, without amendment, the bill from the house referred to them making appropriations for the prevention and suppression of Indian hostilities for the year 1838, and for the payment of arrears in 1837; Mr. *W.* giving notice that he would ask the senate to consider it at an early hour to-morrow morning.

A number of bills were reported from committees and ordered to a second reading; which will be noticed in the further progress.

On motion of Mr. *Grundy*, the vote of the senate rejecting the bill for the relief of John P. Converse and Henry J. Rees, was considered, and the bill was recommitted for further investigation.

Mr. *Lyon* presented a resolution, which, being objected to, lies over one day, calling on the secretary of war for copies of letters from gen. Scott, and other documents in relation to certain charges made by the British colonel Maitland and others against the conduct of authorities of the United States and of the state of Michigan in the late frontier troubles.

Mr. *L.* accompanied the resolution with some remarks referring especially to the approbation expressed by the British authorities, by capt. Marryat and others, of the destruction of the steamboat *Caroline*, and to the recent destruction of a British

steamboat, which Mr. *L.* considered mainly as a consequence of that approbation. His desire was that the truth on the subject might be fully ascertained, and that the actual offenders might be brought to punishment.

On motion of Mr. *Benton*, 8,000 extra copies of the documents from the secretary of the treasury, stating the rates of exchange and prices of bank notes, were ordered to be printed.

Mr. *Webster* submitted the following, which lies over one day:

Resolved, That the secretary of the treasury communicate to the senate a copy of any order or circular issued by him to the collectors and receivers of public moneys, since the passage of the joint resolution of the 1st of June, 1838, "relating to the public revenues and dues to the government."

Several bills were received from the house of representatives, read twice, and referred.

The following bills were read a third time, and passed: The bill to confirm certain purchases of the public lands under the act of June, 1834. The bill for the completion of certain roads in Michigan. And the bill to confirm certain entries of public lands permitted to be made by the registers and receivers of the land districts, under the belief that the tract had been offered at public sale.

The following bills were considered and ordered to a third reading:

The senate bill to authorize John E. Metcalf and others to locate certain pre-emption claims to land in Indiana.

The senate bill for the relief of certain settlers on the public lands, who were deprived of the benefit of the act granting pre-emption rights, approved June 18, 1834.

The senate bill to settle the construction of the act regulating the pay of the paymasters in the army. [Explained and advocated by Mr. *Benton*.]

The senate considered the bill to grant to the Mount Carmel and New Albany rail road company, of Indiana, the alternate sections of the public land on the route of their road, on condition that the company should carry the United States mail for twenty years, and that the U. S. troops, arms, and munitions of war, forever free of expense.

This bill was at much length explained and advocated by Messrs. *Tipton*, and *Smith*, of Indiana, and opposed by Messrs. *Benton*, *Niles*, and *Allen*.

Mr. *Hubbard*, with a view to make way for a substitute for the bill, moved to strike out all but the enacting clause, which motion prevailed: Ayes 23, noes 11.

Mr. *Tipton* then offered a substitute for the bill, authorizing the company to enter the alternate sections, on a credit of six years, at \$1 25, on condition that the road should be completed in that time. That the company, in the mean time, might purchase any of the remaining land at the government price; that in case of failure to pay for the land at the end of six years, it should revert to the government; and that the company should, at all times, transport the United States arms and munitions of war free of charge.

On motion of Mr. *Sevier*, the bill was laid on the table, and made the special order for to-morrow.

The Senate took up the amendments of the other house to the bill to create the territory of Iowa.

Mr. *Preston* moved to lay the bill on the table. Negatived as follows:

YEAS—Messrs. Lumpkin, Preston, Sevier, Spence, Strange, White—6.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Alabama, Clay, of Kentucky, Clayton, Davis, Fulton, Grundy, Hubbard, Knight, Linn, Lyon, Merrick, Morris, Mouton, Niles, Norvell, Pierce, Prentiss, Roane, Robinson, Ruggles, Smith, of Conn., Smith, of Indiana, Swift, Tallmadge, Tipton, Trotter, Wall, Webster, Williams, Young—33.

The senate then concurred in the amendments of the house.

The senate adjourned, after an executive session.

June 7. After a number of petitions had been presented, and several bills reported, that will be noticed in their progress, the resolution offered on the 6th instant by Mr. *Morris*, relative to the adjournment, was taken up, and, after having been explained and advocated by the mover, was, on motion of Mr. *Lumpkin*, laid on the table.

Mr. *Webster's* resolution, offered yesterday, calling on the secretary of the treasury for a copy of such order as he might have recently issued in regard to receiving bank notes, coming up for consideration.

Mr. *Webster* said a treasury order had been published, which it was proper should be officially communicated to the senate. When speaking on the joint resolution which lately passed, (said Mr. *W.*) I observed that some further legal provision would be necessary, if the resolution should pass. This expectation is quite confirmed by the new cir-

cular. As to some of the conditions, or limitations, stated by the secretary, it is true that they are imposed by existing statutes, and must be regarded; such as that the bills of no bank should be received, which bank, since June, 1836, has issued, or paid out, bills less than five dollars. As all the banks in some of the states, and nearly all in others, are in this predicament, it is necessary, undoubtedly, that some act of legislation should be passed, in order to make the recent resolution of any practical effect in those states.

There are other parts of the new circular, however, of which I do not see the necessity, even as the case now stands.

It is proper, however, that the paper should be officially before us, as undoubtedly some further legislation will be necessary; and I shall myself propose some measure on the subject at an early day.

The resolution was adopted without dissent.

The *Vice President* presented a communication from the treasury department, in pursuance of a senate resolution of May 2d, with a condensed statement of the condition of the state deposit banks, derived from the latest returns, together with the returns on which the statement was founded. Laid on the table, and ordered to be printed.

Several bills were received from the house, read twice, and referred.

The senate concurred in the amendments of the other house to the bill to establish the office of surveyor general for Wisconsin. The following bills were read a third time, and passed the bill for the relief of Robert Keyworth. The bill to authorize John E. Metcalf and others to locate certain pre-emption claims to land in Indiana. The bill for the relief of certain settlers on the public lands, who were deprived of the benefit of the act of June, 1834, granting pre-emption rights; and the bill to settle the construction of the act regulating the pay of paymasters in the army.

On motion of Mr. *Wright*, the senate proceeded to consider the house bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for the payment of arrears in 1837.

An earnest discussion arose on this bill, (not in opposition to its passage,) in which Messrs. *Webster*, *Wright*, *Preston*, *Clay*, of Alabama, *Lumpkin*, *Strange*, *Southard*, and *White* participated. Some of the principal topics were the manner of conducting the Florida war; the unparalleled expense (about \$20,000,000) which had been incurred during its continuance; the great uncertainty as to the additional time and expense necessary to its termination; the hasty examination into the conduct of General Scott, on a letter from his second in command, as contrasted with the want of all examination into the management of his accuser and successor; the want of full and satisfactory information as to the war; the late alleged treaty with the Cherokees; the supposed intention of the executive (which was denied) to extend the time of executing the treaty; and the prospect that by the prompt and skillful conduct of general Scott such delay would not be necessary.

The bill, without amendment, was ordered to a third reading, by the following vote:

YEAS—Messrs. Allen, Calhoun, Clay, of Ala., Clay, of Kentucky, Clayton, Cuthbert, Fulton, Grundy, Hubbard, Knight, Linn, Lumpkin, Lyon, McKean, Merrick, Morris, Mouton, Niles, Norvell, Pierce, Preston, Rives, Roane, Robbins, Robinson, Ruggles, Sevier, Smith, of Connecticut, Smith, of Indiana, Southard, Spence, Strange, Swift, Tallmadge, Wall, Webster, White, Williams, Wright, Young—40.

The bill was about to pass by unanimous consent, when

Mr. *Hubbard* stated that Mr. *Benton* had expressed to him a desire to address the senate on its third reading; and,

On motion of Mr. *Webster*, the senate adjourned.

HOUSE OF REPRESENTATIVES.

Wednesday, May 30. Mr. *Garland*, of Louisiana announced that the agreeable duty had been confided to him of apprising the house that the people of Mississippi had affirmed their decision of November last in favor of Messrs. *Prentiss* and *Word*, as their representatives in the twenty-fifth congress, and that those gentlemen were now in attendance, ready to take their seats. *The Choir*. "The members elect will please present themselves for qualification." Messrs. *Prentiss* and *Word* came to the table, and as the speaker was about to administer the oath, Mr. *Prentiss* remarked that, before being sworn, candor compelled him to inform the house, on behalf of himself and colleague, that they did not claim their seats by virtue of the recent election in Mississippi, but by

virtue of the election in November last; that they looked upon the recent election as unconstitutional and wholly invalid.

"Mr. P. further said that his colleague and himself could not conscientiously take the oath under any other election than that of November, and that upon their consciences they should take their oath and seats, if they took them at all, by virtue of that election alone.

"Mr. P. said that a high sense of duty, both to himself and the house, called upon him for this avowal, that, if any wished to make objection, they might have the opportunity of so doing."

The *Speaker* said that the statement of the member from Louisiana, that the gentlemen were the elected representatives from Mississippi, was sufficient to authorize his administration of the oath of office to them; and he administered the oath to both gentlemen accordingly.

Mr. Boon rose and expressed a wish to act upon the joint resolution received from the senate yesterday. It was not his wish to embarrass the progress of the Indian appropriation bill; and he should therefore move for the suspension of the rules for one hour, for the purpose of taking up and considering the joint resolution of the senate in regard to the currency.

Mr. Pickens said, that he hoped the house would not spend time in discussing a collateral matter, at this late period of the session, while a bill covering the whole subject, which has passed the senate, and is lying on the table, yet remains unacted on. The *Chair* reminded Mr. P. that a motion to suspend the rules was not debatable. Mr. Pickens said he had risen to demand the yeas and nays on the motion of Mr. Boon. The yeas and nays were ordered; and the house decided the question of suspending the rules for one hour, for the purpose indicated in the motion, by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, Banks, Bell, Bicknell, Bond, Boon, Briggs, Brodhead, Buchanan, W. B. Calhoun, J. Calhoun, W. B. Campbell, Casey, Cheatham, Childs, Clark, Connor, Crary, Cranston, Crockett, Cushing, Davies, DeGraff, Dennis, Dunn, Edwards, Evans, Everett, R. Fletcher, Fillmore, J. Garland, R. Garland, Goode, W. Graham, Grantland, Grennell, Hal-y, Hall, Hamer, Harlan, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Ingham, T. B. Jackson, J. Jackson, Kemble, Kilgore, Legare, Lincoln, Loomis, Marvin, J. M. Mason, May, Maxwell, R. McClellan, McKennan, Mercer, Mitchell, Montgomery, Morgan, C. Morris, Naylor, Noyes, Ogle, Owens, Parmenter, Pearce, Peck, Phelps, Pope, Potts, Pratt, S. S. Prentiss, Rariden, Randolph, Reed, Ridgway, Robinson, Runney, Russell, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Slade, Snyder, Stanly, Stuart, Stratton, Taliaferro, Tillinghast, Toland, Vanderveer, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Word, Worthington, Yell, Yorke—112.

NAYS—Messrs. Beirne, Cambreleng, Chapman, Clowney, Craig, Cushman, Dromgoole, Duncan, Farrington, Haynes, Holsey, Holt, Hubley, N. Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, McKay, A. McClellan, McClure, Paynter, Pennybacker, Pickens, Potter, Reilly, Rives, Shepler, Spencer, Titus, Turney, Webster, J. W. Williams—34.

So the rules were suspended.

The resolution was then read twice, as follows:

"Resolved by the senate and house of representatives, &c. That it shall not be lawful for the secretary of the treasury to make, or to continue in force, any general order which shall create any difference between the different branches of revenue, as to the money or medium of payment in which debts or dues accruing to the United States may be paid."

And the next question in course being upon the ordering the resolution to a third reading.

Mr. Boon immediately moved the previous question, which was seconded; and the main question was then ordered to be put, without a division.

Mr. Sherrod Williams demanded the yeas and nays upon the question of ordering the resolution to a third reading. They were ordered; and, being taken stood as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, Anderson, Ayerigg, Banks, Beirne, Bell, Bicknell, Biddle, Bond, Boon, Bouldin, Briggs, Brodhead, Bronson, Buchanan, W. B. Calhoun, J. Calhoun, W. B. Campbell, Casey, Chapman, Cheatham, Childs, Clark, Connor, Corwin, Craig, Crary, Cranston, Crockett, Cushing, Dawson, Davee, Davies, DeGraff, Dennis, Dunn, Edwards, Evans, Everett, Fairfield, R. Fletcher, Fillmore, Gallup, J. Garland, R. Garland, Glascock, Goode, Wm. Graham, Grantland, Graves, Grennell, Griffin, Haley, Hall, Hamer, Harlan, Hastings, Hawes, Haynes,

Henry, Herod, Hoffman, Holsey, Hopkins, Howard, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, N. Jones, Kemble, Kilgore, Klingensmith, Legare, Lewis, Lincoln, Loomis, Mallory, Marvin, James M. Mason, Maury, May, Maxwell, R. McClellan, McKennan, Mercer, Milligan, Mitchell, Montgomery, Morgan, C. Morris, Murray, Naylor, Noble, Noyes, Ogle, Owens, Parmenter, Patterson, Pearce, Peck, Pennybacker, Phelps, Pickens, Pope, Potts, Potter, Pratt, S. S. Prentiss, Rariden, Randolph, Reed, Reilly, Ridgway, Robertson, Robinson, Runney, Russell, Sawyer, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Slade, Snyder, Stanly, Stuart, Stratton, Taliaferro, Taylor, Tillinghast, Titus, Toland, Vanderveer, Webster, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Word, Worthington, Yell, Yorke—151

NAYS—Messrs. Atherton, Cambreleng, Clowney, Coles, Cushman, Dromgoole, Duncan, Farrington, Isaac Fletcher, Fry, Holt, Hubley, Keim Leadbetter, Logan, McKay, Abraham McClellan McClure, Moore, Parris, Petrikin, Rives, Shepler, Spencer, Thomas, Turney, J. W. Williams—27.

So the bill was ordered to a third reading.

The house then decided that the third reading should take place this day; and the bill was read accordingly. Mr. Duncan moved to recommit the joint resolution to the committee on public lands, with the following instructions:

"That this joint resolution be committed to the committee on public lands, with instructions to report the following amendments, viz. *Provided*, That no portion of the public domain greater than \$20 acres shall be sold to any individual; nor shall any portion of the public domain be sold or disposed of to any individual, or body corporate, except for the purpose of immediate occupation."

On this motion Mr. Duncan asked the yeas and nays. Mr. Boon immediately moved the previous question, (cutting off the motion to commit,) and it was seconded; and the main question was then ordered to be put. Mr. Chapman, of Alabama, asked the yeas and nays on the question. "Shall the joint resolution pass?" And they were ordered.

The yeas and nays, thus taken, stood as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, Anderson, Ayerigg, Banks, Beirne, Bell, Bicknell, Biddle, Bond, Boon, Briggs, Broadhead, Bronson, Buchanan, William B. Calhoun, J. Calhoun, W. B. Campbell, Casey, Chambers, Chapman, Cheatham, Childs, Clark, Connor, Corwin, Craig, Crary, Cranston, Crockett, Cushing, Dawson, Davee, Davies, DeGraff, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Fairfield, Richard Fletcher, Fillmore, Gallup, J. Garland, R. Garland, Glascock, Goode, Wm. Graham, Grantland, Graves, Griffin, Haley, Hall, Halstead, Hamer, Harlan, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Hopkins, Howard, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, Kemble, Kilgore, Klingensmith, Legare, Lincoln, Loomis, Mallory, Marvin, J. M. Mason, Samson Mason, Martin, Maury, May, Maxwell, R. McClellan, McKennan, Mercer, Milligan, Mitchell, Montgomery, Morgan, C. Morris, Murray, Naylor, Noble, Noyes, Ogle, Owens, Parmenter, Patterson, Peck, Pennybacker, Phelps, Pickens, Pope, Potts, Pratt, J. H. Prentiss, S. S. Prentiss, Rariden, Randolph, Reed, Reilly, Rencher, Ridgway, Robertson, Robinson, Runney, Russell, Sawyer, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Slade, Snyder, Stanly, Stuart, Stratton, Taliaferro, Taylor, Tillinghast, Titus, Toland, Underwood, Vanderveer, Webster, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Word, Worthington, Yell, Yorke—154.

NAYS—Messrs. Atherton, Bouldin, Camberleng, Clowney, Coles, Cushman, Dromgoole, Duncan, Farrington, I. Fletcher, Fry, Harrison, Holt, Hubley, Keim, Leadbetter, Logan, McKay, A. McClellan, McClure, Moore, Parris, Petrikin, Rives, Shepler, Spencer, Thomas, Turney, Jared W. Williams—29.

So the joint resolution was passed, and returned to the senate. [It requires only the approbation of the president to become a law.]

Mr. Ewing gave notice of an amendment it was his intention to offer to the Indian appropriation bill under consideration; and it was ordered to be printed. Mr. Patterson and Mr. Cushman made ineffectual attempts to present resolutions relating to post routes. On motion of Mr. Cambreleng, the house again went into committee of the whole upon this bill, and Mr. Holsey resumed the floor in its support. The remainder of the day was spent in proceedings upon this bill, of which an account shall be given in our next.

In the course of the day, Mr. Lyon, of Alabama, asked the leave of the house to record his vote in favor of the passage of the joint resolution from the senate relating to the public revenue and dues to the government.

He said, when the vote was unexpectedly taken on the passage of the resolution this morning, he was necessarily absent from his seat in attending to the claims of two or three revolutionary soldiers of his district, whose pay had been refused at the agency nearest their residence, under a regulation which, in his judgment, imposed upon the pensioners and their representatives much unnecessary trouble. He alluded to the regulation which required, in the event of their failure to apply for their pay for a specified time, that they should be paid at the treasury, and not at the agencies convenient to them.

He said, in common with the great majority of his constituents, he felt much interest in the passage of the resolution prohibiting a discrimination in the kind of money to be received by the government in payment for public lands, and for duties. He was gratified that congress had, by a vote so decisive, determined to put an end to a regulation of the late executive, by which specie had been required in payment for public lands while bank notes were authorized to be received in payment for duties. If he had been aware that the resolution would have been put upon its passage so soon after it came down from the senate, his desire to serve even a revolutionary soldier would not have prevented him from being present, and voting for it. He hoped the house would allow him now to have his vote recorded.

[This request of Mr. Lyon was not granted.]

Mr. Holsey, having concluded his remarks in support of the bill, and in favor of the immediate ratification of the treaty at New Echota, was followed by

Mr. Naylor, who, in a warm and energetic speech, reviewed the history of this government's negotiations and treaties with the Cherokees, all of which he described as constituting a premeditated system of oppression towards that tribe, for the purpose of obtaining their lands. He dwelt upon the expulsion of the Indians from their native homes as an act of disgraceful injustice, and enlorgized very highly the character of Ross, and praised, in terms of great eloquence, the firm and intrepid character of that chief, who, amidst so much detraction and denunciation, had stood up boldly in defence of his people and their rights. Much of his speech consisted of documentary reading, going to show that the treaty of New Echota was fraudulent, whence he argued that to enforce such a treaty would be grossly cruel and oppressive.

Mr. N. gave way, during his remarks, at the request of

Mr. Noyes, who moved that the committee rise, to enable him to move that the resolution of the senate (that day received, and then on the table, asking for certain papers which, through mistake, had not been sent up, with a bill from that house, requiring immediate action) be taken up and considered.

This motion prevailing, the committee rose, and the message from the senate being taken up, the request it contained was granted without a division; and then, the house having again gone into committee of the whole, Mr. Naylor resumed the remarks he had been making, and closed with a declaration of his fixed resolution not to vote one dollar for the purpose of carrying the treaty of New Echota, fraudulent and oppressive as he deemed it, into execution.

Mr. Chapman defended the Indian policy of Alabama, at some length, and replied to those remarks of Mr. Naylor, which were eulogistic of Ross, and in which he commented so severely upon the treaties hitherto entered into with the Cherokees.

Mr. Dawson next took the floor. He defended the treaty, as the only representative in congress from what at home is called the Indian party. He declared himself friendly now, as he had ever been known to be—most friendly to the Indians. He compared the Cherokee Indian policy, especially so far as Georgia is concerned, with the policy constantly pursued towards other tribes in other parts of the country; and deduced from that comparison the argument that it was inconsistent for the people of those states, by whose policy the Indian tribes within their limits are now entirely or comparatively extinct, to condemn the present policy of Georgia towards the Cherokees.

Mr. Bell followed, and commenced a speech in review of the whole Indian policy of the government, and dwelt to some extent on the fact that the estimates, upon which the present bill was based, were grounded on a state of things that did not now exist, and that, consequently, there was not

now the necessity which then existed for so large an appropriation as the bill demanded; when,

On motion of Mr. Wise, the committee rose.

A motion being made that the house adjourn—

Mr. Dromgoole demanded the yeas and nays which were ordered; and, at half past eight o'clock the house adjourned.

Thursday, May 31. Mr. Loomis, after an explanation, obtained leave to call up the following resolution, offered by him on the 19th March last:

Resolved, That the postmaster general furnish to this house an estimate, showing, as near as he can ascertain—

1. What proportion of the mails of the United States consists of free parcels estimated by weight;

2. What proportion consists of free parcels estimated by amount of postage on parcels that pay postage, and accounting all printed documents at pamphlet postage;

3. What would be the proportion of the amount of postage to be paid by government, in case all free parcels were charged to government at the same rate that private parcels are charged;

4. To how low a rate the tariff of postage would be reduced, and sustain the department, in case all parcels conveyed by mail were chargeable with postage;

5. To how low a rate the tariff of postage can be reduced, now or prospectively, within two years, retaining the present franking privilege, and sustain the department, with a rate of tariff deemed judicious and proper by him, in case such reduction should be ordered.

This resolution was read and agreed to.

Reports were now received from committees, among which were the following:

By Mr. Whittlesey, of Ohio, from the committee of claims, reported, without amendment, senate bill to authorize payment to be made to the Missouri volunteers whose horses were lost or cast away on the voyage to Tampa Bay.

Mr. W. from the same committee, also reported against the case of Polly Estes.

By Mr. Worthington, from the committee on commerce, a bill, entitled "An act to extend the limits of the port of New Orleans."

On motion of Mr. Lyon,

Resolved, That the committee on commerce be instructed to inquire into the expediency of passing a law prohibiting, under certain penalties, persons in command of vessels from discharging ballast into the channel or anchorage ground of any bay or harbor in the United States so as to obstruct the navigation thereof.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary inquire into the expediency of amending the several acts prescribing the mode of taking depositions, by authorizing all persons, authorized by the laws of the states, to take depositions in causes pending in state courts, to take depositions in causes pending in the courts of the United States, and by enacting such other provisions as shall in their opinion promote the convenience of suitors, without removing any of the restrictions necessary to the safe administration of justice.

Mr. Worthington, from the committee on commerce, reported for the action of the house the following resolution, which gave rise to a brief discussion between Messrs. Whittlesey, Cushman, Fillmore, Bronson, Cray, and Marvin, and was then laid on the table till to-morrow.

Resolved, That the secretary of war be instructed to communicate to the house of representatives, at the commencement of the next session of congress, a copy of each survey, and chart accompanying the same, that has been heretofore made of the shores, harbors, inlets, and waters of Lake Erie; also, a copy of each similar survey that has been made of Lake Michigan.

On motion of Mr. Whittlesey, the order of the day for Saturday was altered, by directing that the revolutionary pension bills assigned to that day be taken up at half past 10 instead of 12 o'clock. A bill from the senate, to require the holding of a district court in West Tennessee, being taken up, was opposed by Mr. Bond, and advocated by Mr. Garland, of Virginia, and Mr. Crockett, who moved the previous question, but consented to withdraw it at the request of Mr. Shields. Mr. Fillmore inquired how it happened that an application from New York for a similar accommodation to that proposed by this bill had been refused by the committee while this was so favorably reported on? Mr. Garland said he could give no explanation: the chairman of the committee (Mr. Thomas) was not in his place. Mr. Fillmore now (according to promise) renewed the call for the previous question. The house sustained the call. Mr. Bond moved to lay the bill on the table, and demanded the yeas and nays: but the house refused to order them, and the motion

was negative. The previous question being put, Mr. Bond again demanded the yeas and nays, but they were again refused. The bill was then passed.

The house then, on motion of Mr. Cambreleng, went into committee of the whole on the state of the union, to further consider the Indian appropriation bill.

Mr. Bell resumed his speech in support of the following amendment proposed by him some days since to the bill:

"Sec. — And be it further enacted, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided further*, That the said Indians shall receive no benefit from the said appropriation, unless they shall complete their emigration within such time as the president shall deem reasonable, and without coercion on the part of the government.

"Sec. — And be it further enacted, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the president shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars."

Mr. Bell went extensively into the general subject of our Indian relations, and repelling the imputation that his own views of them had changed. Mr. B. spoke until 3 o'clock. When he had concluded, Mr. Everett presented, in a succinct form, the heads of an argument which he should dilate and fill up were there time, but which he should present in a fuller form in a written report of his speech. He went at some length into an examination of the treaty of 1835, and though he denied its obligation on the Cherokees, yet gave it as his opinion that their interest and the necessity of the case rendered it expedient for them to remove. He supported the amendment proposed by the committee on Indian affairs; commending the spirit in which the president's communication had been made, and expressing his confident expectation that, should the additional money be granted, the Cherokees would remove peaceably and speedily.

Mr. Cray next addressed the committee, and though differing very widely from Mr. Everett in almost all the principles and positions he laid down, he agreed with him in the conclusion to which that gentleman had come in favor of the amendment proposed by the committee on Indian affairs. He spoke at some length in reply to the speech of Mr. Bell, and in defence of the administration in its course of Indian policy.

Mr. Turney followed in a speech which he continued until a quarter before eight, when he gave way for a motion that the committee do rise. His speech consisted chiefly in a personal reply to Mr. Bell, large extracts of whose former speeches he quoted and commented upon.

The motion to rise prevailing, the committee rose.

Mr. Cambreleng moved to make this bill the order for to-morrow at 11 o'clock, and hoped it would be done with the understanding that the bill should be got through with on that day.

The house then adjourned at 8 o'clock.

Friday, June 1. The morning hour allotted to resolutions, was occupied in the consideration of the resolution reported by Mr. Worthington, from the committee on commerce, relative to the surveys of the lakes; but before a final decision upon it, the house, on motion of Mr. Cambreleng, went into committee of the whole, (Mr. Howard in the chair,) and resumed the consideration of the Indian hostility appropriation bill.

Mr. Turney resumed the floor, and finished his speech in support of the bill.

After Mr. Turney had concluded his remarks,

Mr. Bell rose, and, having complained of the attack of his colleague as unprovoked and unexpected, disclaimed any particular ill-will to him, on the ground that he was acting only as a conduit for the concocted and long-cherished malice of others, who had never thought proper to meet him personally. His colleague was acting as an instrument—as a tool—as the tool of tools.

Here Mr. Turney (who sat immediately before Mr. Bell) rose, and, looking him in the face, said, it is false, it is false.

Mr. Bell thereupon struck at Mr. Turney in the face, and blows were for a short time exchanged between them.

Mr. Turney repeated his assertion that it was false, and the attack was renewed.

Great confusion ensued. Members rushed from their seats, and cries were heard for the "Speaker!" and the "Sergeant-at-arms!" Mr. Duncan, said that such things must be the consequence of the abuses which was going on. One or two other members, while crowding to the spot, had some rather sharp verbal encounters.

The Speaker hastily took the chair, called on the sergeant-at-arms to preserve order, and read a British precedent, (see Jeffersons Manual, p. 132,) where the speaker of the house of commons had, in like manner, interposed to quell a disturbance which had arisen while the house was in committee of the whole.

Mr. Howard explained, in his own justification, that the occurrence had taken place so suddenly, that, though he was most anxious to preserve order, he had not had time to interpose until the speaker had, very properly, assumed the chair. At this he felt nothing to complain of. The house had naturally more confidence, at such a moment of excitement, in an officer who was their own choice, than could be reposed in a member only presiding for a short time. What was the proper course to be now pursued, it was difficult for him to suggest, and he did not suggest any.

Mr. Wise said, that the excitement which had arisen was, as had correctly been observed by the gentleman from Maryland, (Mr. Howard,) very sudden, and it had now already blown over. There was no disorder in the house; none, certainly, that was visible; the best mode of disposing of the matter, was for the house, calmly, and with dignity, to go back into committee.

The Speaker. The impression of the chair is—

Mr. Mercer here rose, and said that, on a recent occurrence of a similar character, he had submitted a resolution declaring that it was proper for the house to enforce the rule which requires that in case of such unpleasant occurrences, both the parties concerned must, before leaving the house, enter into a promise that the affair should proceed no further. The house, however, had, to his great pain, laid the resolution on the table. He could not now consent to make such a motion; but the case was perfectly plain. He thought the rules of the house were the laws of the house; but if the house would not execute its own rules, Mr. M. could not perform his duty in it: There could be no more dishonor in supporting one rule than another. It was no dishonor to support a peace officer in the discharge of his duty; all were bound to do so. The rule was palpable. He did not rise to comment on the controversy; he had not heard the remarks of one of the gentlemen, (Mr. Turney,) and therefore could not judge of the provocation which had been given. If the house had not morality enough to support its own laws, Mr. M. could only regret it.

The Chair put the question on going into committee of the whole.

Mr. Fletcher, of Vermont, commenced to address the house, expressing his pain at seeing the dignity of the house trampled on, and listening to disparaging remarks by gentlemen against each other—

The Chair reminded him that the question was not debatable. Mr. Mercer said he was reducing a motion to writing, and would, in a few moments, be ready to present it. Mr. Owens moved that the house adjourn.

On this motion Mr. Mercer demanded the yeas and nays; but subsequently withdrew the demand.

Mr. Yell said he hoped the gentleman from Virginia would not insist on the motion he seemed about to make, or make any proposition in the case. It might seem extraordinary that a gentleman from Arkansas should stand up in that house on such an occasion as a peace-maker, yet such was now his design. If the gentleman from Virginia was desirous of promoting peace, his best course would be to do nothing. Mr. Y. had the pleasure to be well acquainted with both the gentlemen from Tennessee. If they were let alone, the momentary excitement would quickly subside, and the whole matter would stop here; but if the gentleman introduced his resolution, it would be a question of privilege, the house would get into a debate, and the two gentlemen would be removed to so great a distance, that all attempts at reconciling them would be hopeless. He had never known any good to follow from the efforts of the gentleman from Virginia in such cases, though he gave him every credit for good intentions. If the matter was to be debated, then the house must go into an examination of the causes of the rencontre, and its circumstances; all this would be pro-

ductive only of evil. He knew both the gentlemen well. It would be best to leave them to their own good sense.

Mr. Wise coincided with the gentleman from Arkansas in referring this request to his colleague, (Mr. Mercer.) He begged him not to attempt to enforce the rule he had alluded to. It would only widen the breach. These gentlemen's age and standing would induce them to preserve the decorum of the house. From what both had declared in their speeches, there could be no previous ill-will between them. He did not doubt they were already ashamed of their momentary heat. They were already more punished than by any resolution or discipline of the house. He protested against the solemnity with which every casual difference was taken up in this house. This was the spring of the year, and what the house had witnessed was a mere April gust, and would pass off and be forgotten. His colleague had tried this course frequently before. [Mr. Mercer. Never but once.] Well, I suggest to my colleague that he will withdraw the resolution.

Mr. Mercer now moved the following resolution:

"Resolved, That warm words and a mutual assault having passed between two members of this house, viz. John Bell and H. L. Turney, of the state of Tennessee; they be called upon by the speaker to declare, in their places, that they will not prosecute any quarrel."

Mr. Duncan asked whether there was not a motion pending to go into committee? and whether this resolution was in order? The Chair reminded Mr. D. it was a question of privilege.

Mr. Yell moved to lay the resolution of Mr. Mercer on the table, and it was done: Ayes 80, noes 52.

A gentleman here rose to order, and inquired whether it would be in order now to move the previous question, and thus act upon the bill under debate? The Chair replied in the negative. The house could not act upon the bill until it should have been reported from the committee of the whole.

Mr. Bronson spoke on the same point; but the chair adhered to its decision.

Mr. Bouldin moved that the house adjourn. The motion was negatived without a count.

Mr. Pennybacker said that it was a farce that the house should have rules, and refuse to enforce them. He then moved the following resolution:

"The hon. H. L. Turney and the hon. John Bell having violated the privileges of this house, by assaulting each other in the house, whilst sitting, it is, therefore,

"Resolved, That the said H. L. Turney and John Bell do apologise to the house for violating its privileges, and offending its dignity."

Mr. Yell inquired whether this was not, in substance, the same resolution which had been offered by his colleague (Mr. Mercer.)

The Chair replied in the negative.

Mr. Yell then moved to lay the resolution also on the table.

Mr. Grant demanded the yeas and nays; which were ordered.

The roll had been called about one-third part through, when Mr. Wise rose and stated to the house that both gentlemen were ready and desirous to make the apology required; and proposed that the call be suspended; but the roll was called through; and the yeas and nays resulted as follows: Yeas 21, nays 165.

Mr. Bell then rose and said he had been ready at any moment, to acknowledge that he had violated the order of the house. He, however, appealed to the older members of the house to say whether it had been his habit to use unparliamentary language in that house. He regretted extremely that he had violated the decorum, and offended against the dignity of the house.

Mr. Turney followed, but in a tone so low, that but little of what he said could be heard. He was understood to say that he had no intention to insult the house, or to violate its rules.

The resolution was then laid on the table, and the house went back into committee of the whole, when Mr. Bell resumed the course of his speech in reply to his colleague, (Mr. Turney,) and in vindication of his past political conduct and character. He dwelt with much particularity and emphasis upon the attempts which he alleged had been made, for some years, by political opponents, at home, to destroy him politically; and, having completed his remarks, was followed by Messrs. Halsted and Underwood, in opposition to the bill as reported, and in favor of the proposed amendment.

After they had finished their remarks the house grew impatient, and loud cries of "question!" were reiterated from all parts of the hall.

The question was then taken on the following amendment of Mr. Bell, and it was adopted, by tellers—Ayes 77, noes 70. Add to the end of the bill as follows:

"Provided, That, if the president shall ascertain that all discontent and further opposition on the part of any portion of the Cherokee Indians to the treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by the said treaty, and that the government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply two millions of the sum appropriated by this act to that object."

As soon as the vote on this amendment was announced by the Chair, Mr. Cambreleng rose, and said he must insist upon another count thereon. The Chair said such a course would be irregular. Mr. Cambreleng hoped that some gentleman who had voted for it, as he had no doubt many had done, under a misapprehension, would move to reconsider the vote. Mr. Everett expressed the hope that the chairman of the committee on Indian affairs would bring forward the amendment introduced by order of that committee. Mr. Anderson moved to reconsider the vote by which the amendment above stated was adopted. Mr. Dromgoole said it was not in order to move a reconsideration in committee of the whole. The Chairman decided that it was in order to do so.

Mr. Rice Garland appealed from that decision, referring the chair to the parliamentary manual in corroboration of the point of order made by Mr. Dromgoole. Here Mr. Bell offered the following amendment, introduced by direction of the committee on Indian affairs:

Add to the end of the bill as follows:

"Sec.—And be it further enacted, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west: Provided, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: And provided further, That the said Indians shall receive no benefit from the said appropriation unless they shall complete their emigration within such time as the president shall deem reasonable, and without coercion on the part of the government.

"Sec.—And be it further enacted, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and for medicines and medical assistance, and for such other purposes as the president shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars."

Mr. Garland withdrew his appeal upon the point of order. Mr. Anderson withdrew his motion to reconsider.

Mr. Wise said that it was his intention, before the bill passed through the committee of the whole, to reply to the gentleman who had preceded him on the Cherokee part of the bill. But, at the desire of several friends, who were desirous that the question should be taken in committee, he had foregone his intention. He had had something to offer, moreover, in relation to the Seminole part of the bill, by way of bearing himself out in the assertion with which he had commenced this discussion—that the war in Florida was wicked in its inception, more wicked in the manner of conducting it, and, most of all, disastrous in its results; that it was disgraceful to the country,—a brutal and inhuman war, costing the government millions of its treasure, and the country some of its best blood. Such had been his intention: but, after the cries he had heard of question! from all parts of the hall, he would not then detain the committee.

Cries of question! were here renewed, more loudly than before. Mr. Cushing took the floor. "Question! question!" from all parts of the house. Mr. Cushing proceeded to point out a clerical error in the second section of the bill. The Chair gave notice that it should be corrected.

The question was then taken on the amendment offered by the direction of the committee on Indian affairs, which was adopted without a division. Mr. Cambreleng then moved that the committee rise, and report the bill with the amendments; which motion prevailed, and the speaker having resumed the chair, Mr. Cambreleng hoped that the amendment offered by Mr. Bell, as for himself, and adopted in committee, would not be accepted. He moved that

it be considered by itself. The others, he hoped, would be adopted. The object of the amendment to which he took exception was to reduce the appropriations for that part of the army stationed in the Cherokee country, to keep the peace there, \$2,000,000, upon the assumed ground that the Florida war was now over. It was now the first of June, and he would ask gentlemen what portion of what is now asked for the appropriations for the army in Florida, for the first half of this year, could be cut off? Nor could he conceive that there was any safety or propriety in cutting off any portion of the Cherokee branch of the appropriation. There was, as he learned by letters received by gentlemen upon that floor, already great danger of collisions between the Indians of the Cherokee country and the whites, and he could not believe that the proposition of Mr. Bell had been voted upon understandingly in committee of the whole. He hoped, therefore, that that amendment would be rejected by the house. Mr. Pope said he had intended to give his views at length upon this question while it was up in committee of the whole. He was not in the habit of troubling the house when it was impatient, and he would not say any thing now, unless the house were quite willing to permit him. He denied the power of the president of the United States to order a military force into the Cherokee country, to make war—the war-making power being vested in the house, and not in the president. He thought the amendment of Mr. Bell to be, therefore, perfectly correct. He considered a great principle to be involved in this bill, but expressed his determination to do or say nothing to embarrass its passage. Such an intention, he did not believe, actuated a single member upon that floor. He could not forbear expressing it as his opinion, however, that the treaty in question was no treaty at all. Ever since the year 1830, he thought it the settled policy of the administration that all the Indians of the country should remove west of the Mississippi—a policy to which he had given, what it seemed to be impossible to withhold, his assent. He wished to give his views upon all these points, and he had risen to move an adjournment of the house, to enable him to do so hereafter.

Mr. Pope here gave way to Mr. Bronson, who moved for leave to make a motion to refer certain bills from the senate upon Wisconsin affairs, which it was expedient to put in a train for immediate action thereon. The motion for leave was objected to. Mr. Pope then asked leave to move that the bill under consideration, as amended, be printed. This proposition was also objected to. Mr. Thompson then moved an adjournment. Mr. Yell asked for the yeas and nays. Not ordered.

Tellers were then called for, and ordered; and the house refused to adjourn by the following vote: Ayes 74, noes 81.

Mr. Thompson did not desire to say many words on this question. He had recently seen a letter from a United States officer in the Cherokee country, in which it was stated that, while the Cherokees did not mean to resist force, they did mean to remain upon their lands, passive and without willingly moving a muscle towards going. Unless propitiated, the officer believed their removal would cost millions of dollars to the country. Thus, said Mr. T. if not propitiated, millions must be expended for their removal; if conciliated, then the sum, comparatively small, now proposed by this amendment, will be expended humanely and nobly. He would leave the choice between these courses to all who had the hearts of men, and he could not believe they could hesitate which to choose.

From the first, all his sympathies had been with the Cherokees. He had never viewed this New Echota transaction as a treaty. Had he been in the senate of the United States when it came before them for ratification, he would not have voted for it as a treaty; although as a law upon the ground that congress has a right to extinguish the Indian title to lands within those states, he might have gone for it. And he would moreover say that, never from the day that Columbus discovered America till this time, had there ever been so advantageous a treaty made with any of the aborigines as this very treaty. Put up at auction, the fee-simple of all the Cherokee lands could not yield so much, by a great deal, as this arrangement contemplates, over and above the consideration that a fine territory also awaits them west of the Mississippi. But all these considerations did not make this arrangement a good treaty.

Mr. T. passed a high eulogy on the character of John Ross, the Cherokee chief, and upon the people of that tribe generally, to whose rapid advance in learning and civilization he paid a handsome tribute. Differing as he did, and as he ever should, in most points, so long as that officer kept his present political associates, he still honored the secre-

tary of war for having written his recent communication to the Cherokee delegation.

Honoring, as he did, the feelings which had influenced the secretary of war, he believed that he was greatly in error in asking one hour's delay in the removal of the Indians. It was a great, a fatal mistake, with reference to the interests of the Indians themselves. Mr. T. looked at it as a practical question, as all questions of humanity were practical questions. Mr. T. knew the state of things there; he knew that the Indians would not be allowed to remain; and they ought not. You have pronounced the transaction at New Echota a treaty by all the forms known to the constitution, and the moment you did so, the land became as absolutely vested in the state of Georgia as any other foot of her soil—as that on which Millidgeville stands. You have no right to look behind it, and to disturb the rights of a third party which become vested by it, no more than you have to reconsider the treaty of 1817, by which a small tract of country was added to his own (Mr. T.'s) district. He repeated, that Georgia's right was complete; that the moment this government hesitated to give her possession, she would take it, as it was her right and duty to do.

Mr. T. concluded by avowing his readiness to vote the additional sum proposed in the amendment under consideration, not only to quiet the Cherokees, but his own conscience; and by declaring that he looked with no little apprehension upon the effects of the policy which was going on, of concentrating, on the northwestern frontier of the country, every element of fury and revenge. He would rather that these people should go there with kindness in their hearts towards the whites, as friends, not as deadly foes.

Messrs. Underwood, Howard, Reed, Cambreleng, Pope, McKay, and Peanybacker followed in a desultory debate upon the effect of adopting the amendment of Mr. Bell, and that of the committee on Indian affairs together. Their remarks were mostly inaudible to the reporter, such had become the confusion and disorder in the hall.

Mr. Wise said that he had forbore to say what he had desired in committee of the whole, with the understanding that there was to be no more debate upon the bill in the house. Every body had seemed to know all about it, and to be perfectly prepared to vote. During the debate in committee, gentlemen had gone whithersoever they saw fit, and had left their seats vacant day after day. Just at nightfall they had now assembled to vote on the bill and the amendments proposed, and no two of them could now agree, it would seem, as to the effect of the amendments, or to the character of the bill. And so, said Mr. Wise, we must begin this whole debate over again. For himself, he had matter enough upon his hands, in relation to the two chapters of the bill, the Seminole and Cherokee chapters, to occupy him in a speech of several hours, yet—[Here ensued cries of "Go on! Go on!" "Question! Question!" "Adjourn! Adjourn!" &c.] Mr. Williams, of N. C., (Mr. Wise yielding the floor for the purpose,) moved an adjournment. Mr. Shepler demanded the yeas and nays, which were not ordered. Mr. Petrick asked for tellers, which was ordered. And the house, (at a quarter before eight o'clock,) by a vote of ayes 89, noes 81, adjourned.

Saturday, June 2. On motion of Mr. Cambreleng, the Indian hostility bill, with all the amendments proposed thereto, was ordered to be printed.

The Speaker laid before the house a message from the president of the United States, transmitting the following report from the secretary of state:

Department of State,
Washington, May 31, 1838.

To the President of the United States:

The secretary of state, to whom was referred the resolution of the house of representatives of the 28th instant, requesting the president to communicate to that house, if not incompatible with the public interests, any correspondence not heretofore communicated, between this government and that of the republic of Texas, and also with the government of any other country, relating to the annexation of the said republic of Texas to the United States; and to inform the house whether the application for the said government of Texas to the United States, for admission into this union, has been withdrawn, has the honor to report to the president, that all the correspondence between this government and that of Texas, respecting the annexation of that republic to the United States, has been already communicated to the house of representatives, and that the proposition of annexation, made by the Texian government, having been disposed of in that correspondence, has not been since deemed within the control of the United States.

No correspondence upon the subject of such annexation has taken place between this government and that of any other country.

All which is respectfully submitted.

JOHN FORSYTH.

On motion of Mr. Dromgoole, referred to the committee on foreign affairs.

Mr. Lincoln again made an appeal to the humanity of the house in favor of the workmen who had been employed on the new treasury building, and moved a resolution setting apart a portion of Monday next for the consideration of the bill for removing the wall of that building and the erection of a new post office.

Much opposition was made to the resolution, but Mr. Lincoln having modified it so as to set apart Friday next, from 10 o'clock till 1, for the consideration of that bill, the previous question was called by Mr. Craig, seconded and carried, and the resolution, as modified was then agreed to by a very large majority. So Friday next at 10 o'clock is assigned for the consideration of the bill.

A number of gentlemen obtained leave to report bills from their respective committees, which will be noticed in their progress.

A communication was received from the secretary of war, transmitting a report of the commissioner of Indian affairs, furnishing as correctly as possible the information called for by a resolution of the house of the 23th ult., in relation to the valuation of improvements, and the amounts paid thereon under the Cherokee treaty of 1835.

Mr. Grennell submitted the following resolution, and the rules being suspended, the same was agreed to by the house:

Resolved, That all private bills providing for pensions or payments to the widows of officers and soldiers be added to the special order of assignment for this day.

The house, in pursuance of the special order of the 29th ult., resolved itself into a committee of the whole house, (Mr. Elnore in the chair,) on the bills reported from the committee on revolutionary claims, and on the other bills included in said order; and having considered them severally, reported them to the house, when they were ordered to be engrossed, and read a third time on Monday next.

[At three o'clock, a division of the committee disclosed the fact that no quorum was present.

A motion was made by Mr. Duncan to adjourn, but negatived; and a call of the house was ordered.

The list of members was called, through Mr. Mercer moved to suspend further proceedings under the call; but the house refused. Mr. Petrick moved that the house adjourn, and the names of the members present to be entered on the journal; but this motion was pronounced out of order. Mr. Adams suggested it would be better to place upon the record a list of members absent. The absentees were then called, and excuses received. A quorum appearing, the house went again into committee, and having gone through with the residue of the bills committed to them, rose, and reported a part of the bills, and asked and obtained leave to sit again on the remainder.] All other bills of the character of the above were either not reported from the committee, or being partly considered, were postponed. The bill for the relief of Josephine Nourse having been reported, and the question being on ordering it to a third reading,

Mr. Underwood opposed it, and called for explanation from Mr. Mason, of Ohio, who had reported the bill. Mr. Mason and Mr. Grennell replied, when, on motion of Mr. Turney, the house adjourned.

Monday, June 4. Mr. Phillips, of Massachusetts, after some weeks' absence, upon unavoidable business at home, took his seat this morning.

Several bills from the senate were read twice, and appropriately referred.

The Speaker laid before the house a letter from the secretary of war, in compliance with the resolution of the house of the 2d March, 1837, in reference to the contemplated bridge across the Ohio at Wheeling.

Mr. Cambreleng gave notice that, as soon as the call of the states for petitions should be finished, he should move to take up the Indian hostility appropriation bill.

Petitions were now called for, when a large number were presented.

Mr. Cushing asked leave to offer the following joint resolution:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the secretary of state of the United States be authorized and directed to deliver to the secretary of the senate 40 copies, and to the clerk of the house of representatives 300, (in addition to the number which he is now authorized to deliver to those officers,) of the 1st volume of the 4th series now published of the "Documentary History

of the American Revolution," published by Messrs. Clarke and Force; and that he deliver a like number of copies to each of those officers of every succeeding volume of that work, as soon as may be after the same shall have been delivered to him by the publishers.

And be it further resolved, That the secretary of the senate and clerk of the house of representatives be, and they are hereby, directed, of the copies so furnished, to distribute one to each member of the senate and house of representatives, and to each territorial delegate of the 23d, 24th, and 25th congresses, who are not entitled to receive the same under some former act or resolution of congress.

Objection being made, Mr. C. asked the suspension of the rules, for the purpose of considering this resolution; which motion prevailing, the resolution was taken up and considered.

The yeas and nays were demanded on the engrossment of this resolution, but were not ordered, and the resolution was ordered to be engrossed for a third reading this day.

Mr. Adams (when the state of Massachusetts was called for petitions) rose, and said that he held in his hand certain joint resolutions of the legislature of the commonwealth of Massachusetts, in relation to the abolition of slavery and the slave trade in the District of Columbia; that, upon a former day, other similar resolutions of that state had been laid upon the table; whereupon, his colleague had moved to withdraw them from the table, which motion was still pending. Mr. A. said he should not offer the resolutions until this motion of his colleague should have been acted on, and it should be ascertained whether the house would or would not deliberately decide to lay on the table, without reading, without printing, without consideration, the joint resolutions of the legislature of a sovereign state of the union.

Mr. Ingham (the state of Connecticut being called for petitions) presented joint resolutions of the legislature of that state, expressive of the opinion that the resolution of the 21st December last, whereby all memorials upon the subject of slavery were ordered to lie on the table, should be rescinded. He moved that they be printed.

Mr. Cushman moved that these joint resolutions be laid on the table. Mr. Ingham said he had no objection to their being ordered to lie on the table, but he did hope the house would order them to be printed. The printing was ordered, and they were laid on the table.

On motion of Mr. Grantland,

Resolved, That the president of the United States be requested to lay before this house any communication which may have been received by him, or by the secretary of war, from the governors of the states of Georgia, North Carolina, Tennessee, or Alabama, on the proposition of John Ross and his associates for extending the time of removing the Cherokee Indians from those states.

On motion of Mr. Owens,

Resolved, That the committee on manufactures be instructed to inquire into the expediency of passing a general law exempting from duty iron imported into the United States for the construction of iron steamboats; as also into the expediency of allowing Cassaway B. Lamar, of Savannah, Georgia, to import, free of duty, iron materials for the construction of two iron steamboats; also, into the expediency of remitting the duty stipulated to be paid by the Iron Steamboat Company of Georgia on iron imported by said company for the construction of an iron steamboat.

On motion of Mr. Chambers,

Resolved, That the committee on revolutionary claims take into consideration the propriety of providing by law for the issue of land scrip for the satisfaction of such warrants for bounty land as have issued, or may hereafter issue, for revolutionary services.

Mr. Kilgore wished to offer the following, but, its reception being objected to, he waived his purpose for the present:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the operation of so much of the act of June 23d, 1836, entitled "An act to regulate the deposits of the public money," as prohibits the receipt of the notes or bills of specie-paying banks which have issued since the 4th of March, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended for the period of two years.

And be it further resolved, That the operation of the 2d section of the act of April 14, 1836, entitled "An act making appropriation for the payment of the revolutionary and other pensions of the United States for the year 1836," be, and the same is hereby, suspended for the period of two years.

The resolution presented by Mr. Johnson, of Louisiana, on the 19th March last, relative to modifying the judiciary system of the United States so as to abolish the chancery practice in the courts of the United States for the state of Louisiana, was considered and agreed to, with the following modification: "And that the said committee inquire also into the expediency of repealing so much of the 30th section of an act of congress entitled 'An act to establish the judicial courts of the United States,' approved September 24th, 1789, as dispenses with notice to parties, according to the provisions of said act, where they reside at a distance of more than one hundred miles from the place of trial."

On motion of Mr. Lyon,

Resolved, That the committee on revolutionary pensions inquire into the expediency of repealing the law requiring pensioners who fail to claim payment of their pensions for the space of two months, to apply at the treasury department, and of making provision by law for the payment at the most convenient pension agency, upon satisfactory proof of identity, and explanation of the cause of any delay in claiming payment, or of making such provision by law as will authorize the pension agents to give to pensioners orders or drafts on the treasury department for the amount due them.

Mr. Sergeant rose, and asked the chairman of the committee of ways and means at what time it was his intention to bring forward the bill to establish an independent treasury?

Mr. Cambreleng replied, in the course of next week.

On motion of Mr. Cambreleng, the Indian hostility appropriation bill was again taken up, with the amendments reported by the committee of the whole.

Mr. Wise took the floor, and went at length into the subject, sustaining the amendments, opposing the bill as reported, and reviewing all the arguments on the other side, with much earnestness and minuteness.

Mr. Wise was followed by Mr. Graham, of North Carolina, who expressed the opinion that there was now but one alternative; the Cherokees must leave the country; and that extermination would be the necessary consequence of the non-removal, forthwith, of those people. He was opposed to the amendment of Mr. Bell, and in favor of that presented by direction of the committee on Indian affairs.

Mr. Biddle went at length into an examination of the manner in which the late campaigns against the Indians have been conducted, and into a general opposition to the bill. Mr. B. was followed by Mr. Downing, of Florida. When Mr. D. had concluded his remarks in defence of the bill, and in response to those gentlemen who had reviewed his former speech upon this question, many cries of question were raised from all parts of the house; in the midst of which, Mr. Cushman, of New Hampshire, rose and said that he should like very well to be permitted to vote for the amendment offered by direction of the committee on Indian affairs; but really he could see no prospect of any immediate termination of this wide and protracted debate, save by the action of that very useful rule of the house, the previous question; which he moved accordingly.

Mr. Wise here asked the Chair what that question would be?

The Chair replied, on the engrossment and third reading of the bill, without the amendments reported to the house by the committee of the whole.

Mr. Hamer then demanded whether or not either of the amendments reported by the committee of the whole had been adopted?

The Chair responded in the negative: and the house then refused to second the previous question, 62 only voting (by tellers) in the affirmative, the 202 not counted.

Then ensued most deafening and vociferous cries for the question! from the house, and order! from the Chair.

Mr. Biddle then got the floor, and responded to some passages in the remarks of Mr. Downing.

Mr. Campbell, of Tennessee, vindicated the Tennessee volunteers in the Seminole campaigns against the imputation of having refused to do their duty, and to labor, which had been thrown out by general Jesup, in some of his official communications, and which had been drawn into this argument.

After he finished, a few more words of explanation ensued between Messrs. Biddle and Downing, when the question was taken on the amendments proposed by the committee of the whole. Seven amendments, going materially to reduce the appropriations as originally demanded, were adopted, as reported by the committee of the whole, on motion of Mr. Cambreleng. And then the question recurred upon the following amendment, as offered by Mr. Bell:

Add to the end of the bill the following:

"*Provided*, That, if the president shall ascertain that all discontent and further opposition on the part of any portion of the Cherokee Indians to the treaty of eighteen hundred and thirty-five can be allayed or avoided, by allowing an additional compensation for the lands ceded to the United States by the said treaty, and that the government may thereby be saved the expense of keeping on foot the large military force in the Cherokee country now contemplated, he is hereby authorized to apply a sum not exceeding two millions of the sum appropriated by this act to that object."

Mr. Graham, of North Carolina, asked if an amendment proposed by a standing committee did not take precedence of one offered by an individual member?

The Chair said, in reply, that the question should be taken, as a matter of course, upon the amendments in the order in which they were reported to the house by the committee of the whole.

Mr. Cambreleng here took leave to say to the house that the amendment under consideration was not the amendment adopted on the motion of the committee on Indian affairs.

The yeas and nays were ordered on this amendment, and it was *rejected* by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Banks, Beatty, Bicknell, Birdsall, Bonl, Borden, Briggs, William B. Calhoun, William B. Carter, Chambers, Cheatham, Childs, Corwin, Crockett, Cushing, Darlington, Davies, Dennis, Dunn, Elmore, Evans, Everett, Ewing, R. Fletcher, Fillmore, R. Garland, Goode, W. Graham, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, H. Johnson, Kennedy, Kilgore, Lincoln, Marvin, S. Mason, Maxwell, McKennan, Menefee, Mercer, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Ogle, Parmenter, Patterson, Peck, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reid, Ridgway, Robinson, Rumsey, Russell, Sergeant, Aug. H. Shepperd, C. Shepard, Slade, Southgate, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, J. White, Eliza Whittlesey, Lewis, Williams, C. H. Williams, Wise, Word, York—90.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boon, Bouillon, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, W. B. Campbell, John Campbell, Casey, Chaney, Chapman, Cleveland, Clowney, Coles, Connor, Cray, Cushman, Dawson, Davee, DeGraff, Dromgoole, Duncan, Edwards, Farrington, Fairfield, I. Fletcher, Fry, Gallup, J. Garland, J. Graham, Grantland, Grant, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Haynes, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Legare, Leadbetter, Logan, Loomis, Lyon, Mallory, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Moore, Morgan, S. W. Morris, Noble, Owens, Parris, Paynter, Pennybacker, Petrikin, Phelps, Potter, Reilly, Rencher, Richardson, Rives, Sawyer, Sheffer, Shields, Shepler, Snyder, Spencer, Stuart, Stone, Taylor, Thomas, Titus, Toucey, Towns, Turney, Wagener, Webster, Weeks, T. T. Whittlesey, Sherod Williams, Jared W. Williams, Yell—112.

The question then recurred on the following amendment proposed by the committee on Indian affairs:

"*Sec. — And be it further enacted*, That the further sum of one million forty-seven thousand and sixty-seven dollars be appropriated, out of any money in the treasury not otherwise appropriated, in full, for all the objects specified in the third article of the supplementary articles of the treaty of eighteen hundred and thirty-five, between the United States and the Cherokee Indians, and for the further object of aiding in the subsistence of said Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the five millions stipulated to be paid to said tribe of Indians by said treaty: *And provided further*, That the said Indians shall receive no benefit from the said appropriation unless they shall complete their emigration within such time as the president shall deem reasonable, and without coercion on the part of the government.

"*Sec. — And be it further enacted*, That, for satisfying all claims for arrearages of annuities, for supplying blankets and other articles of clothing for the Cherokees who are not able to supply themselves, and which may be necessary for their comfortable removal, and for medicines and medical assistance, and for such other purposes as the president shall deem proper to facilitate the removal of the Cherokees, one hundred thousand dollars be

appropriated out of any money in the treasury not otherwise appropriated."

Mr. McKay asked for a division of the question, and that the first section of the amendment be acted on first.

Mr. Cushman demanded the yeas and nays on this amendment. Ordered.

The first division of the amendment was adopted by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beirne, Bell Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Briggs, Brodhead, Bronson, Buchanan, W. B. Calhoun, Cambreleng, W. B. Campbell, J. Campbell, Carter, Chambers, Chaney, Chapman, Cheatham, Childs, Cleveland, Clowney, Corwin, Cray, Crockett, Cushing, Cushman, Darlington, Dawson, Davee, Davies, DeGraff, Dennis, Dromgoole, Dunn, Edwards, Elmore, Evans, Everett, Ewing, Farrington, Fairfield, R. Fletcher, I. Fletcher, Fillmore, Fry, Gallup, J. Garland, R. Garland, Goode, J. Graham, W. Graham, Grantland, Grant, Graves, Grennell, Haley, Hall, Halsted, Hammond, Hamer, Harlan, Harper, Hastings, Hawes, Hawkins, Henry, Herod, Hoffman, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Jackson, Jennifer, H. Johnson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Kennedy, Kilgore, Klingensmith, Legare, Leadbetter, Lincoln, Logan, Loomis, Lyon, Mallory, Marvin, S. Mason, Martin, Maxwell, McKay, R. McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Miller, Mitchell, Moore, Morgan, M. Morris, S. W. Morris, C. Morris, Naylor, Noble, Noyes, Ogle, Owens, Parmenter, Parris, Patterson, Paynter, Peck, Pennybacker, Petrikin, Phelps, Phillips, Pope, Potts, Potter, S. S. Prentiss, Rariden, Randolph, Reed, Reilly, Rencher, Richardson, Ridgway, Rives, Robinson, Rumsey, Russell, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Shepler, Slade, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Taylor, Thomas, Thompson, Tillinghast, Titus, Toland, Toucey, Vanderveer, Wagener, Webster, Weeks, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. W. Williams, C. H. Williams, Wise, Word, York—189.

NAYS—Messrs. Bouldin, Bynum, Casey, Coles, Connor, Griffin, Harrison, Haynes, A. McClellan, Sawyer, Snyder, Towns, Turney, Underwood, Yell—15.

The question recurring on the second division,

Mr. McKay said he would explain the grounds upon which he asked that the question should be decided. He objected to making another appropriation for the supply of medicines, &c., as they had been provided for in the other sections of the bill. Besides, this section placed at the disposal of the president of the United States a fund of \$100,000, to be used as secret service money, to buy up the Cherokee delegation, and for such other purposes as, in his discretion, the president should see fit to apply it to. These were his objections.

Mr. Thompson suggested to the gentleman from North Carolina, (Mr. McKay,) so to modify his objection to this section as to prescribe the administering of lobelia instead of calomel, as a cheaper drug, and so to carry out this small business of objecting to petty expenses. As to the gentleman's dread of placing secret service money in the hands of the executive, where, he would ask, were those apprehensions of the gentleman slumbering, when the motion to place a certain \$3,000,000 of dollars in the hands of the president of the United States, to be used at his discretion, was pending in that house?

Mr. Everett explained, and defended this section.

The house then adopted the second branch of this amendment by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Briggs, Brodhead, Bronson, Buchanan, Bynum, William B. Calhoun, Cambreleng, W. B. Campbell, J. Campbell, Carter, Chambers, Chaney, Chapman, Cheatham, Childs, Cleveland, Clowney, Corwin, Cray, Crockett, Cushing, Cushman, Darlington, Dawson, Davee, Davies, DeGraff, Dennis, Dunn, Edwards, Elmore, Evans, Everett, Ewing, Farrington, Fairfield, Richard Fletcher, I. Fletcher, Fillmore, Gallup, R. Garland, Goode, J. Graham, Wm. Graham, Grantland, Grant, Graves, Grennell, Haley, Hall, Halsted, Hammond, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, Jabez Jackson, Jennifer, H. Johnson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Kennedy, Kilgore, Klingensmith, Legare, Leadbetter, Lincoln, Logan, Loomis, Lyon, Marvin, Samson, Mason, Martin, Maury, Maxwell, R. McClellan,

McClure, Menefee, Mercer, Milligan, Mitchell, Moore, M. Morris, S. W. Morris, C. Morris, Naylor, Noyes, Ogle, Parmenter, Parris, Patterson, Paynter, P. ck, Pennybacker, Petrikin, Phelps, Phillips, Potts, Potter, Sergeant S. Prentiss, Rariden, Randolph, Reed, Reilly, Rencher, Richardson, Ridgway, Rives, Robinson, Rumsey, Russell, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Shepler, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Titus, Toland, Toucey, Wagener, Webster, Weeks, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. W. Williams, C. H. Williams, Wise, Word, York—174.

NAYS—Messrs. Bouldin, Casey, Coles, Connor, Dromgoole, Griffin, Harrison, Hawkins, Haynes, Holt, McKay, A. McClellan, Morgan, Noble, Sawyer, Snyder, Towns, Turney, Underwood, Yell—20.

Mr. Everett then offered the following amendment, to come in after the 18th line of the bill: "for making treaties with hostile Indian tribes, ten thousand dollars."

Mr. Hopkins moved the previous question, which was seconded, 84 to 61.

Mr. Everett demanded the yeas and nays on ordering the main question. **Lost**.

The main question being ordered (without a division,) Mr. Graham, of N. C., asked the yeas and nays on the engrossment. **Lost**.

The bill, as amended, was then ordered to be engrossed, and read a third time this day.

Being read a third time, and the question recurring on its passage, Mr. J. L. Williams asked for the yeas and nays, which were ordered, and the bill was passed by the following vote:

YEAS—Messrs. Adams, Heman Allen, John W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Beirne, Bell, Bicknell, Birdsall, Bond, Boon, Borden, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, W. B. Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Cleveland, Clowney, Coles, Crary, Cushman, Darlington, Dawson, Davee, Davies, De Graff, Dromgoole, Duncan, Dunn, Edwards, Elmore, Farrington, Fairfield, Gallup, James Garland, Rice Garland, James Graham, Grantland, Gran, Graves, Haley, Hall, Hammond, Harrison, Hawkins, Haynes, Herod, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, Jenefer, H. Johnson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Kennedy, Kilgore, Klingensmith, Legare, Leadbetter, Logan, Loomis, Lyon, Mallory, Marvin, S. Mason, Martin, Maury, Maxwell, McKay, Robert, McClellan, Abraham McClellan, McClure, McKennan, Mercer, Moore, Morgan, S. W. Morris, Noble, Noyes, Parmenter, Parris, Paynter, Pennybacker, Petrikin, Phelps, Pope, Potter, S. S. Prentiss, Randolph, Reilly, Rencher, Rhett, Richardson, Rives, Robinson, Russell, Sawyer, Sheffer, A. H. Shepperd, Charles Shepard, Shields, Shepler, Snyder, Southgate, Spencer, Stuart, Taliaferro, Taylor, Thomas, Toucey, Towns, Wagener, Webster, Weeks, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. W. Williams, J. L. Williams, Word—143.

NAYS—Messrs. Alexander, Biddle, Bouldin, W. B. Calhoun, Dennis, Everett, R. Fletcher, Fillmore, Goode, Wm. Graham, Grennell, Halsted, Hawes, Henry, Hoffman, Lincoln, Milligan, C. Morris, Naylor, Ogle, Patterson, Phillips, Potts, Rariden, Reed, Ridgway, Rumsey, Sergeant, Slade, Stanly, Stratton, Tillinghast, Toland, Underwood, Wise, Yell, York—37.

On motion, the house (at 4 o'clock) adjourned.

Tuesday, June 5. On motion of Mr. Bouldin, it was

Resolved, That Monday, the 11th of June inst., after the hour of 12 o'clock M., be assigned for the consideration of all such matters of business as relate to the District of Columbia, which may be then pending before the house.

The whole of this day having, by resolution, been set apart for the consideration of business relating to the territories, the house went into committee of the whole, (Mr. Sergeant in the chair,) and proceeded to the consideration of the territorial bills, upon which the whole day was spent. [The most important of these bills was that from the senate to divide the territory of Wisconsin into two territories, and establish the territorial government of Iowa. A motion to strike out the first section of this bill was negatived.]

Several of the bills were ordered to a third reading, and then finally passed. But the Iowa bill was laid over for further consideration.

The house adjourned at five o'clock.

Wednesday, June 6. After the transaction of some business of minor importance, the senate bill, as amended by the committee of the whole, and reported to the house, providing for the appoint-

ment of a surveyor of public lands for Wisconsin territory, was read a third time and passed.

The senate bill, as reported by the committee of the whole to the house, providing for running and marking the southern boundary line of the territory of Wisconsin, was next read a third time and passed.

The senate bill, as amended and reported by the committee of the whole, dividing the territory of Wisconsin, and establishing that of Iowa, was next taken up.

This bill was debated by Messrs. Shields, Adams, Bond, Mercer, Harlan, Thompson, Bynum, and Pope. During the debate, the previous question was demanded by Mr. Downing, but was not seconded by a majority.

Mr. Bond having moved (in the course of the debate) to reduce the salary of the governor from \$2,000 to \$1,500, and as Indian agent from \$1,500 to \$1,000, Mr. Bronson accepted the proposition as a modification to his motion. Mr. Thompson moved to lay the bill on the table, and demanded the yeas and nays; which were ordered; and the house by a vote of 42 yeas to 134 nays, negatived the motion.

The following was then the state of the question:

The bill, as reported by the committee on Indian affairs, reads: "The governor shall receive an annual salary of \$2,000 as governor, and \$1,500 as superintendent of Indian affairs."

Mr. Bond had moved an amendment in committee of the whole, to amend by giving \$1,500 as governor, and \$1,000 as superintendent of Indian affairs.

The amendment was adopted in the committee of the whole; and the question now pending is, will the house agree to the amendment adopted by the committee of the whole? The amendment was then adopted. Mr. Mercer proposed to amend the bill by striking from the first section of the bill "from and after the 8d July next," and to insert "when Wisconsin shall become a state." **Lost**. Mr. Bell moved that the salary of the judges for the new territory be reduced from \$1,800 to \$1,500. **Adopted**.

The bill was then ordered to a third reading; and being read, and the question being upon its passage, after a few remarks from Mr. Ewing, in opposition to the bill, Mr. Cushman moved the previous question, which was seconded and ordered; and the house then proceeded to vote upon the bill, as amended, and it was passed by the following vote: Yeas 118, nays 51.

The house then, on motion of Mr. Bronson, went again into committee of the whole, and took up the bill "to grant a quantity of land to the territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river."

Several amendments (of which a more accurate description than can now be given will be furnished) were offered and acted on.

The committee then, on motion of Mr. Bronson, took up the bill to reorganize the legislative council of the territory of Florida; to which certain amendments were offered and acted on; and next in order was the bill for the completion of the public buildings in Wisconsin; to which no amendment was offered. The committee then took up the bill authorizing certain roads in Florida, which was also passed without amendment. The senate bill to make certain roads in Wisconsin was next considered. Amendments to this bill were offered and acted on. The bills making provision for a university in Wisconsin, and for a railroad in Florida, were then considered, amended, and ordered to be reported. At this point, Mr. Potts moved that the committee rise, and report the bills acted on. The motion prevailed.

The house then took up and passed the senate bill for establishing a university in Wisconsin; the bill of this house making certain roads in Florida; the bill for completing the public buildings of Wisconsin; the Florida railroad bill, (with the amendment reported by the committee of the whole;) the bill for the making of certain roads in Wisconsin, (as amended;) and the bill to reorganize the territorial government of Florida.

The bill granting land for the Milwaukee canal, to which amendments had been offered in committee, came next in order.

Mr. Petrikin moved its postponement till to-morrow, and that the bill, with amendments, be printed; which motion prevailed.

Mr. Bronson moved to go again into committee of the whole, in further pursuance of the special order.

A motion was here made to adjourn, but was withdrawn, for the purpose of allowing the Speaker to present an executive communication, in reply to a resolution of Mr. Grantland, with regard to the

correspondence upon the removal of the Cherokees. Mr. Bronson renewed his proposition to go into committee of the whole.

Pending this motion,

Mr. McKennan moved to extend the special order so as to devote to-morrow to the transaction of territorial business. The motion to adjourn was then renewed, and carried: Ayes 64, nays 49.

And then the house adjourned.

Thursday, June 7. But little business of importance was transacted this day, the greater portion of the sitting having been spent in committee of the whole on the bill from the senate to grant pre-emption rights to settlers on the public lands; several amendments were offered, and others designated and read for information. But, without coming to a decision upon the bill, the committee rose, and ordered the bill and amendments to be printed.

The joint resolution for surveys on the lakes and in the waters of North Carolina, was read a third time, and, after a renewed debate of some warmth, was passed, and sent to the senate.

After the committee had risen, Mr. Thompson rose, and asked permission to say, in reference to words of an exciting character which had recently passed, in the order of debate, between a gentleman from Pennsylvania and a gentleman from Florida, that the interposition of friends, in advance of any communication between the parties, had left to a mutual disclaimer of offence and withdrawal of all exceptionable language; and that, in the opinion of the honorable Mr. Hoffman and himself, by whom the adjustment has been made, both gentlemen have done all that was demanded by their established character as gentlemen.

FRIDAY'S PROCEEDINGS.

In senate, after the presentation and reference of a number of petitions,

Mr. Grundy, from the committee on the judiciary, reported the senate bill to ascertain and mark the southern boundary of Wisconsin, with the amendments of the other house referred to them, with other amendments from the senate committee, merely changing "Wisconsin" into Iowa, in accordance with the Iowa bill that recently passed the senate. These amendments of the other house, and of the committee, were concurred in by the senate, and the bill was sent back to the other house for their concurrence in the change to "Iowa."

Mr. Wright, from the committee on finance, in compliance with the senate resolution of Mr. Webster, of the 31st of May, instituting inquiries as to the competency of the secretary of the treasury to use as depositories, and to receive the notes of banks that, since the passage of the deposit act of July, 1836, had suspended specie payments, or had issued notes of a denomination less than five dollars; and, also, as to the expediency of so modifying that deposit act as to authorize the reception of the notes of banks that had issued such notes, made a report on the subject, and moved that it be laid on the table, and printed.

Subsequently, on the call of Mr. Norvell, the report was read; from which it appeared that the majority of the committee considered it competent in the secretary of the treasury both to use as depositories, and to receive the notes of banks that had merely suspended specie payments, but to do neither in regard to such banks as, at any time since July 4, 1836, had issued any notes of a denomination less than five dollars. In so much of the report the minority of the committee were understood to concur. The majority of the committee were further of the opinion, in which the minority did not concur, that any new legislation on the subject would be inexpedient, at least till the fate of the sub-treasury bill should be finally decided, as any such legislation as that proposed would interfere with the provisions of that measure; and would, also, be acting against the already expressed will of the senate, in passing the sub-treasury bill.

The motion to print was followed by a most animated and earnest debate, (to be given hereafter,) taking a general range among the various topics less or more remotely connected with this subject; in which debate Messrs. Webster, Norvell, Wright, Benton, and Niles, participated.

Mr. Webster in the course of the debate, gave notice that, in consequence of his differing from the majority of the committee, he would ask leave to introduce a bill to provide further for the collection of the revenue, embodying his views of what ought to be done on this subject.

The report was laid on the table, and ordered to be printed.

On motion of Mr. Clay, of Alabama, the committee on military affairs were instructed to inquire into the expediency of continuing in force the act of January, 1837, to make indemnity for the loss

of horses and other property in the service of the United States.

The bill making appropriations for the suppression of Indian hostilities for 1838, and for the payment of arrearages for 1837, having been read a third time, and the question being on its passage, Mr. Benton spoke at length on various topics connected with the bill, particularly eulogizing those who have been concerned in the management of the Florida war.

Mr. Preston spoke briefly in reply, and in regard to certain strictures on his remarks of yesterday, published in the *Globe* of last night, some of which, Mr. P. stated, were in the very words used in the senate by the senator from Georgia.

Mr. Lumpkin expressly denied all knowledge of that publication before it appeared.

The bill was then passed without dissent; and, after an executive session, the senate adjourned.

In the house, Mr. Johnson, of Louisiana, asked leave to introduce the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the causes of the failure of the last term of the circuit court of the United States for the state of Louisiana, and into the conduct of the United States district judge of the said state in attempting to remove the clerk of the said district and circuit courts without sufficient cause.

Mr. Chapman objected; and Mr. Lincoln claimed that the special order of the day (respecting the public buildings) be enforced. Mr. Chapman then withdrew his objection to Mr. Johnson's motion, and the resolution was offered and adopted.

The house next took up the special order, being the bill providing for the removal of the treasury building.

The house went into committee of the whole, (Mr. Pope in the chair,) and resumed the consideration of that bill.

The pending motion was to strike out the enacting clause of the bill, (to reject it.)

Mr. Naylor was entitled to the floor, and went at some length into a defence of the bill.

Mr. Keim opposed the bill, replying to the remarks of Mr. Lincoln made on a former day.

Mr. Pratt, of the committee, sustained the bill, in reply to Mr. Keim, making statements with a view to show that economy, and the necessity of the case, required the taking down of the buildings.

Mr. Lincoln defended the bill, in reply to all the objections against it, until the hour of one o'clock arrived, at which time the committee, as a matter of course, rose, and the Speaker took the chair.

The chairman reported progress, and asked leave to sit again.

A motion was made by Mr. Lincoln, to suspend the rules for the residue of this day, in order to go again into committee on this bill.

[A good deal of confusion took place. Some members wished the committee to take the question depending before the committee rose; but this was declared to be out of order, the hour having expired. Others wished the motion so modified that only one hour should be allowed for the further consideration of the bill. This was especially urged by Mr. Sherrod Williams, of Kentucky.—Mr. Yell wished to lay the whole subject on the table.]

The question being taken on Mr. Lincoln's motion, it was decided in the affirmative, the rules suspended, and the house immediately went again into committee of the whole, (Mr. Pope again taking the chair,) and the debate proceeded.

After Mr. Lincoln had concluded his remarks, (which, with the rest of the debate, we will hereafter lay before our readers,) the question was taken upon the motion to strike out the enacting clause of the bill.

After three attempts, a quorum having been found present, this was decided in the negative: Ayes 59, noes 66.

The amendment of Mr. Lincoln, being as follows, was then adopted:

"Strike out in the 2d section all after the word 'appropriated,' where it first occurs, and insert: 'Any unexpended balances remaining in the treasury from former appropriations to the construction of a treasury building, not exceeding \$150,000, in addition to the materials to be taken from the treasury buildings.'"

The following amendment was then offered by Mr. Rencher:

"And be it further enacted, That there shall be erected, on or near the former site, a plain substantial fire-proof building for the treasury department, constructed of brick, and corresponding in style and architecture with the three other executive buildings; and that for this purpose there be appropriated, out of any money in the treasury not otherwise appropriated, the sum of \$50,000."

This was debated by Messrs. Rencher, Mercer, Williams, of N. C., Lincoln, Everett, and Duncan. Mr. Rencher's amendment was then adopted.

The committee then rose, (on motion,) and reported the bill as amended. Mr. S. Williams moved to lay it on the table. Pending which, Mr. S. Williams moved a call of the house. Ordered.

One hundred and forty members answering to their names,

Mr. Marvin moved to suspend the call. Mr. Duncan demanded the yeas and nays. Mr. Marvin withdrew the motion to suspend, and the list of absentees was called for excuses.

Excuses were made for the following members. Those italicized were not excused. The remainder were.

Messrs. Ayer, (absent from town,) Birdsall, Bruyn, Buchanan, Calhoun, of Ky., Coffin, Cranston, Curtis, Ewing, (all illness,) Glascock, (absence at home on private business,) Gray, (gone home on business.)

[At this point, Mr. Robertson moved that the call be suspended. Mr. Duncan demanded the yeas and nays. Not ordered. Mr. Robertson's motion to suspend the call was rejected; and it proceeded.] Messrs. Rhett, McClure (left for home with his wife who is indisposed,) and Miller, (illness.) The list being finished. Mr. Sibley moved for a suspension of the call, (many members being absent,) but the motion did not prevail. Mr. Polts renewed the motion (the rule of the house, prescribing the action of the house in such cases, having intervened) to suspend the proceedings under the call, and it prevailed. Mr. Sherrod Williams' motion to lay the bill on the table was then in order. Mr. Lincoln demanded the yeas and nays; which were ordered; and the motion prevailed by the following vote: Yeas 89, nays 82.

So the bill lies upon the table. The remainder of the sitting was occupied in the consideration of private bills, a large number of which were passed. After which the house, on motion, adjourned.

CHRONICLE.

Fire at Nantucket. The Boston Mercantile Journal gives the following particulars of a destructive fire at Nantucket:

"Nantucket, June 2, 1838.

"A fire broke out in J. James' steam ropewalk, on South Beach, so called, about three o'clock this morning. It spread very rapidly, and in about three hours and a half it entirely demolished about twenty-five buildings, among which were the ropewalk, three large oil and candle manufactories, besides some smaller ones—a boat builder's shop, and ten dwelling houses, besides a number of other buildings. The quantity of oil connected with the sheds in this section of the town was very large. The loss cannot yet be ascertained, but it is generally thought that it cannot fall short of from three to four hundred thousand dollars!"

A correspondent of the Morning Post says that from 150,000 to 200,000 gallons of oil were consumed, together with all the contents of the various houses and shops—loss variously estimated, probably not exceeding one hundred and fifty thousand dollars. "The greatest losers are said to be James Athearn, D. Jones, P. H. Folger, Nathaniel Hussey & Brother, Joseph James, Matthew Crosby, and French & Coffin. The wind being at the south, and very fresh, strong fears were entertained that all the property from Commercial wharf to the new north would fall a sacrifice, but the flames were at last arrested by blowing up five wooden buildings, which left so large a space that the fire was soon under control."

A letter from the editor of the Nantucket Inquirer estimates the loss at about \$300,000.

The New Bedford Mercury states that it is feared that the whole amount of insurance on the property destroyed does not exceed \$10,000.

Late from Vera Cruz. By the barque Ann Eliza, capt. Biscoe, 17 days from the above port, we learn that the French squadron, consisting of the frigate L'Hermine, com. Baroche, and brig Alcibiade, was still blockading that place, and had made prizes of two Mexican vessels; one the brig Unico Hijo, from Cadiz, and a schooner. The ports of Metamoros, Tampico, and Campeachy, were also blockaded by the four other brigs of war, viz: L'Eclipse, Dunois, L'Perouse, and Saurier. The French frigate L'Ephigénie was expected from Havana to join the blockade. The United States ship Ontario, capt. Breese, was at Sacrificios, to sail the 19th of May for Tampico and the coast of Texas; also the United States ship Vandalia, capt. Gwinn.

Commodore David Porter, our charge at Constantinople, is daily expected in this country on a visit.

Later from Barbadoes. The decision of the legislature to allow the slave population (80,000) to pass to a state of absolute and entire freedom on the first of August, is confirmed.

Lieut. col. Twiggs, of the 1st dragoons has been assigned the command of the country from Micanoopy to the Atlantic. His head quarters are at Garey's Ferry.

We understand that twenty-four Indians have delivered themselves up at Fort King, to captain Tompkins, and that an expedition is in preparation at that post to scour the country up to the Oklawaha and Orange Lake, where the Tallahassee are reported to have planted largely, undisturbed, since the beginning of the war.

Rise of water at Lake Erie. The Cleveland Herald mentions the fact, that the waters of Lake Erie, at that point, are at least three and a half feet higher than they were three years ago, and eighteen inches above the level of last year. A similar rise has been observed in the Upper Lakes.

Connecticut copper mine. The copper mine at Bristol, Conn., to which the public attention was first called by prof. Shepard, is found to be exceedingly rich and productive, and a large number of men are now employed upon it, with every prospect of making it the source of great wealth to the state. About twenty tons of the ore have been shipped to England as a sample, and one hundred more are now on the ground ready for the stamp mill. The ore is represented as very rich.

Connecticut. The legislature of this state on the 26th May, passed the following resolutions unanimously:

"*Resolved*, That the members of the senate of the United States and the representatives in congress from this state be requested to use their endeavors to procure the passage of a law to indemnify the citizens of the United States for losses sustained by them from the French prior to Sept. 30, 1800.

"*And be it further resolved*, That his excellency the governor be, and he is hereby, requested to transmit to our senators and representatives in congress a copy of these resolutions."

Mississippi elections. Official. Prentiss, 12,722; Word, 12,077; Claiborne, 11,776; Davis, 11,346. Prentiss' majority over Claiborne, 946. Word's majority over Claiborne, 295. The above result was handed to us by the secretary of state, and is, of course, correct. [Columbus Democrat.]

The authorities of Charleston state that the loss by the late fire in that city cannot be less than four millions of dollars, and taking into consideration the amount of population and extent of resources, it is believed that on this occasion Charleston has sustained a greater loss than was suffered either by London or New York on the occasion of what are emphatically called "the great fires in those cities."

The Milledgeville Journal of May 22d says:

"We are happy in being able to correct the rumor in circulation respecting the death of Dr. J. Brewster, late surveyor general. We have received a letter under his hand, dated on the 13th May, which, although it does not allude to the matter, furnishes conclusive evidence that the writer was 'in esse' at that time. The report, therefore, of his death by the hands of the (Cherokee) Indians, turns out to be only 'a lie with a circumstance.'"

The U. S. corvette St. Louis, capt. Paine, arrived at New York, on Wednesday evening, from the West India station. Officers and crew all well.

A curious case was, at our last dates, engaging the attention of the United States circuit court for the Louisiana district. Judge Lawrence, the newly appointed district judge, having the power of appointing the clerk of the court, also assumed that he had the right of removal without cause, and he therefore removed, as far as he had a right to do so, the clerk, Mr. Hennen, and appointed another, John Winthrop, in his stead. The old clerk refused to give up his papers.

On the opening of the circuit court, judge McKinley, of the supreme court, took his seat as the presiding judge. The question came up for adjudication, and, after an able argument, the court divided; judge McKinley deciding that the removal, without cause, was illegal; and judge Lawrence still maintaining his right, as resulting from his power to appoint. The case will, therefore, have to go to the supreme court for final decision.

French ships. The French line of battle ship L'Hercule, of 84 guns, admiral Casy, and corvette Favorite, captain Rosanel, arrived at Newport R. I. on Monday morning, 4th instant, from Norfolk.—The admiral fired a salute, which was returned from fort Wolcott by the Newport artillery—there being no United States troops at that post. The cutter also fired.

Ohio. At the Ohio state whig convention, held at Columbus on the 31st ultimo, the following, among other resolutions, were unanimously adopted:

Resolved, That concert of action by the whigs throughout the United States can be best secured by means of a national convention; and this convention, therefore, concur in the recommendation of the state whig convention, held at Columbus in July last, to that effect; and also concur in the proposition lately made by the whig members of congress, as to the time and place of holding a national convention.

Resolved, That this convention have undiminished confidence in the patriotism and talents of our distinguished fellow-citizen, William Henry Harrison; and concur with the convention of July last, in presenting his name to the national convention as a candidate for the presidency; but, at the same time, pledge their cordial support to the nomination of that convention, should it fall on either of the other distinguished statesmen, Henry Clay, or Daniel Webster, whose names are prominent as whig candidates for that important office.

An elegant tea service of silver, weighing 126 ounces, has just been completed in Philadelphia, which is intended to be presented to James Ronaldson, esq., of that city, by the Louisville and Portland Canal Company.

General Walter Smith, late of the United States army, has become the proprietor and editor of the Mobile Chronicle.

Major L. G. De Russy is announced in the Natchitoches Herald as a candidate from that district for the senate of Louisiana. It is understood to be his intention to retire from the army.

A detachment of about one hundred United States recruits left Buffalo in the steamboat Constellation, on Friday, 25th ultimo, under the command of lieutenant P. V. Hagner, and destined to the different posts on the upper lakes. [*Army and Navy Chronicle.*]

The New Orleans Bulletin says:

Three years since the exports to Texas were hardly worth reporting, while the trade to Mexico ranked the third in the exports from New Orleans. The reports of our custom-house for last quarter, show, in the trade of our city, Texas now ranks the third nation in the value of exports. No estimate can now be made of the immense value of the trade of the new republic to the United States.

New Orleans slips of the 26th ult. mention the arrival there of three companies of the 3d regiment artillery from Tampa Bay. They were on their way to the Cherokee country.

The following officers are with them: Surgeon general Lawson, surgeon Satterlee, lieutenant col. Gatos, 3d artillery, lieuts. Poole, A. P. Allen, do.; C. Tompkins, do.; Wm. Frazer, do.; E. G. Step-
tue, do.; R. Ridgely, do, and adjutant; and Wooster of the 4th artillery.

It is said that sir George Arthur, governor of Upper Canada, and a corps of British engineers, have surveyed and selected sites for forts at Niagara, Queenston, and the falls, and that fortifications will be immediately erected on those spots.

The following is a correct statement of the tonnage and tolls of the Pennsylvania canals:

Collector's Office, Alleghany, June 2, 1838.

	Tonnage.	Tolls.
Last week's report, lbs.	37,297,804	\$25,920 89
Week, ending Friday 1st instant	8,401,778	2,335 44

Total tonnage and tolls, since 1st November, 1837, lbs. 40,609,832 \$28,273 83

The following statement will no doubt, gratify many of your readers, as exhibiting a condensed view of some of the most prominent articles of western and southwestern produce and manufacture, cleared eastward, at this office, from 27th March to 31st. ultimo.

Barrels flour,	66,938
Bushels wheat,	11,010
Do Corn and other grains,	833
Pounds bacon,	6,034,172
Do Tobacco,	2,591,494
Do Cotton,	676,227
Do Wool,	173,538
Do Hemp,	695,538
Do Lard and tallow,	406,304
Do Butter and cheese,	13,011
Do Feathers,	21,112
Do Pork,	426

THOMAS FAIRMAN, Collector.

Nelson and Cote acquitted. Drs. Nelson and Cote, who surrendered to general Wool, on the Vermont frontier, in March, and were placed under heavy bonds to appear at the United States circuit court on the 21st of May, were tried on that day before Judge Thompson and acquitted. Nineteen witnesses, including general Wool and his staff, were examined, but nothing was produced to prove any organization of the patriot forces within the Vermont lines.

A new coach. There is now in the course of building, at a coachmaker's in the metropolis, a coach of a description at once novel, elegant and safe. It is the invention of a scientific gentleman named Stafford, who has secured a patent for the same. Before we give a description of the vehicle, it may be proper to state that, on the suggestion of the superintendent of the royal mails, a similar coach, intended for the country, was built, in order that its mechanical construction might be fully and practically tried and tested. Accordingly a public trial of one built at Nottingham was made in the presence of several hundreds of the most respectable inhabitants of that town. Frisby an experienced and well known whip, took the reins; the coach was drawn by four spirited horses, and had, inside and out, the full complement of passengers. In descending the hill to New Radford it was several times intentionally, when running at the top of speed, suddenly swerved off the road, the near wheels working upon a bank three feet high and the off wheels in the drain. In each emergency the coach retained its vertical position like a mariner's compass, so much so that the gentlemen who composed the inside passengers were altogether insensible to their (to others) apparently perilous situation. The body of the new coach, instead of resting, as in the case, upon springs below, is poised upon two upright supporters rising from the beds and axles, and passing up between the body and the boots. The tops of these supporters are surmounted by elliptic springs, on which the body is so suspended that, on meeting inequalities on the road the centre of gravity of the vehicle is freely adjusted and the liability to overturn it completely conquered.

[*London Morning Chronicle.*]

Rates of vessels. The following article shows the manner in which vessels are rated:

A 1. A vessel under 8 years old; coppered and copper fastened, and in complete order.

A 2. Similar to the above, as to age and condition, but not coppered and copper fastened; both are necessary to constitute her A 1.

Also a vessel formerly A 1, between 8 and 12 years old, rates A 2.

A 3. A vessel formerly A 1, when over 12 years old, if sound and in good order.

A vessel not coppered and copper fastened, over 8 years old.

It is understood that a vessel never rates lower than A 3, whatever her age may be, while in good order and fit for sea.

B. Denotes a vessel unsound, or defective in sails, rigging, or hull, and not to be trusted. A vessel may therefore be transferred to a higher rate by undergoing suitable repairs.

Vessels of this rate are considered non-insurable.

In Hingham during the present year, 57 vessels have been engaged in the mackerel fishery. The number of barrels taken during the present year, 17,134 1-2. In 1836, 49 vessels were engaged in the business. Number of barrels taken, 14,486. In 1835, 57 were engaged. Number of barrels taken, 15,399.

[*Boston Gaz.*]

Close sharing. By the official return of votes for senators in all the districts in Maine, it appears that the aggregate whig vote, is 34,181 and the Van Buren vote 34,165. It is well known that the whig candidate for governor run considerably ahead of the whigsenator's ticket in nearly all the districts, and there can therefore be no doubt of this election by a considerable majority.

Tacks. There are three manufacturers of these little articles in Plymouth county, who manufacture an aggregate number of 45,000,000 per week. In the whole state it is estimated that at least 75,000,000 are made weekly, making 3,800,000,000 a year.

[*Philada. Inq.*]

Union Bank. In a suit brought by this bank against one of its debtors, the exception was raised, that the bank had forfeited its charter by a suspension of specie payments, and was therefore incompetent to bring suit. The point has been argued, we understand, before Judge Buchanan, and a decision given in favor of the bank maintaining its charter and corporate rights. Some difference in the provisions of their respective charters led to a different opinion as to the effect of a suspension of specie payments upon the Atchafalaya and Union

Banks. It is no doubt fresh in the recollection of our readers, that the charter of the former institution was adjudged forfeited, in consequence of having refused to redeem her issues in gold and silver.

[*N. O. Bulletin.*]

West Indies. Accounts from Jamaica to the 27th of April, say that there was a heavy gale at Anatto bay on the 20th and 21st of that month. The waves, it is said, rose to an extraordinary height, and the whole extent of the harbor was one continued sheet of foam and breakers. Two vessels, the Woolington, and Young Reynold, were overset and sunk. Several boats were manned to rescue the crews of the capsized vessels. They succeeded in saving five of the eight persons from a watery grave, but in returning to their vessels, two of the boats were upset. The steward and a seaman belonging to one of the vessels were drowned. Much damage was done to the shipping.

Latest from Cape Palmas. By an arrival at Boston, intelligence down to the 18th January last has been received from Cape Palmas, the settlement of the Maryland State Colonization Society on the coast of Africa. All the letters received concur in representing the affairs at the colony in a happy and flourishing condition. The Niobe, which sailed from Baltimore on the 17th November, arrived out after a pleasant passage of forty-three days. Two were born on the passage making eighty-seven emigrants in all landed. The health of the missionaries is represented as good, and their cause as prosperous.

Business at Pittsburg. The Pittsburg Advocate of Friday last says:

"The river is high. The arrivals and departures of steamboats have been quite numerous; and as freights have been reasonably abundant, and the travel extensive, a good business would have been done in this branch of our trade, but for formerly low prices. We believe we never knew downward freights so reduced as they are at this moment. Large quantities of produce continue to arrive destined for the eastward, via the Pennsylvania canal. Except in bacon and flour, the transactions in produce here have not been large.

Chronometers. In looking over the London Nautical Magazine, for September, we notice that the firm of Arnold & Dent, of London, have had awarded to them the premium, from the British government, of £3,000 sterling, for their improvements in chronometers. Of the many on trial, one of theirs performed with astonishing exactness of losing, in twelve months, but 54-100ths of a second! These valuable instruments have attained such a degree of correctness that the mariner is now able to ascertain his longitude at sea with the greatest degree of accuracy.

[*U. S. Gazette.*]

On the fourth instant an election of officers of the Ancient and Honorable Artillery Company, for the ensuing year, took place at Boston, and was accompanied as usual by many very interesting ceremonies. The day was the 200th anniversary of this distinguished corps, which is composed, we believe, of officers of every rank in the military service of Massachusetts.

A petition for the pardon of Abner Kneeland, lately convicted of the crime of blasphemy, is in circulation. The Salem Gazette says the petition has been revised by doctor Channing, who is to head it, and that it will be signed by clergymen and others of all denominations.

The legislature of Connecticut adjourned on Friday evening, the 1st instant.

At the annual convention of the Protestant Episcopal church of the state of Maryland, held at Centreville, in Queen Anne's county, last week, the Rev. Dr. Eastburn was elected bishop of the diocese of Maryland, vice the Rt. Rev. bishop Stone deceased.

Consuls. The president of the United States has officially recognised Johann Jacob Werner as consul of Bremen for the port of Philadelphia; and Johann Wilhelm Smith, as consul of Hamburg for the port of New York.

A mechanics' bank. The mechanics of New York city are about establishing a mechanics' banking association under the general bank law; the capital to be one million of dollars. The plan is intended to embrace all the great interests of the practical mechanics of that city, making also salutary provision for journeymen and apprentices.

Hon. H. Johnson, now a member in congress, who was one of the whig candidates for governor of Louisiana, has declined standing a canvass, there being now only one whig candidate, viz: Hon. A. B. Roman, running against Denis Prieur, (V. B.) late mayor of the city of New Orleans.

Richard H. White is now under trial in Washington city, for the fourth time, on the charge of having set fire to the treasury buildings in 1833.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 16.—VOL. IV.]

WASHINGTON CITY, JUNE 16, 1838.

[VOL. LIV.—WHOLE No. 1,394.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

INDIAN TREATIES. The treaties concluded last year with the Chippewa, Sioux, and Winnebago Indians, and with the tribes residing in the state of New York, were ratified by the senate on Monday last. As soon as published we will give them a place in the "REGISTER."

CONNECTICUT. The legislature of this state, at its recent session, adopted the following resolution in relation to the sub-treasury:

"Therefore resolved, That it is the will of this general assembly, that our senators and representatives in congress vote against said bill, or any other containing similar provisions, and use all legal and proper means to prevent the passage thereof, and that they be and hereby are so instructed."

ACQUITTAL OF RICHARD H. WHITE. On Thursday last the jury impaneled to try Richard H. White for burning the treasury building in 1833, rendered the following verdict, which, after some objections on the part of the prisoner's counsel, was ultimately recorded: "We the jury find the prisoner, R. H. White, under the plea of limitations, not guilty."

After the verdict was recorded, Mr. W. L. Brent moved the court that the prisoner be discharged; and, the district attorney making no objection, he was discharged accordingly.

Before the jurors left the court-house, nine of them tendered the following to White:

"We the jury, who tried Richard H. White, declare that nine of us were for acquitting him entirely of the charge of burning the treasury department, and believed he did not do it; but that three of the jurors not agreeing with us, we compromised by finding the verdict we did, but would not have consented to it had we thought it would have left any imputation upon him as to his innocence."

"Washington, June 14, 1838."

(Signed by Wm. Cleary, B. Cox, Wm. Young, W. G. Deal, Matthew Sexsmith, Daniel Hauptman, Remigius Burch, Franklin Little, Leroy Edward.)

The reporter of the "Intelligencer" states that the jury retired at about 3 o'clock on Wednesday, with the permission of the court to go home at 8 o'clock in the evening, provided they could not agree upon a verdict; but with directions to assemble on the next morning, at 8 o'clock, for the purpose of making a final disposition of the subject. At a quarter past one o'clock on Thursday, they returned the verdict stated above. This was the fourth trial of White, and was continued for nine days.

BANKS, CURRENCY, &c. The New York Express, of Monday, states that it was currently reported that the Bank of America has either discounted a million of dollars of treasury notes, or has, by some arrangement, received treasury notes to that amount, and has placed a million of dollars in specie at the disposal of the government. It is also reported that a large house, in Wall-street, has also made a negotiation, by which they part with some two or three millions of their specie to the government for their treasury notes. We alluded to the fact, some days since, that government were selling large sums of treasury notes for specie.

In relation to the above, the Baltimore Patriot of Monday says: a gentleman in Baltimore conversant with the recent transactions of the treasury department in the exchange of treasury notes for specie, authorizes us to terminate all conjectures on the subject, by stating the fact, that the holders of specie in New York to the amount of one or two millions, have preferred to invest it in treasury notes bearing 6 per cent. interest, as exchange on England could not be sold at less than 84 per centum, which results in a loss of 84 per cent on the importation. If exchange should rise to 10, the precious metals will then flow back as the cheapest remittance. All demands on the treasury are now paid in specie drafts.

Sales of stock at Philadelphia, June 13.
34 shares U. S. Bank, 128
20 " N. Castle & F. Town R. R. Co. 23 1-2

Kentucky money market. The Louisville Journal of the 9th instant has the following report on the money market:

Exchange.—Continues to grow better. The banks of this state are corresponding with those of the

neighboring states with regard to the resumption to specie payments. There is no doubt that all the western banks will resume in a few weeks. This fact, together with the fact that the banks will shortly commence drawing on the proceeds of the late large sale of Kentucky bonds, makes exchange droop. Our bank rates are merely nominal. Out of doors good checks on New York can be bought at 8 per cent. premium, and on Philadelphia and Baltimore at 2.

EXCITEMENT IN PHILADELPHIA. On Friday morning the 8th instant, a miserable lunatic, a colored man, who escaped on Thursday afternoon from the lunatic department of the almshouse, assailed one of the Southwark watchmen, named John Batts, with a club, in so violent a manner as to cause instant death. The mayor and sheriff immediately instituted an inquiry into the circumstances, and the result is, that the murderer, as above stated, is proved to be in a state of frantic lunacy, that he escaped from his cell, his clothes bearing the usual almshouse label, showing his disease. This event was construed by some evil disposed persons into an evidence of an insurrectionary spirit among the colored population, and apprehensions of a riot were entertained. A proclamation from the mayor, however, explaining the condition of the murderer, and enjoining good order, had the effect of calming the public mind. But on Sunday last the city was again greatly agitated by another scene of violence and bloodshed, in which a negro was the principal actor. The circumstances, as stated in the Inquirer, were as follows:

On Saturday evening, between 8 and 9 o'clock, while Mr. Francis McKearney, a victualler, residing in Seventh street, near Shippen, was standing and talking with his sister in front of his own house and Rodgers' tavern, a negro man came up to him, and, without any known dispute between them, stabbed him with a knife in the abdomen, by which he was wounded so severely that he died a few hours afterwards at the Pennsylvania Hospital.

The perpetrator of this foul deed was instantly pursued, and, after some difficulty, captured. He was forthwith taken to prison, where he awaits his trial and the penalty of his sanguinary crime. One of the rumors is, that he owed the deceased an old grudge, and the other, that he was intoxicated.

As it was expected that much excitement might possibly grow out of the above melancholy affair, the authorities were on the alert, the sheriff and mayor, with a large force under their command, being fully prepared to preserve the peace of the city which, fortunately, had not been disturbed.

CANADA FRONTIER. The last advices from the Canada frontier represent both parties as desirous to adjust the recent unfortunate incidents in an amicable spirit; and we have no doubt but that quietness and order will soon be restored. To insure their continuance, however, the guilty should meet with prompt punishment, and the utmost vigilance be exerted by the authorities of both countries, to restrain all persons disposed to widen the breach which has unfortunately taken place.

From the N. Y. Commercial Advertiser of Monday.

It will be seen by the following paragraph, copied from the Buffalo Journal of Thursday last, that an attack was to have been made on some of the towas on the Canada shore, on Wednesday night, by a party of refugees from Lewistown—fortunately, they could not get together a sufficient number of scoundrels to warrant a safe retreat. Their object, no doubt, was to plunder and destroy some of those elegant seats on the borders of the Niagara river, in the vicinity of Queenstown.

We have letters this morning from the Upper Province, which state that the intercourse between Oswego and the province has almost ceased, and unless speedy measures are pursued, the lives and property of those that reside on the border are in jeopardy.

Previous to the destruction of the Sir Robert Peel, we believe there was almost a daily intercourse between Toronto and Oswego—but now the American boats do not touch at Toronto as usual, nor do the British boats call at Oswego, as heretofore. We hope that a short period only will intervene, before the regular intercourse shall be restored.

"More disturbances." An attempt we learn, was to be made last night by a number of Canadian refugees, to cross over at Lewiston, and make an attack of some kind upon the Canadian shores; the enterprise was, however, abandoned, on account of their not then mustering in sufficient strength. United States troops were to leave this city, in the afternoon train of cars, for the above place, to put a stop to such attempts hereafter."

The Toronto Herald of Monday mentions that the steam packet William IV, did not proceed lower down than Brockville, in consequence of information having been given that an attempt would be made to destroy her.

The steamer Coburg arrived at Toronto on Monday with 460 men, being the right wing of the 34th regiment.

The Buffalo Advertiser of Wednesday evening says:—"A gentleman direct from Youngstown called at our office this afternoon, and informed us that down the river, on both sides, every thing was quiet. Governor Marcy was expected at Lewiston this evening. Three other persons, named Lester, Hunter, and Thayer, who were concerned in the assault on the Sir Robert Peel, have been arrested. An armed chopper, carrying six guns, has been fitted out by the British to cruise among the Thousand Islands."

From the Kingston Herald of Tuesday.

Two companies of militia have been sent to Brockville, and a schooner is fitted out, to carry six guns, (together with a tender and gun boats) in order to cruise on the river, and ferret the pirates out of their hiding places. This is essential, as among the Thousand Islands the ruffians might lodge, and find shelter all summer. Bill Johnson, if not one of his sons also, was one of the party that robbed the Peel, but neither he nor his boats have been seen at French Creek since. They are doubtless concealed somewhere among the islands, and it will be no easy task to find them, as the places of concealment are so numerous and complete. About one third of the Sir Robert Peel was owned in Ogdensburg, the remainder in Brockville. She is valued at 11,000.

Governor Marcy came yesterday to Cape Vincent, and addressed a letter to the mayor, requesting an interview, and he is expected here in the course of to-day. Scanlan has been bailed on his own recognizance. Bill Johnson, it is ascertained, is on the Duck Islands, at the foot of the lake. He is lying in wait for some lake steamboat.

On Sunday morning, the commodore Barrie brought down from Toronto twenty-two of the state prisoners, among them Theller, Sutherland, John G. Parker, Montgomery, the brothers Shepherd. They were all taken to Fort Henry, to be kept there until Lord Durham has considered their cases.

A militia order published in the official Gazette, prohibits militia officers from wearing their uniform when passing to the United States on leave. Commandants of corps and stations are to see that the order is punctually complied with.

From the N. Y. Courier, June 11.

The accounts from the frontier, we are happy to say, represent our state authorities and the people as anxiously endeavoring to obviate the unpleasant consequences which it was at first apprehended would grow out of the destruction of the British steamboat Sir Robert Peel and the firing on the Telegraph, whilst at Kingston. The magistrates of the latter place had invited the United States district attorney to be present at the legal investigation which had been made into the circumstances connected with the last occurrence. He had attended, and it was stated was perfectly satisfied with the course taken. The governor of this state had also expressed to the mayor of Kingston a desire to have an interview with him, which was about to take place.

Proclamation of the governor of N. York. Whereas William Johnson, late of French Creek, in the county of Jefferson; Daniel McLeod, a refugee from the province of Upper Canada; Samuel C. Frey and Robert Smith, also refugees from the same province, have been duly charged on oath with having been engaged with others in seizing, plundering, and burning the steamboat 'Sir Robert Peel,' at Wells' island, in the river St. Lawrence, and have hitherto eluded the civil officers in their

attempts to arrest them; I do hereby offer the following reward for the arrest of each one of them, and for his delivery to the custody of the sheriff of the county of Jefferson, viz:

For William Johnson, \$500
For Daniel McLeod, \$250
For Samuel C. Frey, \$250
For Robert Smith, \$250

Besides the persons already arrested, and those above named, there are good reasons for believing that several others were associated with them in committing the crimes above mentioned. I do further offer a reward of one hundred dollars, for the detection and delivery as aforesaid of each one of the offenders, who are not named above, or have not been already arrested.

And I do hereby order and command all civil and ministerial officers of this state to be vigilant and active in their exertions to cause the said offenders to be brought to justice.

Previous to committing the offences above specified, the depredators had their encampment upon the "Ten Thousand Islands," in the St. Lawrence, which are situated partly in the province of Upper Canada, and partly within the limits of this state, and it is believed the places of their refuge at this time are among the islands.

Given under my hand and the privy seal of the state, this 4th day of June, 1838.

W. L. MARCY.

DURHAM. By his excellency the right honorable John George, Earl of Durham, Viscount Lambton, &c. &c., knight grand cross of the most honorable order of the Bath, one of her majesty's most honorable privy council, and governor general, vice admiral, and captain general of all her majesty's provinces within, and adjacent to the continent of North America, &c. &c. &c.—*A proclamation.*

Whereas information has been received by me, that, on the twenty ninth day of May last, at a certain island, called "Wells' island," in the river St. Lawrence, within the territory of the United States of America, a body of armed men, at midnight, seized upon a certain steam vessel called the *Sir Robert Peel*, belonging to certain subjects of her majesty in the province of Upper Canada, then moored at the said island, to which she had resorted in the peaceable prosecution of her accustomed voyage, for the purpose of taking in fuel; and having with violence driven the passengers of the said steamboat upon the said island, deliberately plundered, burnt, and destroyed the said steamboat.

And whereas, many of the said passengers were females, and were thus assailed with a total disregard of their sex, and their condition at that hour of the night, thereby greatly aggravating the outrage: And whereas, the due protection of her majesty's subjects, and the demands of justice, imperatively require that the perpetrators of such a crime should not escape unpunished: And whereas, with that object I am desirous of co-operating with and giving every facility to the authorities of the United States: Now, know all men by these presents, that I do hereby promise the sum of one thousand pounds to any person or persons who shall identify and bring to conviction before any competent tribunal, any person actively engaged in, or directly aiding and abetting the perpetration of this last mentioned outrage.

To allay the alarm which has again unhappily disturbed the peace of the frontier of the province of Upper Canada, I hereby proclaim to the subjects of her majesty residing therein, my determination to secure their present and permanent protection by the employment of every means at the disposal of her majesty's government; for which purpose a sufficient military force will be immediately concentrated on such points, as shall best protect the frontier line from all aggressions on the peaceable inhabitants of these provinces. I shall also lose no time in appealing to the government of the United States, to vindicate its own honor, by avenging the insult which has been offered by a band of lawless pirates, and repairing the wrongs which have been inflicted on her majesty's subjects.

Pending such appeal, I earnestly exhort all her majesty's subjects, notwithstanding the aggravated provocation they have received, carefully to abstain from any act of retaliation which may expose them to the imputation of a disregard of their own honor, by a violation of the rights of adjoining powers.

Given under my hand and seal at arms at the castle of St. Lewis, in the city of Quebec, in said province of Lower Canada, the second day of June, in the year of our Lord one thousand eight hundred and thirty-eight, and in the first year of her majesty's reign.

By command:

CHARLES BULLER, chief sec'y.

Lieut. gen. air John Colborne, the commander of the forces, accompanied by two sons, col. Rowan, the hon. Col. Gore, Lieut. col. Eden, and capt. Goldie, arrived here this morning in the Canada, and left again about ten, on his way to the upper province. The object of his excellency's journey, we have learned is to investigate, near the scene of the late outrage, into the circumstances attending it, and to endeavor to allay the excitement which the atrocious attack upon the *Sir Robert Peel*, is so well calculated to produce among the people of our sister province. [Montreal Gaz.]

ARMY AND NAVY—OFFICIAL.

General Orders, No. 14.

Head-quarters of the Army,
Adjutant General's Office,
Washington, June 4, 1838.

I—Instead of taking post at Fort Gratiot, as directed in "general orders," No. 13, company B 2d infantry, will proceed to Madison barracks, Sackett's Harbor, New York, and re-occupy that post. Captain Low's company D, of the 5th infantry, now at fort Winnebago, will repair without delay to Fort Gratiot, and occupy that post.

II—All the disposable recruits on the New York station will be sent without delay to Madison barracks, and ordered to report to the commanding officer.

By order of ALEXANDER MACOMB,
Major general commanding-in-chief.

ROGER JONES, Adj't gen.

Navy orders.

May 29—P. mid. G. L. Seldon, navy yard, New York. Boatswain L. Smith, ship Cyane.

31—Lieut. C. Ringgold, command of brig Dolphin. P. mid. T. M. Brasher, navy yard, New York.

June 1—Lieut. W. W. Hunter, Rendezvous, Norfolk, vice J. W. West, relieved at his own request.

2—Purser J. C. Holland, ship Erie, vice B. J. Cahoon, relieved at his own request.

Officers relieved and detached.

May 29—P. mid. J. J. White, from rec'g ship at Boston. Lieut. F. A. Neville, from ship Erie.

Boatswain William Farrow, from ship Cyane.

31—Lieut. Robert Handy, from ship Erie.

Appointments.

Lemuel Smith, acting boatswain, May 29.

Vessels reported.

At Sacrificois, May 8, ship Ontario, commodore Breese, who had rendered essential service to the commerce of the United States by his presence since the commencement of the blockade.

Ships Independence, com. Nicholson, and Fairfield, com. Mayo, arrived at Rio Janeiro, April 7, from Bahia.

Frigate Constitution, com. Elliott, at Port Mahon, April 11—all well.

LETTER OF MR. JAMES M. MASON.

Washington, May 25, 1838.

To the editor of the *Virginian*:

Sir: In your paper of the 23d, I observe quoted the annexed paragraph from the *Globe* of the 14th inst. professing to sketch the proceedings of the house of representatives on the Saturday preceding, during the debate on the bill for a new issue of ten millions of dollars in treasury notes:

"It seems, from the report of the *Intelligencer*, which we have before us, that Mr. Mason, of Virginia, about sun-down on Saturday, began the work of frustration of the known intentions of the majority. At a quarter past six, we are told by the *Intelligencer's* report, 'Mr. Mason moved that the committee rise; which motion was rejected by sixty-four yeas to eighty-six nays.' This was after full debate—after all amendments were disposed of, and after the sessions had been protracted much beyond the ordinary period on any day, but especially on Saturday. From this, Mr. Mason and every member in the house saw that the house considered the discussion exhausted, and was resolved to vote.

"Mr. Mason proceeded until 7 o'clock, and then gave way to a motion to adjourn.

"It was rejected by a still stronger vote.

"Mr. Mason continued until after 8 o'clock; and then gave way for another motion to adjourn.

"Mr. Mason then resumed, and finished.

"This was the first attempt to drive the house to an adjournment against its will."

However wilfully false all that is there said in reference to the part I bore in the debate is, I should never have descended to notice the calumny, but

that its translation to your paper would seem to carry some warrant of authority at home for the facts it professes to state, were I to remain silent.

I cannot feel at all offended at the motives ascribed to me by the *Globe*, for taking part in the debate, springing as they do from a source so utterly incapable of comprehending any honorable incentive in public affairs. I seek only to correct the misrepresentations of fact.

It is stated in the paragraph that my motion for the committee to rise after 6 o'clock in the evening was made "after full debate, after all the amendments were disposed of," and after "Mr. Mason and every member in the house saw that the house considered the discussion exhausted, and was resolved to vote."

Whether the debate had been "full" or whether "the house considered the discussion exhausted, and was resolved to vote," will best be inferred from the fact that the debate had commenced only on the day before on so important a bill; that it was continued on the same night for more than four hours after I had concluded—was resumed again on Monday, and not ended until after dark on the Wednesday night succeeding.

Next, as to the declaration of the *Globe* that I did not take the floor until "after all the amendments were disposed of," the facts are, that no vote or action of any kind had been taken on any amendment whatever, except that one offered by my colleague (Mr. Hopkins) had been ruled out, and (as the columns of the same paper show, in which the falsehood is editorially vouched,) an amendment offered by another colleague (Mr. Robertson) was pending when I rose to speak. And, again: it is further true that seven several amendments, proposed by as many different gentlemen, were printed, before us, and all undisposed of, when they were cut off by the previous question on Wednesday night, three days after my speech was made.

So much for the facts of the *Globe*!

I will say, only, in addition, that much as I was opposed to the expensive mode of raising the money by an issue of treasury notes, when, as I thought demonstrable, a loan until the government was prepared to cancel the debt would have been a far cheaper mode of raising it, yet, when by the previous question the house refused to entertain the bill in any other form, I could see no propriety in voting against it, and accordingly gave my vote for the bill as it stood.

You will do me the honor to publish this letter, and thus oblige, yours,

Very respectfully, &c. &c.

JAMES M. MASON.

LETTER FROM THE HON. J. W. CROCKETT.

House of Representatives,

Washington City, April 30, 1838.

My very dear sir: Your very laconic, but not very courteous, letter of the 16th instant, demanding me to send you and others Mr. Benton's speech, is just received, and I hasten to reply.

As to your assertion that "that there are a large majority of administration men in *Weekly County*," that is a question upon which there may be between us an honest difference of opinion. Be that as it may, however, it is a matter of no importance, and I have therefore only to return you my thanks for your politeness in furnishing me with the information, and to assure you it is duly appreciated.

It gives me very great pleasure, sir, at all times to be obliging, and I have frequently undergone considerable inconvenience to accommodate my friends when requested to do so in respectful language; but my own views of propriety and self-respect compel me, under existing circumstances, with all due respect, to decline a compliance with your request. Hundreds of thousands of Mr. Benton's and Mr. Calhoun's speeches, as I am informed, have been printed gratuitously, and circulated by "the party" throughout the land.

My own opinion is, honestly, that they are paid for out of the public treasury, and I believe it could be proven to the satisfaction of every unprejudiced mind; at any rate I should like to know how dear Blair, "the printer of the *Globe*, can afford to print so many thousand speeches" for nothing, and find himself? No man can believe it who is not as blind with party prejudice as a snake in dog-days. The cost at the ordinary rate cannot, I think, be less than from \$3 to \$400,000.

But, for my part, I have to pay for all the speeches I send to my constituents at the rate of from 2 1/2 to \$5 per hundred. This affair of sending speeches, sir, you must know is a private concern, paid for, so far as the whig members are concerned, out of their own private purses; and have the fact that I only send such as, in my opinion, set forth sound and correct views and principles.

I have no doubt I could obtain thousands of Mr. Thomas H. Benton's speeches, without cost to me, but they would be paid for out of the people's money; and, to be candid and frank on the subject, sir, I must say that, if I could obtain a million of them for a red cent, I have too much respect for my franking privilege to be guilty of so gross an abuse of it as I believe it would be to frank even one of them. I would have no objections to circulate the fair and candid examination of those measures to which I am opposed, by the friends of the administration; but such a bundle of demagoguism as Benton's speech contains, got up to gull and mislead the public mind, can never receive my endorsement while I keep my senses.

I have taken the liberty of showing your letter to my friend and colleague, col. C. H. Williams, and he requests me to present you his respects most affectionately.

Very respectfully,

Your most obedient servant,

JOHN W. CROCKETT.

Dr. John B. Fonville,
Dresden, Tennessee.

From the National Intelligencer.

MAJOR CROSS' ACCOUNTS.

The resolution referred to by Mr. Underwood having been published in the National Intelligencer, Major Cross requests the editors of that journal to do him the favor to insert the following letters on the subject:

Representatives' Chamber, June 6, 1838.

Sir: I deem it proper to inform you that I offered a resolution this morning calling upon the secretary of the treasury to furnish the house a copy of your accounts as presented for settlement, &c. The resolution was adopted, and you may probably see it in to-morrow's papers. The cause of this movement is: An individual named Maguire called on me a day or two since, and informed me that he believed there were illegal practices prevailing in the settlement of accounts at the treasury; that allowances were made for extra services, and as a per centage on disbursements, the legality of which was doubted, and that your accounts would illustrate the matter, &c. Since the resolution was adopted, gen. McKay came to my desk and explained the relation between Maguire and yourself, (of which I had previously heard,) and stated that you had a petition before the military committee, asking compensation for extra services, from which he inferred that no payment on that account had been made you.

I feel it to be my duty to inquire into abuses alleged to exist by any citizen, and I have also deemed it proper to make this communication, as the inquiry may possibly affect you.

Very respectfully, your obedient servant,

J. R. UNDERWOOD.

Major T. Cross.

Quartermaster General's Office,
Washington, June 6, 1838.

Sir: I have had the honor to receive your note of this date, informing me that, at the instance of a man by the name of Maguire, you had introduced a resolution calling upon the secretary of the treasury to furnish the house of representatives with a copy of my accounts, as presented for settlement.

I am much obliged to you for the kindness which prompted your notice to me of the course you had deemed it your duty to pursue on the occasion. Far from taking any exception to it, I recognise the obligation of every public functionary, when official abuses are alleged, to inquire into them, even if the allegations do not come from the most respectable source. I have always acted upon this principle myself, in the discharge of the duties confided to me, and am disposed to commend rather than condemn it in others.

It will be my pleasure, sir, to meet the most searching investigation into all my official acts, and especially into all my pecuniary transactions with the public, whenever they may be deemed worthy of inquiry by the competent authority. This I may challenge with a boldness inspired by a consciousness that they defy even malignity itself.

But I do not understand from your note that my official integrity has been at all impugned. If "illegal practices do prevail in the settlement of accounts at the treasury," the responsibility is on the accounting officers of that department, to whom is confided the power of construing the laws, and passing upon all claims presented against the United States.

I have the honor to be, sir,

Your most obedient servant,

T. Cross,

Maj. U. S. A. Act'g Q. M. G.

Hon. J. R. Underwood,
House of Representatives.

From the National Intelligencer.
EXPLANATORY LETTERS.

Senate Chamber, Saturday, June 9, 1838.

Gentlemen: In the Globe of yesterday evening, under the head of "proceedings in the senate," the following paragraph occurs:

"INDIAN HOSTILITIES.

"On motion of Mr. Wright, the senate proceeded to consider the house bill making appropriations for the prevention and suppression of Indian hostilities for 1838, and for the payment of arrearages in 1837.

"On ordering this bill to its third reading, Mr. Webster addressed the senate, and was answered by Mr. Wright, when Mr. Preston spoke at length, reflecting generally on the war and its causes which he attributed to the fault of the administration.

"Mr. Lumpkin addressed the house as follows:"

Here follows Mr. Lumpkin's speech at large. This representation of the debate, which occurred on the day of the above publication, produces the impression that I opened a discussion on the subject of the Cherokee Indians, and the proceedings of the executive in regard to them, which brought out gov. Lumpkin in reply; and this impression is strengthened by his speech appearing to be entirely in answer to me. This is altogether erroneous. The course of the debate was this: I made some remarks upon the Florida war, without the slightest allusion to the Georgia affairs. Mr. Lumpkin followed, making no allusion whatever to any thing I had said, but went at once and exclusively into a discussion of the correspondence between John Ross and the executive, stating that his object was to disabuse the public mind of some misapprehensions in regard to it, and also that the executive of the United States had the authority of gov. Gilmer for the course it had pursued. To this I replied, and endeavored to show that the proceedings of the executive were impolitic, and calculated to embarrass gov. Gilmer and gen. Scott, and to impede the execution of the treaty; and I contended that gov. Gilmer did not authorize the extension of the time of removal of the Indians for two years, &c. &c. Gov. Lumpkin replied to these remarks, and so the debate proceeded. Of gov. Lumpkin's first speech, which opened the whole ground, and led to the debate there is no mention in the Globe.

I should not have thought this correction necessary, but my attention was called to the report of the debate by these two circumstances:

1st. That the Globe, published on the evening of the debate, contained the extracts from gov. Gilmer's letters, which had been read by Mr. Lumpkin.

2. That Mr. Lumpkin's speech, as published in the Globe, manifestly prepared by him, leaves the impression that all which he said on the subject of the Cherokees had been elicited by my remarks: whereas, he had preceded me, and brought on the discussion.

WM. C. PRESTON.

Hall of Representatives, June 11, 1838.

Messrs. Gales and Seaton: Gentlemen: When the yeas and nays on the bill to remove or alter the building in progress of erection for the treasury office, (reported in the National Intelligencer of this morning,) were taken, I was not in my seat to vote upon it, having been confined to my room, by indisposition, for two weeks. Had I been present, I should have voted against laying that bill on the table.

I deem it due to myself to say so, as the inquiry originally instituted was under a resolution, which I offered during the extra session. In offering the resolution, I did not design to reflect a censure upon the late or present executive, nor upon the architect; but simply upon the building itself. Indeed, I take pleasure in cordially commending the course which Mr. Van Buren has pursued, in co-operating in having a suitable examination made of the propriety or impropriety of making a change of construction or location. The building is inconvenient, and the site is badly selected. The rooms will be small and dark, and will be unhealthy. It is, at least, doubtful if the building will endure long if erected. And I believe that a more convenient building could be erected, and a saving of three or four hundred thousand dollars effected.

Instead of being heated by flues, there is to be a fireplace in each room.

These are some, and the chief of the considerations which would have induced me to vote against the motion to lay the bill upon the table.

By inserting this note you will greatly oblige your friend.

WM. C. JOHNSON.

TO THE EDITORS.

Gentlemen: In the sketch which appeared in the National Intelligencer this morning, of the debate upon the pre-emption bill, I am reported to have

"explained at some length the grounds on which I had voted against the amendment" of my colleague, (Mr. Ewing,) proposing to allow the state of Indiana to purchase the lands recently obtained from the Miami at the minimum price.

This is erroneous. I voted for that amendment. The substance of my remarks, which were made after that vote was taken, and upon the amendment reported by the committee on public lands excepting the Miami lands from the general provisions of the pre-emption bill, was, that, although I regretted to see that bill embarrassed by any heterogeneous provisions, which might distract its friends, I hoped that the vote just taken would not be wrought into an argument against us, when the subject of my colleague's amendment should be presented as an independent proposition, and I declared myself in favor of its justice.

I voted also for the amendment reported by the committee on public lands.

ALBERT S. WHITE.

June 11, 1838.

House of Representatives, June 11, 1838.

Gentlemen: It seems by your report of the debate on the pre-emption bill, in the Intelligencer of this morning, that I was understood to have offered an amendment that would give pre-emption rights to those who have "already settled" on the Miami reserve lands in Indiana, when, in truth, my amendment (which is on file as presented on the 7th instant, and shall be revived when the bill be reported to the house,) as well as my remarks upon the occasion of presenting it, were directly adverse to any such grant. About half a dozen original settlers on the tract alluded to, before the date of the treaty, (by consent of the Indians,) and, as represented to me, having improved the quarter sections they occupy, should not, in my opinion, lose their labor by a change of ownership; and, with the exception of such, I contended, as my amendment requires, that the state should have a pre-emption to the entire purchase; that she had brought herself clearly within the principles of the bill, by extending her improvements into the wilderness; and, by her policy and action, had imparted value to the land, which should now accrue to her benefit, for public purposes, upon every principle of equity.

I am perfectly aware of the great difficulty unavoidably experienced by reporters in catching the precise views expressed by members, but that difficulty does not extend to amendments offered in writing.

The "Globe" has published the same erroneous statement of my amendment, and it is important, upon this matter, that I prevent misrepresentation at home. I copy my amendment as offered, and let it speak for itself:

"Provided, however, That the state of Indiana shall have the exclusive privilege for one year to enter at the legal minimum price all the lands in said state purchased of the Miami Indians by treaty, approved in—, 1837, except such quarter sections as were occupied and improved at the time of the date of making said treaty, by bona fide citizens of said state, with the previous consent of said Indians; and such settlers shall, of right, be entitled to enter, within one year from and after the passage of this bill, the quarter section each may have so settled and improved."

On offering this, I adverted to the uncalled for, and, as I thought, invidious eulogy of my colleague upon settlers now claiming pre-emption rights, as calculated to excite a belief that their character had been assailed, and thus revive and rivet a falsehood recently promulgated to injure or defame an exalted statesman belonging to the other house; but, unless the amendment I then offered, and another to secure the reception of all bank notes of five dollars and upwards, issued by specie-paying banks of the states and territories wherein the lands lie, and redeemable on demand, be adopted, I did not say (as the report makes me) that I would vote for the bill; and I will now take occasion to say, that my convictions of the propriety and policy and justice of both contemplated amendments remain the same, and, unless they be adopted, I shall most certainly not vote for a measure that would otherwise injure a large majority of my respected constituents.

Please give this a place in the Intelligencer, and oblige your friend and servant,

JNO. EWING.

Messrs. Gales & Seaton.

NOTE BY THE REPORTER.

[The explanation of mistake of the sense of "an amendment in writing" is, that the amendment in writing could not be found by our reporter; and the statement of its substance was taken from another paper, the reporter for which seems to have misunderstood its import.]

THE UNITED STATES AND GEORGIA.

The following message was received from the president of the United States; and, when read was laid on the table:

To the house of representatives:

In compliance with the resolution of the 4th inst. calling for any communication received from the governors of the states of Georgia, North Carolina, Tennessee, or Alabama, in reference to the proposed modification of the Cherokee treaty of 1825, I herewith enclose a report of the secretary of war, which is accompanied by a copy of a letter addressed to him by the governor of Georgia, and of his reply thereto. As stated by the secretary, no communication on the subject has been received from either of the other executives mentioned.

M. VAN BUREN.

Washington, June 6, 1838.

War Department, June 6, 1838.

Sir: In compliance with the resolution of the house of representatives of the 4th inst. referred by you to this department, calling for any communication which may have been received "from the governors of the states of Georgia, North Carolina, Tennessee, or Alabama, on the proposition of John Ross and his associates, for extending the time of removing the Cherokee Indians from those states," I have the honor to lay before you, for transmission to that body, a copy of a letter from the governor of Georgia, together with a copy of the reply of the department thereto. Nothing has been received from either of the other executives mentioned.

Very respectfully, your most obedient servant,
J. R. POINSETT.

To the President of the United States.

Executive Department, (Georgia.)

Milledgeville, May 28, 1838.

Sir: I have had the honor of receiving from you the proposals of the government to John Ross, and instructions to general Scott.

The surprise and regret excited in myself at these proceedings of the government, I am sure will be felt by every citizen of the state.

I can give to them no sanction whatever.

The proposals to Ross could not be carried into execution but in violation of the rights of the state. The very making of them must prove exceedingly injurious to the interests of its people.

The lands which are in the occupancy of the Indians in Georgia are the private property of its citizens; and the owners are now entitled, by the laws, to possession. For the purpose of preventing all unnecessary suffering and hardships on the part of the Cherokees, these proprietors have been earnestly entreated not to enforce their rights at once, but to wait until the Indians should be removed by the army. They have been assured that this would be done by the president as soon as possible, and in perfect good faith. Sincere regret is felt that the success of these efforts in the cause of humanity have been defeated by the government.

As soon as the proposals to Ross and the instructions to gen. Scott are known to the proprietors, they will no longer be restrained from taking possession of their property. It becomes necessary, therefore, that I should know whether the president intends, by the instructions to gen. Scott, to require that the Indians shall be maintained in their occupancy by an armed force, in opposition to the rights of the owners of the soil. If such is the intention of the president, a direct collision between the authorities of the state and the general government must ensue. My duty will require that I shall prevent any interference whatever by the troops with the rights of the state and its citizens. I shall not fail to perform it. To avoid misunderstanding, permit me to request that you will communicate to me, and as early as you conveniently can, the president's views upon this subject.

I have no doubt but the Indians can be removed from the state in the execution of the treaty, and by the troops now organized and stationed in the country with that avowed purpose, with more ease and expedition, and a readier acquiescence on the part of the Indians, than by any means in the power of this state.

If, however, the government consents that Ross and his friends shall remain two years longer, the state will be obliged to get rid of the evils which must necessarily arise from such policy, by exercising its own rights of jurisdiction, and remove them by the most efficient means which it can command.

Very respectfully, yours, &c.

GEO. R. GILMER.

To the hon. Joel R. Poinsett.

War Department, June 8, 1838.

Sir: I have the honor to acknowledge the receipt of your excellency's reply to my communication, conveying the proposals made by the executive to the Cherokee delegation, and the instructions to general Scott; and from the tenor of your remarks, I cannot but suppose that your excellency must have misapprehended the true meaning and intent of the government.

The question of prolonging the time of the removal of the Cherokees is expressly referred to the states by this department, and such extension was not intended to embrace a longer period than that which might be required by a due regard to the common dictates of humanity, it being expressly stated that the Cherokees were to be removed as speedily as was consistent with their health and comfort. General Scott is moreover instructed to continue the prosecution of the measures he has adopted to remove the Indians; and, whether their removal is to be effected by compulsion, or by voluntary emigration under their own agents, so to conduct his operations as to place the proprietors of the lands there in possession of their property with as little delay as possible. These instructions certainly do not warrant the supposition that the government consents that Ross and his friends shall remain two years longer; on the contrary, the orders of the government are most positive that the Indians are to be removed from Georgia first, and from the other states as speedily as practicable; and your excellency may be assured, from the character of the officer intrusted with their execution, that these orders will be carried into effect without any unnecessary delay. The department cannot, therefore, perceive any cause for the apprehension your excellency seems to entertain of a collision between the authorities of the state and the general government.

I fully concur with your excellency in opinion that "the Indians can be removed from the state in the execution of the treaty, and by the troops now organized and stationed in the country with that avowed purpose, with more ease and expedition, and a readier acquiescence on the part of the Indians, than by any means in the power of this state," (meaning Georgia;) and I beg leave to reiterate to your excellency the assurance that the troops will be employed, not in opposing, but in vindicating the rights of the states interested in the fulfilment of the treaty, and in establishing, without unnecessary delay, their citizens in the possession of their property in the Cherokee country. All parties must desire that this may be effected rather by the voluntary emigration of the Indians than by the application of force, a resort to which the government desires most earnestly to avoid if possible.

Very respectfully, your most obedient servant,
J. R. POINSETT.

His excellency Geo. R. Gilmer,
Governor of Georgia, Milledgeville, Ga.

From the Globe.

In the senate, on Thursday, the bill for the suppression of Indian hostilities was taken up, and Mr. Preston, [see page 243 for Mr. Preston's explanatory letter] without knowing any thing of the subject on which he inveighed, went to work after the fashion of the letter writing tribe, to manufacture something to answer party purposes. Gov. Lumpkin, of Georgia, made a short shift for Mr. Preston, by presenting a clear narrative of recorded facts before the senate. Mr. Preston insisted that the course of the administration, in proposing to conciliate the malcontent Cherokees, by holding out inducements to voluntary emigration, was altogether wrong, and had given the states interested just cause of offence. The governor of Georgia was alluded to, as well as general Scott, as being badly treated by the course of the department, which, it was pretended, disappointed all their expectations. Upon this, governor Lumpkin rose and read the extract of a letter from governor Gilmer, suggesting precisely the line of conduct adopted by the department. It is as follows:

Extract from a letter from governor Gilmer, dated Milledgeville, March 5, 1838.

"The best informed persons residing among the Cherokees, express the opinion that Ross can, if he will, remove his people at once. To avoid the great expense of the government, and preserve the lives and property of our citizens and the Indians, which may be sacrificed, if the treaty is executed by force, the government can well afford to pay a very liberal price for the voluntary and immediate removal of the Indians. To enable Ross and the chiefs to effect this object, I believe it to be necessary for them first to return home, see their people, and let them be satisfied that their efforts to change the treaty have been honest, though unavailing. The Cherokees are so suspicious of their chiefs, that even

Ross, entirely as he has their confidence, might lose all power to serve them, if he attempted to make a contract with the government for their emigration before they were consulted, and their approval of the measure obtained. If the government should ascertain, upon Ross' return home, that he had the power, and was willing to undertake the removal of his people, the terms of the contract could be agreed upon without difficulty or delay.

"If the pertinacity of Ross should create any difficulty, it might be obviated by making no reference in his contract to the treaty."

How far Mr. Preston's assertion that the secretary arrested the operations of general Scott, and prevented that officer from doing his duty in removing the Indians, will be seen from the following letter, just received through the governor of Georgia, on that subject:

Milledgeville, June 2, 1838.

Sir: Having just arrived from the scene of operations in the Cherokee country, I avail myself of the honor of communicating to your excellency the movements of my chief, general Scott, within the limits of Georgia. Upon the 24th ult. he placed the Georgia volunteers under the command of general Floyd, in position, and on the 25th commenced operations. General Floyd, in person, commanded the first detachment that operated. The promptness and ability of his movement gave to the commanding general the highest satisfaction, while it presented to the balance of the command a salutary example.

The number of prisoners on Tuesday last was about 8,000; and by this I do not think there is a wandering Indian in the Cherokee country, within the limits of Georgia. The captures were made with the utmost kindness and humanity, and free from every stain of violence. The deportment of our Georgia citizens resident in the Cherokee countries, has been marked by a forbearance and kindness towards the Indians, that must win for them the admiration of every philanthropist. Permit me to conclude with the congratulation of our rights being so promptly and peacefully secured.

With the highest regard,

A. H. KENAN,

Volunteer aid-de-camp to General Scott.

His excellency G. R. Gilmer.

This letter, too, we hope will satisfy governor Gilmer that the ground is untenable taken in the following letter, written by way, we suppose, of acknowledging his obligations to the secretary at war for accomplishing the wishes expressed, not only by himself, but by men of distinction in all parts of Georgia, as gov. Lumpkin informed the senate. We annex this kind request of gov. Gilmer for the promptitude with which the secretary entered into the views of engaging Ross and others actively in the business of emigration. It will be seen that his excellency is now disposed to treat the military force, busily engaged in urging and aiding the emigration, as a hostile array against Georgia to defend the Indians; and, in that view, is prepared to levy war on the United States. But we give the letter and reply, that the country may judge governor Gilmer on his own showing. The bill was passed to a third reading by a vote of yeas 40, noes 0, and would have finally passed, but that Mr. Benton intimated a wish to speak on it.

[Here follows the letters of Messrs. Gilmer and Poinsett, inserted above.]

We find the following correspondence in the "Globe" of Friday night the 9th inst.

Executive Department,

Milledgeville, May 30, 1838.

Sir: I enclose to you my answer to the letter of the secretary of war, upon the subject of his proposals to John Ross, and late instructions to general Scott.

All here concur in the opinion that these proceedings of the government are in violation of the rights of the state, and calculated to produce the most extensive and serious evils in the Cherokee country.

Permit me to request that the delegation in congress from this state will unite in ascertaining from the president whether it is his intention to continue the present delay in removing the Cherokees by the troops under general Scott, for the purpose of effecting that object by contracts to be made with the agents of Ross and his friends, or for any other purpose? And whether it is his intention to maintain the Indians by force upon the soil of Georgia in opposition to the will of the state, and the rights of its citizens, to whom the lands have been granted; and that you communicate to me his determination.

Very respectfully, yours, &c.

GEORGE R. GILMER.

Hon. Seaton Grantland,
House of representatives United States.

Department of War, June 7, 1838.

Gentlemen: I have the honor to acknowledge the receipt of your communication of the 5th inst. covering a letter from the governor of Georgia, and asking a reply to the inquiries it contains. Although they have been substantially answered in the reply of the department to his excellency's letter of the 23th ultimo, the tenor of these interrogatories manifests such an extraordinary misapprehension of the intentions of the government, that it becomes necessary, again, to explain them.

His excellency desires to be informed if it is the president's "intention to continue the present delay in removing the Cherokees by the troops under general Scott for the purpose of effecting that object by contract with the agents of Ross and his friends, or any other purpose?" The department does not understand what is meant by the present delay. When general Scott left Washington, he carried with him instructions to proceed without delay in the removal of the Cherokees, and his despatches, since received, show that he took the proper measures to obey his instructions with his characteristic promptness and energy. When the conciliatory proposals of the executive to the Cherokee delegation were submitted to congress, the general was again instructed to continue the prosecution of the measures he had adopted for the removal of the Indians, and whether it was to be conducted by the troops under his command or by the Cherokees themselves, whether it was to be compulsory or voluntary, to permit no unnecessary delay in its execution.

His excellency desires still further to know, "whether it is his [the president's] intention to maintain the Indians by force upon the soil of Georgia, in opposition to the will of the state and the rights of its inhabitants, to whom the lands have been granted?"

In reply to the proposition of the Cherokee delegation for an extension of time, they were told in express terms, that where the rights and interests of sovereign states were concerned, the president could not enter into any engagement with the Cherokees, and that no delay could be granted without the assent of the states interested in the execution of the treaty. In asking that assent the states are merely requested not to press their claims in a manner to occasion unnecessary discomfort and inconvenience to the Indians; and general Scott is at the same time instructed to commence his operations in that part of the territory where the lands have been disposed of, meaning Georgia, and to conduct them in such a manner as to place the proprietors in possession of their estates with as little delay as possible. The department is, therefore, utterly at a loss to understand how the president's views should have been so misapprehended as to give rise to these questions, and now begs leave through you, explicitly to deny that such are or ever have been the intentions of the government.

Very respectfully,

Your most obedient servant,

J. R. POINSETT.

Hon. Wilson Lumpkin, A. Cuthbert, Jabez Jackson, C. E. Haynes, S. Grantland, Hopkins Holsey, and Wm. C. Dawson, members of congress, Washington.

ARMY—OFFICIAL—ORDERS No. 25.

Head-quarters, Eastern Division,
Cherokee Agency, Ten., May 17, 1838.

Major general Scott, of the United States army, announces to the troops assembled and assembling in this country, that, with them, he has been charged by the president to cause the Cherokee Indians, yet remaining in North Carolina, Georgia, Tennessee, and Alabama, to remove to the west, according to the terms of the treaty of 1835. His staff will be as follows:

Lieutenant colonel W. J. Worth, acting adjutant general, chief of the staff.

Major M. M. Payne, acting inspector general.
Lieutenants R. Anderson, and E. D. Keys, regular aids-de-camps.

Colonel A. H. Kenan, and lieutenant H. B. Shaw, volunteer aids-de-camp.

Any order given orally, or in writing, by either of these officers, in the name of the major general, will be respected and obeyed as if given by himself.

The chiefs of ordnance, of the quartermaster's department, and of the commissariat, as also the medical director of this army, will, as soon as they can be ascertained, be announced in orders.

To carry out the general object with the greatest promptitude and certainty, and with the least possible distress to the Indians, the country they are to evacuate is divided into three principal military districts, under as many officers of high rank, to

command the troops serving therein, subject to the instructions of the major general.

Eastern district, to be commanded by brigadier general Eustis, of the United States army, or the highest officer in rank serving therein: North Carolina, the part of Tennessee lying north of Gilmer county, Georgia, and the counties of Gilmer, Union, and Lumpkin, in Georgia. Head-quarters, in the first instance, at Fort Butler.

Western district to be commanded by colonel Lindsay, of the United States army, or the highest officer in rank serving therein: Alabama, the residue of Tennessee and Dade county, in Georgia. Head-quarters, in the first instance, say at Ross' landing.

Middle district to be commanded by brigadier general Armistead, of the United States army, or the highest officer in rank serving therein: All that part of the Cherokee country lying within the state of Georgia, and which is not comprised in the two other districts. Head-quarters, in the first instance, say at New Echota.

It is not intended that the foregoing boundaries between the principal commanders shall be strictly observed. Either, when carried near the district of another, will not hesitate to extend his operations, according to the necessities of the case, but with all practicable harmony, into the adjoining district. And, among his principal objects, in case of actual or apprehended hostilities, will be that of affording adequate protection to our white people in and around the Cherokee country.

The senior officer actually present in each district will receive instructions from the major general as to the time of commencing the removal, and every thing that may occur interesting to the service, in the district, will be promptly reported to the same source. The major general will endeavor to visit in a short time all parts of the Cherokee country, occupied by the troops.

The duties devolved on the army, through the orders of the major general, and those of the commanders of districts under him, are of a highly important and critical nature.

The Cherokees, by the advances which they have made in christianity and civilization, are by far the most interesting tribe of Indians in the United States. Of the fifteen thousand of those people who are now to be removed—and the time within which a voluntary emigration was stipulated, will expire on the 23d instant—it is understood that about 4-5th are opposed, or have become averse to a distant emigration; and although none are in actual hostilities with the United States, or threaten a resistance by arms, yet the troops will probably be obliged to cover the whole country they inhabit, in order to make prisoners, and to march or transport the prisoners, by families, either to this place, to Ross' landing, or Gunter's landing, where they are to be delivered over to the superintendent of Cherokee emigration.

Considering the number and temper of the mass to be removed, together with the extent and fastness of the country occupied, it will readily occur that simple indiscretion—acts of harshness and cruelty, on the part of our troops, may lead, step by step, to delays, to impatience, and exasperation, and in the end to a general war and carnage—a result, in the case of those particular Indians, utterly abhorrent to the generous sympathies of the whole American people. Every possible kindness, compatible with the necessity of removal, must, therefore, be shown by the troops, and if, in the ranks, a despicable individual should be found, capable of inflicting a wanton injury or insult on any Cherokee man, woman or child, it is hereby made the special duty of the nearest good officer or man, instantly to interpose, and to seize and consign the guilty wretch to the severest penalty of the laws. The major general is fully persuaded that this injunction will not be neglected by the brave men under his command, who cannot be otherwise than jealous of their own honor and that of their country's.

By early and persevering acts of kindness and humanity, it is impossible to doubt that the Indians may soon be induced to confide in the army, and instead of fleeing to the mountains and forests, flock to us for food and clothing. If, however, through false apprehensions, individuals, or a party, here and there, should seek to hide themselves, they must be pursued and invited to surrender, but not fired upon unless they make a stand to resist. Even in such cases, mild remedies may sometimes better succeed than violence; and it cannot be doubted that if we get possession of the women and children first, or first capture the men, that, in either case, the outstanding members of the same families, will readily come in on the assurance of forgiveness and kind treatment.

Every captured man, as well as all who surren-

der themselves must be disarmed, with the assurance that their weapons will be carefully preserved, and restored at, or beyond the Mississippi. In either case, the men will be guarded and escorted except it may be, where their women and children are safely secured as hostages; but, in general, families in our possession, will not be separated, unless it be to send them, as runners, to invite others to come in.

It may happen that the Indians may be found too sick, in the opinion of the nearest surgeon, to be removed to one of the depots indicated above. In every such case, one or more of the family, or the friends of the person, will be left in attendance, with ample subsistence and remedies, and the remainder of the family removed by the troops. Infants, superannuated persons, lunatics and women in a helpless condition, will all, in the removal, require peculiar attention, which the brave and humane will seek to adopt to the necessities of the several cases.

All strong men, women, boys and girls, will be made to march under proper escorts. For the feeble, Indian horses and ponies will furnish a ready resource, as well as for bedding and light utensils—all of which as intimated in the treaty, will be necessary to the emigrants both in going to, and after their arrival at their new homes. Such, and all other light articles of property, the Indians will be allowed to collect and to take with them, as also their slaves, who will be treated in like manner with the Indians themselves.

If the horses and ponies be not adequate to the above purposes, wagons must be supplied.

Corn, oats, fodder and other forage, also beef cattle, belonging to the Indians to be removed, will be taken possession of by the proper departments of the staff, as wanted, for the regular consumption of the army, and certificates given to the owners, specifying in every case, the amount of forage and the weight of beef, so taken, in order that the owners may be paid for the same on their arrival at one of the depots mentioned above.

All other moveable or personal property, left or abandoned by the Indians, will be collected by agents appointed for the purpose, by the superintendants of Cherokee emigration, under a system of accountability, for the benefit of the Indian owners, which he will devise. The army will give those agents, in their operations, all reasonable countenance and support.

White men and widows, citizens of the United States, who are, or have been intermarried with Indians, and thence commonly termed Indian countrymen, also such Indians as have been made denizens of particular state by a special legislation together with the families and property of all such persons, will not be molested or removed by the troops until a decision, on the principles involved, can be obtained from the war department.

A like indulgence, but only for a limited time, and until further orders, is extended to the families and property of certain chiefs and head-men of the two great Indian parties, (on the subject of emigration,) now understood to be absent in the direction of Washington on the business of their respective parties.

This order will be carefully read at the head of every company in the army.

WINFIELD SCOTT.

By command:

W. J. Worth, *lieut. col. chief of the staff.*

REPORT ON MR. WEBSTER'S RESOLUTION.

In senate, Friday, June 8, 1838.

Mr. Wright, from the committee on finance, made the following report:

The committee on finance, to which was referred the resolution of the senate of the 31st ultimo, directing certain inquiries as to various provisions of an act entitled "An act to regulate the deposits of the public money," passed on the 23d day of June, 1836, respectfully report:

The resolution instructs the committee "to take into consideration the act of the 23d of June, 1836, entitled 'An act to regulate the deposits of the public money,' and to make inquiry upon these points, viz:

First. "Whether, according to the provisions of that act, it is now competent for the secretary of the treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments."

The committee have examined the act with attention, and find that, all other objections being obviated, it is competent for the secretary of the treasury to employ, as a public depository, any bank which has heretofore been selected for that

service, "and which, since the passage of that act, has suspended specie payments." The eighth section of the deposit act prohibits the secretary of the treasury from discontinuing any deposit bank, and from withdrawing the public money therefrom, except for certain enumerated causes, one of which is in the following words:

"Or if any of said banks shall, at any time, refuse to pay its own notes in specie, if demanded."

Upon this cause being presented, it is made the express duty of the secretary, by the same section of the act, "to discontinue any such bank as a depository, and withdraw from it the public moneys which it may hold on deposit at the time of such discontinuance;" but when the bank shall have again resumed specie payments, nothing is found in this language to interdict its re-selection as a public depository.

The fourth section of the act sets out the terms and conditions upon which the banks shall agree to receive the public moneys before they shall be employed as depositories. The second of these terms is prescribed in the following words:

"Secondly. To credit as specie all sums deposited therein to the credit of the treasurer of the United States, and to pay all checks, warrants, or drafts, drawn on such deposits, in specie, if required by the holder thereof."

The breach of this condition, on the part of the bank, would be a refusal to pay its depositors in specie, and consequently a suspension, to that extent, of specie payments; and the duty of the secretary of the treasury to discontinue it, as a depository, and to withdraw the public money from it, would become imperative, by the language of the eighth section, before referred to, which assigns, as another cause of discontinuance and withdrawal, that, "at any time any one of said banks shall fail or refuse to perform any of said duties, as prescribed by this act, and stipulated to be performed by its contract."

This contingency, therefore, like the former, would take from the bank its character as a depository, for the time being; would forfeit the existing contract, and render its discontinuance, and the withdrawal of the public money from it, an imperative duty; but the committee see nothing, in either of the causes, to prevent a second contract with the same bank, when it should again resume specie payments, again consent "to pay its own notes in specie, if demanded," and again "pay all checks, warrants, or drafts, drawn on the public deposits, in specie, if required by the holder thereof." They find no provision, in any other part of the act, interdicting a second contract with the same bank, when the first shall have been terminated for either of these causes, and they therefore express their opinion that "it is now competent for the secretary of the treasury to employ any bank which has heretofore been selected as a public depository, and which, since the passage of that act, has suspended specie payments;" there being no other obstacle in the way of such second employment, than the act of suspension of specie payments.

The next point to which the resolution directs the inquiry of the committee, is in the following words:

"Second. 'Or which has, since the fourth day of July, 1836, paid out notes, or bills, of a less denomination than five dollars.'"

To cause the inquiry to be clearly understood, it is necessary to connect the preceding language with the words above quoted, and the inquiry will be, whether, according to the provisions of that act, [the deposit law of 1836], it is now competent for the secretary of the treasury to employ any bank which has, since the 4th day of July, 1836, paid out notes, or bills, of a less denomination than five dollars.

In answer to this inquiry, the committee find the two first clauses of the fifth section of the act to be in the following words:

"Sec. 5. And be it further enacted, That no bank shall be selected, or continued, as a place of deposit of the public money, which shall not redeem its notes and bills, on demand, in specie; nor shall any bank be selected, or continued, as aforesaid, which shall, after the fourth day of July, in the year one thousand eight hundred and thirty-six, issue, or pay out, any note or bill of a less denomination than five dollars."

The last of these clauses meets and answers the inquiry directly, and shows that it is not competent for the secretary of the treasury, under this act, now to employ, as a public depository, any bank which has, since the fourth day of July, 1836, either issued, or paid out, notes or bills of a less denomination than five dollars; while the first clause interdicts the selection or continuance, at any time, and under any circumstances, of any bank "which shall not redeem its notes and bills, on demand, in specie."

These two points of the inquiry seem to the committee to assume the expediency of a course of legislation which shall revive and introduce again into practice the deposit system established by the act of 1836, as the system upon which the public money is to be kept and disbursed. Under this supposition, the opinion of the committee, as to the first inquiry, does not indicate the necessity of further legislation; while the plain and unquestioned construction of the act, as to the second, compels an answer which, to the minds of those who desire the reintroduction of that system, may seem to point out such a necessity.

Not so with the majority of the committee. While left by the senate to the free exercise of their own opinions, they cannot recommend any legislation, the effect of which will be to reunite the public treasury and the banks, by a return of the public treasure to the uses of banking; to stimulate and compel the banks to discount upon the public money, by exacting from them an interest for its use; to promote an expansion in the paper issues of the banks, exactly proportioned to the fertility of the public revenues, and a correspondent embarrassment of the public treasury. When a sterility of revenue shall call for the public money which has passed into the hands of the customers of the banks. Such, they believe, have been the effects of the system of deposits, the revival of which the resolution seems to contemplate. That system compelled the deposit of all the public money in banks; it placed it in those institutions upon general deposit, and thus made it, in fact and in law, the money of the banks, and not the money of the people; it not only held out an inducement to the banks to use the money for the purposes of discount and banking, but, in this way, gave them the right so to use it, in defiance of the popular will, and of the public authorities; it went further, and compelled them to convert it to some profitable employment, by demanding interest from them while it was in their keeping. Time and experience have shown the consequences of such a policy, and were there no other reason, these consequences would forbid the committee from recommending any legislation calculated, or intended, to revive that system.

The action of the senate, however, appears to them equally to stand in the way of any such recommendation. A special convocation of congress, in September last, was a necessity imposed by the failure of this system of deposits, and the embarrassments to the public treasury thereby occasioned. Recommendations for the keeping and management of the public money, without the aid of the banks, and especially for a permanent separation between the treasury of the people and the business of banking, were then laid before congress by the president. These recommendations were deliberately and definitively acted upon and adopted by the senate, but failed to receive the assent of the other branch of congress. At the commencement of the present session, the same recommendations, substantially, were renewed, and again the senate has, after long deliberation and debate, adopted them, in the shape of a bill, and thus sent them to the house for its concurrence. If that bill shall become a law, the whole deposit system recognised and legalized by the deposit act of 1836, will be superseded. Will the senate, then, by its own action, supersede its own bill? Will it, in the absence of all information as to what may be the fate of that measure in the co-ordinate branch of the legislature, or rather with the knowledge that it has not yet been considered there, send another bill upon the same general subject, based upon adverse principles?

The committee can only repeat, what they have found it to be their duty to say upon a kindred branch of this subject, that whether such duplicate action, by the same legislative body, be consistent with established parliamentary law, with the economy of legislation, or with the uniformity of decisions which should characterize all deliberative bodies, are questions which properly address themselves to the senate and not to them; but upon the merits of the propositions they must be permitted to feel entire confidence that no sufficient reasons for a change of opinion or action can be presented.

The remaining inquiry embraced in the resolution is in the following words:

"Third. And also to inquire into the expediency of repealing or modifying those provisions of the said act, which prohibit the receipt, in payment of debts and dues to the United States, of the bills of all banks which issue bills of less denomination than five dollars."

This inquiry relates to the last clause of the 5th section of the act, which reads as follows:

"Nor shall the notes or bills of any bank be received in payment of any debt due to the United

States, which shall, after the said fourth day of July, in the year one thousand eight hundred and thirty-six, issue any note or bill of a less denomination than five dollars."

This provision of the law of 1836, was inserted in furtherance of a policy some years since adopted by congress, as will be seen by the 8th section of the proposed recharter of the Bank of the United States of the year of 1832, which reserved to congress the power, from and after the 3d of March, 1836, to prohibit that institution from issuing or circulating notes of a less denomination than twenty dollars. That act did not become a law, but this feature of it met the approbation of the two houses of congress, while the objections of the then president to the bill made no mention of this provision as exceptionable in his mind. On the contrary, his whole policy, and all his recommendations in relation to the currency, after that date, and especially after the time when the power could have been exercised, favored the policy of this limitation. Various legislation of congress in the year 1836, distinctly indicated a determination to adhere to, and carry out the policy, and by limiting the circulation of bank notes of the smaller denominations, to secure a currency of coin only for the minor transactions of business, for the payment of day laborers, for the change required in pecuniary dealings and the like; and in this way, also to give a more broad metallic basis to our whole paper circulation. Many of the states of the union fell into the policy thus adopted and pursued by this government, and conformed their legislation to the object proposed. It seemed to be universally conceded that these two objects could only be secured by the exclusion of small bank notes from ordinary circulation; and all adopted the policy as wise, and worthy of pursuit. The powers of this government could effect little, as the paper circulation to be suppressed was that of the notes of banks existing by, and acting under state authority; but what it could do, was proposed to be done by the provision of the deposit law above quoted. As a more direct, and much more efficient movement, a very general and vigorous effort was made by the states and the people to exclude from circulation bank notes of a less denomination than five dollars; and several states, whose banks had, theretofore, been authorized to issue notes of the denominations of one, two, and three dollars, took from them that authority, while the banks of several other states had either never possessed that authority, or had been deprived of it at a previous period. The progress in this attempted reform of the currency was materially retarded by the fact that all the states did not enter into, and act upon it, so as to restrain the issues of small notes by their banks, and that the banks of the British provinces upon our northwestern boundary continued to issue small notes, which found a more or less extended circulation in the contiguous states of the union. Still the advance towards an entire metallic circulation for all sums below five dollars was as rapid as, in the then situation of the country and the banks, could reasonably have been expected; and additional states were taking measures for the gradual exclusion of the small notes of their banks, when the suspension of specie payments, with very few exceptions, by all the banks of all the states, in May, 1837, arrested the salutary improvement.

The suspension was, to every practical extent perfect. The banks, as a general rule, did not pay specie upon any denomination of their notes, or to any class of their creditors. An unavoidable consequence followed. All the coin in circulation, the most of which had been put in circulation by the policy and measures before adverted to, was either gathered into the banks, not to be again given out for the circulating currency of the country, or was hoarded by private holders, to whose minds the suspension had communicated a feeling allied to panic, inclining them to treasure up all they had which was money, precisely in proportion to the diminution of their confidence in the value of that circulating medium which had, therefore, represented money, but could not do so during the continuance of the entire suspension of specie payments by the banks. Hence, either an absence of any medium for business transactions under five dollars, or the worst of all media which an enlightened public feeling could tolerate, soon became, in many sections of the union, an evil of the first magnitude, and one against which the interference of the state legislatures was commandingly invoked. In obedience to calls of this description from a suffering constituency, the legislatures of several of the states, which had adopted and prosecuted the policy of substituting the circulation of coin for that of small bank notes in the minor pecuniary transactions of society, felt it to be their duty to retrograde in their action, and again to confer upon their banking in-

stitutions the power to issue, and the right to circulate, notes of the denominations below five dollars. In some cases this change of policy, in the action of the states, has been made general and unlimited; while in others, as the committee think more wisely and fortunately, it has been made temporary, and adopted with an evident design, not to abandon the policy, but to meet the particular grievance, and, that being obviated, to return to those sound measures which, as permanent regulations of law, cannot fail to have a most salutary influence upon our currency generally, and especially upon the interest of the poorer, and by far the most numerous classes, in its soundness and reality.

Still the committee suppose that nearly all the banks in many entire states have, in obedience to, and in conformity with, this change of policy in the legislative action of the states under whose authority they exist, violated the restriction imposed by the clause of the deposite law of 1836 last, above quoted, and thus put it out of the power of the fiscal officers of this government to receive any of their notes in any payment to the United States while that restriction remains in force, and without modification. Under such circumstances, the committee are not prepared to say that this provision should be so rigidly adhered to as to perpetuate the exclusion of the notes of these banks from the public receipts, while the notes of other banks, no more safe, are received. Such a rule would not aid the policy which the committee earnestly advocate of giving greater stability to our paper circulation, but would merely establish an invidious discrimination between the different local banking institutions, founded, so far as they can discover, upon no defensible principle. Had these violations of the restriction imposed by the deposite law been entirely voluntary on the part of the banks; had no suspension of specie payments, and no consequent derangement of the whole paper currency, intervened; and, even under these pressing inducements, had not the interference of the legislatures of the states authorized the violations, and, in some cases, at least, rendered the issue of the small notes almost, if not altogether, a duty in the estimation of the surrounding community, the committee would be the last persons to suggest even, much less to recommend, the remission of the penalty which this law of congress imposes upon the act.

After what has been said, it will not be expected that the committee will yield to "the expediency of repealing those provisions of the said act which prohibit the receipt in payment of debts and dues to the United States of the bills of all banks which issue bills of less denomination than five dollars." This would be to yield the sound and salutary policy which the provisions were designed to carry out; one of the last things, in the administration of the affairs of this government, which the committee are disposed to surrender. While the benefits of a sound and stable currency are so loudly demanded by all parties and all interests, and while the committee know and feel that a greater infusion of coin into the circulating medium of the country is the safest mode of reaching that great and good result, they cannot become parties, much less agents, in a course of legislation which shall surrender the first step towards a consummation so ardently desired by all. They, therefore, give their opinion against a repeal of this provision.

It remains to consider what modification can properly be adopted to meet the case, and not weaken the great principle contended for. That, in the opinion of the committee, is a proposition of easy solution. The legislation of several of the states, to which reference has been made, furnishes a precedent which congress can safely follow. A postponement, so far, of the operative limitation of the provision, as to relieve the banks from the exclusion caused by former violations; the fixing of another day, beyond which, if they shall again cease to issue notes below the denomination of five dollars, their notes may be received in payment of the public dues, will effectually cure the evil complained of; place the excluded banks, so far as the legislation of congress is concerned, upon the same footing with their neighbor institutions, and preserve the policy of the law, in no other respect impaired than as to the time when that policy shall become practice.

The committee cannot, in justice to their own feelings, fail here to notice that many of the excluded banks have been among the first in the country to resume specie payments; that their issue of notes under the denomination of five dollars was a measure believed, not by those interested in the banks simply, but by the community within which they are located, to be in direct aid of a speedy resumption by the institutions which made the issues; and that the effect of those issues, under the circumstances of the case, and in the then condition

of the currency, is still thought to have been salutary upon all interests, public and private. These are circumstances, which, as it seems to the committee, cannot escape the attention of congress in deciding upon the propriety of the suggested modification of this provision of the deposite law of 1836.

Still the question is one connecting itself with the general subject of legislation, covered by the bill upon which, as has been before remarked, the senate has acted, during its present session, and which bill has been, long since, sent to the house of representatives for the concurrence of that body. When that bill shall be acted upon, the committee believe that an amendment, to the effect they have suggested, will be proper and expedient; and as they have abundant evidence that the attention of that body has been repeatedly and expressly called to this particular point, they have no reason to doubt that it will receive the required modification there, in case the judgment of the house, upon the propriety of its adoption, shall agree with that which the committee entertain and express.

They believe it, therefore, inexpedient that any independent proposition to accomplish this object should, at the present time, be originated in, or acted upon by, the senate. Should the bill referred to be rejected by the house, or should it be returned to the senate without the amendment suggested, in either case the modification may be originated, and passed as an independent bill, without material consumption of time, in relation to the business of this body, while its adoption by the other, in the manner here suggested, will save the time and forms of independent legislative action. For these reasons the committee return the resolution to the senate, without any proposition for the present action of the body upon any one of its suggestions.

SPEECH OF JUDGE WHITE

Upon the bill reported by the committee on the judiciary, to prevent the issuing and circulation of the bills, notes, and securities, of corporations created by congress which have expired, &c. Delivered in the senate of the United States, April 20, 1838.

MR. PRESIDENT: I do not wish that the reasons for the vote which I intend to give on this bill should be misunderstood, therefore, I now address you.

The evil to be remedied by its passage is the re-issuing the notes of the late bank of the United States, chartered by congress in 1816. The penalty to be inflicted is that of fine and imprisonment. I deny that congress has the power to pass such a bill.

Let us examine, for a moment, the principles contended for by its friends. 1st. my honorable colleague has deduced the power from the 2d section of the 2d article of the constitution, which says, that the courts of the United States shall have jurisdiction in all cases arising under the constitution or laws of the United States, &c.

This clause was never intended to designate the cases in which congress should legislate, but the cases which the judiciary might decide.

All cases in which we legislate, whether we have the constitutional power or not, the judiciary may have cognizance of. If, because the judiciary have this jurisdiction in all cases, congress may also legislate in all cases, there is an end of all limitation to the powers of the federal government.

This is a more extravagant claim of power than I have ever known to be set up by any class of politicians.

2d. His next recourse is to that clause in the constitution which gives to congress the power "to coin money and to regulate the value of it," &c.

From this clause he has argued that congress has the whole power over the coin, and, if these notes are permitted to circulate, they will put out of circulation an equal amount of coin, therefore congress has the power to legislate them out of circulation. I deny the soundness of this argument.

It is true congress has the sole power over the coin, but it is not true that they have, on that account, absolute power over all credits which the states or the people may choose to circulate as substitutes for coin. They cannot pass any law which will make it unlawful for one man to circulate the promissory negotiable note of another, as a substitute for coin. Nor can they prohibit the circulation of notes issued by banks chartered by any of the states.

The circulation of checks or notes on state banks displaces specie to the same amount, and if this argument of my colleague were sound, this whole circulation could, at any time, be prohibited by congress.

This claim of power is, in itself, so extravagant, that few have heretofore ventured to assert it. In

my opinion, it comes with a bad grace from those claiming to be states right men, or republicans of the Jeffersonian school.

3d. His last resource, to establish this power, is a recurrence to that clause in the constitution which gives congress the power to pass all laws, necessary and proper, to carry into effect any of the powers before vested in them.

This argument of my colleague carries us back, and places us upon the broad old federal doctrine, "that congress may do any thing which they believe is for the general welfare."

The republican doctrine is, that this clause in the constitution, instead of vesting in congress any power on any new subject, was intended as a limitation upon powers already granted. Without this clause, congress would have been compelled, in many cases, to take power by implication, or by construction, otherwise they could not attain many of the objects over which express powers to legislate had been granted to them. To cut off all pretence for assuming powers by implication, this clause was inserted, and express power conferred to pass all laws necessary and proper to give effect to the attainment of those objects, in relation to which express powers had been granted.

I cannot but think, that he who now insists on the reverse, and still calls himself a republican of the Jeffersonian school, mistakes the class of politicians to which he belongs. Certain I am, he and I do not belong to the same class, because I will not take from this clause the power to act on any new or independent subject whatever. I can only take power from it to use the means necessary and appropriate to effectuate some object, in relation to which an express power to legislate is given.

The honorable senator from New Jersey, who addressed us yesterday, has had recourse to judicial determinations, to prove that congress possesses the power to pass this bill.

It appeared to me that those authorities only went to establish, that where congress has the power to create an institution, they have the power to regulate it or to destroy it.

If this doctrine is sound, the argument leaves me exactly where it found me, because I am one of that unfortunate class of politicians who do not believe congress had the power to create this corporation.

The honorable senator from Alabama, farthest from me, Mr. Clay, supposes we have the power to pass this bill, because the notes thus improperly put in circulation, the United States are morally bound to pay.

I deny that the United States ever were, or ever can be, either legally or morally bound to pay a single note issued by that bank.

The bank was called by our name, we were stockholders to the amount of seven millions of dollars, and we were no farther bound to the payment of the debts of that bank than any individual owning the same amount of stock, and the very moment we sold the stock we were not interested in the bank to the amount of one cent.

The cases put by the senator to illustrate his argument, prove that the name of this bank has misled him.

He says, if a man forges a note or obligation upon the treasurer of the United States, he could be punished for forgery, &c.

Suppose I yield that he could, why would he be thus punishable by an act of congress? It would be because the treasurer is an officer of the United States, and because, if the forged note or obligation were genuine, the United States must pay the money out of the treasury.

The persons this bill intends to punish, are not our officers, our agents, or our trustees; nor are the United States, either legally or morally, bound to pay one dollar to redeem these notes.

The notes, if re-issued, are thus dealt with, by the officers, the agents, or trustees of the bank, in which we have no interest whatever, the United States having sold the whole amount of their stock to the bank chartered by Pennsylvania.

I think if the honorable senator will reconsider the opinions he has advanced, and give them an application to the facts as they really exist, he will be satisfied he is maintaining a doctrine too extravagant to be seriously insisted on by any one.

The argument of the honorable senator from Connecticut, Mr. Niles, is by far more plausible than any thing I have heard.

It is this in substance, that we cannot now inquire whether congress had the power to charter this bank or not. It was chartered, these notes were made in virtue of a power conferred by the charter, and it is our duty to see that society is not defrauded by means of our creation.

If there were no other means of checking the mischief but by our legislation, the necessity of

the case would make a man strain hard to find some source from which he could have power to compel those who are trustees to cancel those notes as fast as they are lifted by them.

But there is no sort of necessity for our legislation to check this mischief.

How are the facts?

By the charter of 1816, the bank had twenty years, within which to do business; they expired on the 3d March, 1836. The bank was to have two additional years within which to wind up its concerns; they expired the 3d of March, 1838.

Before the expiration of the twenty years the state of Pennsylvania gave to the stockholders, with the exception of the United States, a new charter, and the old stockholders transferred to this new bank all their funds in trust to wind up their concerns; in other words, in trust to collect all debts due to the old bank, and to pay all the debts it owed.

Now I am very clear in the opinion that whenever the trustee, with the funds of the old bank, lifted any of its notes, it was a duty to cancel them, and if, instead of doing so, the trustee re-issued them, it was a breach of trust, and upon an application to a court of chancery, by any one having an interest, I have no doubt a decree would be made to restrain the re-issue, and to compel the trustee to cancel the notes as fast as lifted with the trust funds.

Where then is the necessity for congress to exert the power to check a mischief for which there is a clear, unembarrassed, and adequate remedy? There can be none as I think. There certainly is none to protect any interest of the United States. They never had any interest in this new bank, and they have none in the old, because under an act of congress our seven millions of stock were sold to the new bank, receipted for, and as fast as the instalments have fallen due, according to the contract, they have been punctually paid.

There, therefore, as it seems to me, can be no necessity or propriety in deriving the power claimed from the necessity of the case, and there is the more danger in deriving any power from such a source, because every honest mind is easily misled by it, as the exercise of the power is to attain an object honest and praiseworthy.

But, Mr. President, are not all those who assume this ground, and think we have no power to charter a bank, assuming a most dangerous and deceptive ground?

I cannot but think so, and with great deference I say, it has appeared to me, we are likely to commit error by not separating in our minds things which ought to be kept distinct.

The new bank and the old bear the same name. The stockholders, with the exception of the United States, are the same in both banks. The principal officers in the old are the prominent officers in the new. Hence I have thought we are inclined to view the officers in this state bank as our officers, exercising an authority derived from the United States, when in truth and in fact they derive their power and authority under a state law, and are neither our officers, our trustees, nor our agents. Their whole power and authority over the affairs of the old bank are derived from the contract between the old and new banks, by which the latter became the trustee of the former.

Is it possible that congress can derive any power to legislate on this point on the ground of this contract?

Suppose Pennsylvania had never granted this new charter, and the stockholders of the old bank had made just such a contract with the bank of Virginia in virtue of which this latter bank became the trustee, and there was an allegation that this trustee was re-issuing some of the notes instead of cancelling them. Is any gentleman prepared to maintain that congress could pass a law to send the trustee to jail, or to have him mulcted in a fine?

Upon principle there is no distinction between the cases.

This claim of power rests upon the ground that as we *inferred* the power to create the bank, when in truth we had no such power, we may assume any other power we choose to check our own mischief.

I deny this doctrine entirely, and insist that by our own legislation we can never enlarge our own powers.

Here we have created a bank. Will any gentleman affirm that an express power to charter a bank is given in the constitution? No gentleman can so allege. Even those who claim such a power for congress have never pretended there is any express grant of power. All agree it is a power that must be *inferred* for the sake of carrying out some other express grant of power.

Some have said we have express power to lay and collect taxes, and a bank is necessary as a fiscal agent.

Others that we have a power to coin money, and therefore congress has power over the whole currency, and to keep that sound, a bank is essential.

While those who deny any such power have denominated it "a *vagrant*, crawling over the constitution in search of a soft place on which to make a comfortable settlement."

If we pass this bill, in my judgment, we first assume, by implication, that congress had the power to charter the bank, and then we *infer* that congress can impose whatever pains and penalties it pleases, even unto death, to compel the cancelling of the notes.

These powers, I think, we do not possess, and, therefore, I will not exercise them. I will adhere to what I think the old republican doctrine:

1st. Shew an express grant of power to do the principal matter, and then

2d. That the means you wish to employ are the *necessary* and *proper* means to be used, and I am ready to act; if I doubt, reasonably, I ought not to act.

Is there any gentleman who hears me can say there is no reasonable doubt in this case?

After all, if we pass this bill, how is any one to find out what notes were re-issued? There will be no mark put upon them.

We can only believe some have been re-issued, because we see, at an after day, more are in circulation than there were on a former one: but what identical notes they were, society can have no means of knowing.

I now have one or two in my pocket, but I have no knowledge when or how they were put in circulation, nor had I any means of ascertaining. All I know is that they came to my hands fairly.

Other gentlemen, who condemn my rule of construing the constitution, may find a satisfactory source from which to derive their power to pass this bill; if so, let them pass it. All I wish, is, that the principles, on which I act, may be understood.

Mr. President: I might here close my remarks, because I have said all that I intend to say immediately applicable to the bill before us, but my honorable colleague, in opening this discussion, allowed himself such a latitude, that I feel it my duty, to those absent as well as to those present, to touch upon some other topics, which, at some time, it will be my duty to notice, and perhaps there may never be a more fit occasion than the present.

Let no one suppose I am about to make any observations upon the letter of Mr. Biddle to Mr. Adams, which has been the subject of so many remarks from my colleague.

Whether the views presented in that letter be sound or unsound; whether Mr. Biddle or my colleague is the best skilled in finance, or in the doctrine of currency; whether his letter be an attack on the administration or not; in short, whether his letter was prudent or imprudent, are matters with which I do not intend to intermeddle at this time.

Before I am done, I expect to shew, that what has been said by my colleague is the first open rupture, among those, who have once been on terms of intimacy, and all know how delicate an affair it is to interfere in such a case.

When the honorable senator from Missouri, Mr. Benton, addressed us the other day on the sub-treasury bill, he read us a letter which he had received from the late president of the United States for the sake of refuting the charge made against him, that he had once been friendly to the bank, and only wished to destroy it, because the directors of it would not use its influence to accomplish his political purposes. He at the same time told us he intended to incorporate it in his speech by publishing a copy of it. He has done so, and when I read his speech a few days since, and this letter, I was induced to believe that the writer had fallen into some errors which it was a duty to some of my constituents should be corrected.

I wish, before I proceed to what I have to say on this subject, to state that I am not one of those who ever stated that the author of this letter has ever been friendly to the bank and became dissatisfied with it because it would not loan its influence to him. Nor do I now intend to make any accusation. My purpose is a very different one.

The letter is dated "29th November, 1837," and its author in the second paragraph says, "When the 'aristocratic few,' at Nashville first made a movement to obtain a branch there, they were forestalled 'by a law of the legislature, imposing a heavy fine upon any bank that should attempt to do business within the limits of the state, without being first chartered by the legislature thereof. This provision had my cordial approbation, and prevented while it continued in force a location of the branch of the bank at Nashville, but it was afterwards repealed, &c.'"

This statement induced me to look into the documents appended to the committee's report at the session of 1834 and 1835 for two purposes.

1st. To see when the citizens of Nashville first applied for the establishment of a branch at that place, and

2d. To see who were the applicants, denominated the "aristocratic few."

I find by the senate doc. vol. 2, page 226, the first application is dated at Nashville, west Tennessee, July 18th, 1817, and is signed by upwards of sixty persons.

On the 3d day of October, in the same year, this application is pressed in a letter of William Carroll, afterwards governor, addressed to the president of the bank.

The act passed by the legislature of the state, taxing a branch, if brought there, was not passed till the 22d day of November, 1817.—Vide same volume, page 239.

If the writer of this letter, therefore intended to be understood as saying, that when the first application for a branch was made, there was a law of the state which forestalled them, the statement is erroneous; there was no such law for upwards of four months afterwards. In putting an estimate upon the character of any members of a community, I think it ought to make a great difference, whether their application was made for the doing that which is in violation of law, or of that which the law did not prohibit.

When a man has such a weight of character as the writer of this letter, what he says of others, especially his acquaintances and neighbours, has an influence throughout the whole country, and I do not think be ought to indulge in statements that may affect their reputation without the strictest regard to accuracy. Again. These applicants are called "the aristocratic few."

Mr. President, you have heard the speech of my colleague, in the course of which he has given an account of his political creed. Whose name do you think is to be found on this aristocratic list.

Strange as you, or the senate may think of it, it is nevertheless true, that his name is the very first on the list, and is succeeded by those of Robert Weakly, Thomas Claiborne, John C. McLemore, Alfred Balch and William Carroll, with many others; some of whom are men of the first respectability and standing.

Now, sir, I should certainly have thought those, whose names I have mentioned would have been the last men he would have called by such a name. If the writer of that letter has any friends left him upon earth, I should think on the 29th November last he would have considered those gentlemen as falling within that class. Politically they seem to have made it a point to think with him and, for the last few years in all things, to act according to his will.

They may, in fact, be said to live and move and have in him their political being. Although I do not profess to have at this time any particular regard for any one of those whose names I have mentioned, yet I must say I do not think it correct to denominate any one of them "an aristocrat;" one who would be willing to take all power from the many, and give it to the few, on the ground that they were better born, or more wealthy than their neighbours.

They and I differ about many things, but I should not like soberly to denominate them federalists even; and if compelled to give any opinion, I could only, in truth, say, that I did not know they had any particular politics.

Others whose names I have not mentioned, will be found on that list, who are men of the first respectability, and who would struggle as hard for an equality of rights as any men in any community, and are as much entitled to the reputation of republicans as any of my constituents.

The distinguished author of the letter, in a subsequent part of it, proceeds to speak of the repeal of the act of 1817, and of the visit of general Cadwallader after such repeal, with a view to the establishment of a branch at Nashville, and says: "Some short period after the visit of general Cadwallader, when the branch was established, a recommendation for the appointment of two gentlemen to fill the places of its president and cashier was shewn to me, with request that I should state my knowledge of the character of these two gentlemen. The bank being established and the people liable to be cursed with all its attendant evils I expressed my confidence in the two gentlemen referred to, believing them to be honest, and that as far as they had control over the institution it would not be wielded for corrupt political purposes. This recommendation I have been informed has been used to prove my approbation of this bank, &c."

The whole point in this matter rests upon the time at which the recommendation was made. The author says, it was after the repeal of the act of 1817,

after Mr. Cadwallader's visit, and after the establishment of the branch!

This statement is founded in error. The act was repealed Nov. 25th, 1826. General Cadwallader's visit was after that, and the establishment of the branch still later.

This recommendation on the very face of it, must satisfy every person that it was given *before* the repeal of the law, *not afterwards*. It sets out with saying it is given in *anticipation of the establishment of a branch*.

It recommends Robert Searey, as president, who, I think, was dead before the repeal of the law; it is signed officially as "major general southern division." It is his recommendation, in company with several devoted friends of the bank, each with all the addition to his name which truth would warrant.

In 1826 the author of this letter was not major general. He had ceased to be so long before. Had been governor of Florida, senator in congress, and candidate for president. The recommendation, although not dated, was undoubtedly about the year 1818 or 1819 as I should think, and at the very time the struggle was going on between the friends of the bank and the advocates of the state law.

[Here Mr. White read the following document and proceeded.]

"To the President of the U. S. Bank, Philadelphia.

The undersigned, in anticipation of the location at this place of a branch of the United States Bank, take this method of recommending to your consideration persons qualified for the direction of the same, viz: president and cashier. From a long and intimate knowledge of the public and private character of major Robert Searey, the present acting paymaster for west Tennessee we feel no hesitation in naming him as a person who would give general satisfaction as president of so important an institution; and from the numerous services rendered by this gentleman both in a civil and military capacity, we think him entitled to a large portion of public patronage, in addition to what the undersigned, can testify, his services and capacity are well known, and no doubt duly appreciated by the heads of department at Washington city."

"For cashier, we beg leave to name John Somerville, who is at this time cashier of the state bank at Nashville. This gentleman is known to some of your honorable body as a person qualified for the duties of this appointment, his integrity has been long tried and approved, and we feel no hesitation in recommending him to you as one who, in receiving the appointment of cashier, would unite the approbation of his fellow citizens."

JOHN MCNEIRY, federal judge.

ANDREW JACKSON, maj gen'l southern division.

ROBERT BUTLER, adj't. gen'l. do

R. WEAKLY,

citizen and former member of congress.

J. W. OVERTON, at'g. and former

supervisor and sup. judge.

JOHN COFFEE, brigadier gen'l. late war.

JAMES JACKSON, merchant and president

branch bank at Nashville.

J. WHARTON, formerly senator in congress.

JOHN P. ERWIN, merchant."

Whether he was at that time the friend or opponent of the bank I do not know, but one thing seems pretty evident that so far as this recommendation would go, it is well calculated to throw his weight against those then struggling to maintain the law of the state against the influence of the bank and its friends.

Mr. President, I will soon prove to the satisfaction of the senate, that the struggle was no trifling affair.

The act prohibiting the branch, as we have seen, passed on the 22d Nov. 1817; the news soon spread; a town meeting was called in Nashville on the 31st January following; the proceedings are not lengthy; I will read them to shew what was done and by whom.

"At a public meeting of the citizens of Davidson county, and the adjoining counties, at the court house in the town of Nashville, on Saturday, the 31st day of January, instant, pursuant to notice given in the Clarion,

"The honorable Jesse Wharton was appointed chairman, and O. B. Hayes secretary.

"Mr. Grundy rose and stated the object of the meeting, and presented the following resolutions, which, after some discussion, were unanimously adopted, with the exception of one or two votes on the first and last resolutions.

"Resolved, That it is the sense of this meeting that the late law passed by the legislature of this state, in taxing banks to be established in this state by an authority other than the laws of this state, while the banks established by the authority of the state are not taxed, is *impolitic and unconstitutional*.

"Resolved, That it is the sense of this meeting that the establishment of a branch of the United States Bank at this place, would be beneficial to the institution, grateful to the people, useful in its operation, and greatly conducive to the prosperity and best interests of Tennessee.

"Resolved, That a committee of seven persons be appointed by the chairman, respectfully to address the president and directors of the Bank of the United States, on this interesting and important subject, and request the immediate establishment of a branch of that institution at this place.

"Whereupon, the chairman appointed F. Grundy, O. B. Hayes, John P. Erwin, George W. Gibbs, J. Whiteside, A. Balch, and A. Hynes, a committee for the above purpose.

Test: O. B. HAYES, Secretary."

[Here Mr. White having read the proceedings and resolutions proceeded to say.]

Thus the senate will see my colleague again foremost; proposer of the resolutions, and first among the debaters.

The proceedings I should think are not very marked in favor of state rights, still they are decorous, and contain such an expression of opinion as freemen had a right to make.

In pursuance of these resolutions a committee was appointed to forward the proceedings to the president and directors in Philadelphia accompanied by an address.

At the head of that committee we again find my honorable colleague, and let us see what language he thought fit to employ there against those opposed to this bank.

[Here Mr. White read the address and proceeded.]

Town meeting and letter of committee of Nashville. "Nashville, January 31, 1818.

"Gentlemen: Enclosed we transmit you a copy of the resolutions this day adopted by the citizens of this vicinity, in relation to the establishment of a branch of the national bank at this place.

"From the spirit of these resolutions, you will perceive the correct view which the people of this country have taken of the act of the late legislature of this state, intended virtually to prevent the operation of this bank in Tennessee; and permit us to assure you, that this is the general sentiment of the citizens of this state, so far as we have been able to ascertain the same.

"In making the statement to you, we are influenced by what we believe a duty we owe to the character of Tennessee. For she has not been less uniform in her political principles, and inviolable attachment to the general government, than distinguished for her alacrity and prowess, in defending the honor of the union. And lest persons at a distance should suppose from her legislature having inconsiderately raised the arm of hostility against a great fiscal establishment of the general government, that her character was not to be confided in, we seize with pleasure every opportunity to show to the world that such conclusion is erroneous.

"We beg leave to assure you that no point could be selected, in our opinion, where a larger profit could be divided from a branch, with the capital of about a million of dollars; and that no section of the union so much requires a circulating medium, in which society has confidence. But we forbear entering into a detail of the various facts and causes which lead to such an opinion, because we know that the course of trade, the wealth, and the great natural resources of Tennessee, are well known to many gentlemen of Philadelphia.

"We cannot close this address without making a tender of acknowledgments for ourselves, and in behalf of the citizens by whom we were selected to address you upon this subject, for the great liberality you have manifested in considering our application heretofore, after the legislature had passed this extraordinary act; and we hope the object will be attained so soon as is consistent with the interest of the institution.

"We wish you to receive as an apology for the trouble we give you, the lively interest felt by the citizens of this quarter of the country upon this subject.

"Accept, gentlemen, the assurances of our high respect,

FELIX GRUNDY,

O. B. HAYES,

ANDREW HYNES,

JOHN P. ERWIN,

G. W. GIBBS,

ALFRED BALCH,

I. WHITESIDE.

"To the president and directors

of the United States bank."

Here an assurance is given to strangers deeply interested in this matter that the statements expressed by the meeting were the sentiments entertained by a majority of the people of Tennessee.

Now I should have disliked to have made such a statement. So far from being true, public sentiment then was, and continued for eight years most decidedly the other way, and never could be changed until the directors of the Nashville bank let it go down in 1826, when the legislature was in session; and under the influence of the embarrassment that must follow, the legislature, very reluctantly repealed the act of 1817.

Of all this Mr. President, I should not have felt that there was much cause to complain, but you must have noticed in the address as I read it, the vindication of my colleague and his committee of the people of Tennessee, the effort to keep their fame from being tarnished by the foul act of the legislature.

As she had been faithful to the union in war, my honorable colleague undertakes to preserve her character from suspicion of treason in time of peace.

Now what offence had the legislature committed? They had imposed a heavy tax if a branch was sent there. This law had passed unanimously or nearly so, and with the exception of one man, that assembly was composed of men as well informed as are commonly to be met with, and although they may have mistaken their powers, or the interests of their constituents; yet I am sure their motives were good. For this offence they were stigmatized to strangers as persons unfriendly to the union, and as persons whose conduct was calculated to destroy the character of their state.

Mr. President, who would have thought that the author of that address was the same person, who so furiously and fearlessly, the other day, declared war against Mr. Biddle and his bank? Yes, sir, "war to the knife, and the knife to the hilt."

It is nevertheless true it is my honorable colleague, who figures in, both the address and the speech.

He has now as he states taken the field for the administration against the bank; and although he will not long have the power of speaking in this chamber, yet he will be busy at home, in arguing and supplicating the people against this bank. Now I do hope, after all this parade, that my honorable colleague and his associates at home, may not turn out to be a corps of Swiss troops, and desert unless they get prompt pay and double rations. I beseech him and them for the credit of our common state to act the part of disinterested patriots for once.

Still I am not without my doubts, at all events as to some of them. I see in a document laid on my table, a few hours since, the copy of a letter from one of the corps, giving notice to the administration that he will be here for his pay, in the spring, by the coming of grass.

I must detain the senate while I read one more document from this same book. It is a letter dated 14th February, 1818, and found in the same volume of documents at p. 231.

"Nashville, February 14, 1818.

"Dear sir: From a knowledge that some acquaintance must have been formed between you and myself at Washington, many of my neighbors have frequently solicited me to forward to you a list of the names of fit persons, to whom to confide the management of a branch bank of the United States at this place. I have heretofore declined it, nor should I at any time have said any thing on the subject, had it not been for the puerile attempt of our last legislature, to prevent an establishment of a branch here altogether. The motives which gave birth to that measure were selfish, the policy contracted, and the views of such men cannot be liberal and impartial. Any number, from seven to thirteen, might be selected from the following, and the choice could not be a bad one.

Jenkin Whitesides, Andrew Hynes, Randall McGavoch, John P. Erwin, Thomas H. Fletcher, James Stewart, Felix Robertson, Robert Weakley, Elihu S. Hall, Alfred Balch, William Carroll, Thomas Hill, George W. Gibbs, Robert C. Foster, Samuel Telford.

"Those printed in italics are merchants; the others, substantial freeholders, and men of intelligence. A board of managers selected from them would, in my opinion, conduct the affairs of the institution with ability and integrity. Although you and the directors have a discretion as to number, between seven and thirteen, I would submit to you the propriety of the largest number. It may have an effect in keeping down that spirit of opposition which has hitherto manifested itself.

"In naming the persons above mentioned, I have endeavored to combine commercial and legal knowledge, nor have I been inattentive to their standing in society here. I will name another subject, respecting which I have not been requested to write; that is, who should be cashier? If any person here is appointed, it should be John Somerville. Should this be the case, some person of ex-

perience in your manner of doing business, should be sent on to put him in the way of conducting the business, upon the principles you act on, or he should visit Philadelphia in person to acquire that knowledge. Mr. Somerville has a knowledge of men and things here, which would be very advantageous; and knows the duties of a cashier better than any person in this quarter.

"I have no fears that any attempt will be made to enforce the Tennessee law. Should there be, it will be revisited with effect here; no concern need be felt on that subject. Should there be no impropriety in it, I should like to know when you will put the institution in operation here? and it would seem to me, that some persons should be authorized before hand to provide a house, &c. You will excuse me for the freedom of my suggestions. If unnecessary, they are harmless.

"Your obedient servant,

FELIX GRUNDY."

"Wm. Jones, Esq., president of the United States Bank, Philadelphia.

"P. S. Although this is addressed to you only, I have no objections to its being seen by any of the directors. F. G."

[After having read the letter, except the name of the author Mr. White proceeded.]

Mr. President, this letter was a *secret one*, addressed to the president in Philadelphia, intended for himself and his directors only. It directly impugns the motives, and speaks contemptuously of the character and standing of the whole *general assembly of the state*.

It gives a list of names for directors of the branch, and concludes with a *threat of revisiting* ill upon the heads of those, who may dare to attempt enforcing the state law.

This letter was written in 1818, it remained a *secret* in the hands, and for the guidance of, a directory of a powerful monied institution from the time of its receipt, till 1835, without any one of those calumniated in it, having any suspicion that among their acquaintances, there could be found a man, capable of thus *stubbing their reputation in the dark*. It was brought to light by the investigating committee, and from the time I have first seen it, until, now, I have never been able to think favourably of its author, or to have any confidence in him, and now Mr. President, you are ready to ask, who was the author?

I tell you said Mr. White, throwing down the book, from which he had read the letter, it was none other than my *honorable colleague*.

The man who could thus treat me, might *deceive me once*, but he never will a second time, unless, perchance, he should hereafter do some act, which comports with the character of an *honorable man*.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

June 9. Mr. Clay, of Kentucky, rose and said that he wished to present two petitions in behalf of the establishment of a new bank of the United States. They professed to be petitions from persons of all political parties that exist in the country; from men of business—men who had felt, in the transaction of their business, the great inconvenience of the want of a uniform currency, particularly as connected with the trade with the south, which had become greatly embarrassed, and especially so between Connecticut and the south. As these petitions were pretty much in the same language with others which Mr. C. had presented, and as favorable action on this subject by congress, as congress now was, was utterly unattainable, Mr. C. thought it useless to say or do more, at this time, than to ask that the petitions be received and laid on the table, as their being in the same language with others rendered it not worth while to take the trouble of printing them. In regard to the political character which they claimed, there were marks upon them by which senators might know whether they came from men of all political parties.

The petitions were accordingly laid on the table.

Mr. Lyon presented a petition asking such a change in the post office law as to allow newspapers to circulate postage free in the respective counties where they are published. Referred.

Messrs. Morris and Pierce, from the committee on pensions, reported a large number of private bills from the other house referred to them, the rejection of a considerable portion of which was recommended.

The resolution of inquiry, offered by Mr. Morris, in relation to ceding to the state of Ohio all the public lands within her boundaries, and to doing likewise with other states when in similar circumstances, was taken up, explained, and advocated by Mr. M., and agreed to.

The bill for the relief of Richard P. Banks was read a third time, and passed.

On motion of Mr. Wright, the joint resolution in relation to certain books, &c. was referred to the committee on the judiciary.

On motion of Mr. White, (of which he had given previous notice, and which was prevented yesterday by the debate on the report of the committee on finance in relation to banks and bank notes,) the senate proceeded to spend the remainder of the day in executive business, with a view to the despatch of all such business having a reference to the appropriation bills; after which the senate adjourned.

June 11. Mr. Tipton, from the committee on roads and canals, reported bills referred to them for the construction of certain roads in Florida, and to confirm a certain act of the legislative council of Florida, without amendment, and recommending their passage.

The resolution offered by Mr. Lyon, calling on the president for further information in regard to the disturbances on the northern frontier, came up in its order.

Mr. Tullmidge remarked that, till more time had been given for the executive authorities of the two countries to settle the frontier difficulties between them, any information on the subject would not probably be acted on by congress, and the call for it would tend to inflame the public mind; it would do no good, and might do much mischief. He therefore moved that the resolution be laid on the table; which was done accordingly.

On motion of Mr. Fulton.

Resolved, That the secretary of war communicate to the senate any information which may have been recently received at the department, indicating a hostile disposition in the Indian tribes bordering on the Arkansas frontier.

On motion of Mr. Linn, the bill to encourage the introduction and promote the cultivation of tropical plants in the United States was considered, and ordered to be engrossed for a third reading.

A great number of private bills from the other house were read twice, and referred.

On motion of Mr. White, the committee on Indian affairs were discharged from the further consideration of the petition of Harriet Livermore.

On motion of Mr. White the senate proceeded to spend the remainder of the day in executive session; after which,

The senate adjourned.

June 12. Mr. Grundy rose and said that, before the senate should proceed to its ordinary business, he wished to consume a minute or two of its time on a subject in relation to which this was the first opportunity of speaking. Most of the speech of his colleague, which appeared in the *Intelligencer* of yesterday, he heard when it was delivered and, so far, had immediately replied to it. But the concluding remarks of that speech he did not hear, and, though informed of their import, he thought best to wait their publication before replying to them. [See page 247 for the speech alluded to.]

Mr. G. said he was not unmindful of what was due to himself and to the station which he occupied, and he would therefore briefly remark, that as to all the personal reference which his colleague had heaped upon him, he would throw them off with disdain and scorn—a feeling which he was sorry to say, was only reciprocated, though with less ill-will on his part towards his colleague. Mr. G. further expressed his satisfaction that his colleague was not the judge to whom his standing, prosperity, and welfare were committed; if it had been so, he would have considered them as lost.

Mr. White expressed his surprise that his colleague should require six weeks or two months to reply to his concluding remarks, and that he did not hear them, when he was both present at the time, and near Mr. W. Mr. W. also adverted to the fact that his colleague had made no attempt to controvert any thing which Mr. W. had said, which he insisted he could not do, as the evidence was altogether too decisive.

Mr. W. also made some further remarks, chiefly personal, and Mr. Grundy was in a course of reply, when the Vice President interfered, evidently in accordance with the general sense of the senate, and the two gentlemen acquiescing the conversation was dropped.

Mr. Clay, of Kentucky, rose and said, that he had received and desired to present to the senate another petition from certain persons in Connecticut, praying the establishment of a bank of the United States. It was not very numerously signed, but it was right that it should be heard. As it was pretty much in the language as a petition before presented, Mr. C. would not ask that it should be read or printed, but received, and laid upon the table.

While up, Mr. C. would say something in relation to some petitioners for a bank on a former occasion. He had supposed that a sense of justice

would have induced the senator from Connecticut, (Mr. Niles,) after the names of those petitioners were printed, to state, in correction of certain allegations of his own, that those petitioners, as a mass, were highly respectable persons. Mr. C. had supposed that he would be prompt to make the amende honorable for his observations on that occasion. His not having done it, imposed on Mr. C. the duty which he had now undertaken.

The remarks of the senator at that time having been published, Mr. C. had received a letter from Hartford, Connecticut, which speaking of the petition, stated that it was signed by the governor, and various others in high standing in the community, by six present and past presidents of banks, by three presidents of insurance companies, and by other as respectable individuals as could any where be obtained for a petition sent to congress. The names of some of the strongest whigs were not on the petition, not because they were not in favor of it, but because they were not urged to sign it.

Mr. C. also stated that the names of these petitioners had been grossly misprinted by the printer to the senate, a variety of which he read, one of which, that is a fair sample of the whole, was "Harry Cumming" for the name of Henry Corning. This misprinting was calculated to mislead in regard to the true character of the petitioners. Mr. C. thought it due to the petitioners to bear this testimony in their behalf, and he did not believe that a more respectable body of petitioners could present themselves to this or any other body.

Mr. Niles, at some length, denied that he had said that the petitioners were not respectable. He had said that one of their statements was incorrect; but they were doubtless respectable, and if they had made a wrong statement, or pursued wrong measures, they were to blame, and not Mr. N., who declared that he had nothing to retract. They had thought proper to come here to deceive the senate, and to deceive the country, and they must take the consequences.

Mr. Clay expressed his inability to understand the senator, in holding that these petitioners were respectable, and at the same time charging them with the propagation of a deliberate untruth. But Mr. C. was satisfied that the senator himself was mistaken, in denying that that petition came from persons of both political parties. That it did so, Mr. C. had the most abundant evidence. On the petition which Mr. C. presented the other day, the political character of the petitioners was marked, and the first on the list was, or had very recently been, a particular friend of the honorable senator, and fighting for the support of his party.

Mr. Niles insisted that the fact of their having signed these petitions was ample proof that, whatever they were before, they had now changed their politics. He also made some further allegations derogatory to one or more of these alleged Van Buren petitioners.

The petition was laid on the table.

Mr. Webster presented a petition from merchants in the city of New Haven, Connecticut, (including all the importing merchants but one,) praying the repeal of that portion of the deposit act of 1836, which prohibits the receipt by the government of the notes of a denomination less than five dollars.

Also, another paper of the same character, in the form of resolutions, from the board of commissioners of the associated banks and its vicinity, and asking the same relief. On presenting these petitions, Mr. Webster said: the present state of things is truly singular. An effort for a general resumption of specie payments by the banks is making, and of about to be made, all over the country.

Some of the banks have resumed. But, now, sir, what is the attitude in which the government stands?

By the new specie circular it is proclaimed that specie or treasury notes will be required, unless debtors to government can procure notes of a specie-paying bank of the denomination of twenty dollars or upwards; which bank shall not have issued, or paid out, any note under five dollars, since July, 1836. No postmaster may receive any note less than twenty dollars.

This refusing to receive notes under twenty dollars is doubtless founded on the provision in the act of April, 1836, that no disbursing officer shall offer in payment any note less than twenty dollars.

I cannot say I think this part of the circular absolutely necessary, so long as the deposit system exists; but at the same time, the provision of the act of April countenances this regulation in some degree, if not entirely.

But taking this state of law and this circular together can it be said that government is encouraging resumption of specie payments, or facilitating the restoration of things to a state of prosperity? Is there, in the spirit of these regulations, any thing

to remind us of the course of government, under similar circumstances, in the days of Mr. Dallas and Mr. Crawford?

In New England, as I believe, all the banks, with one or two exceptions, have issued or paid small bills since July, 1836. If there be more than one or two exceptions, I have not heard of them.

In New York, the legislature felt itself imperatively called upon to alter the law of the state, and authorize, at least for a time, the issue of small bills. The popular branch of the legislature was nearly unanimous for an unqualified repeal. The senate preferred a suspension, and a suspension was the final result.

It is admitted, I believe, on all hands, that this measure was called for by the people. It was not the result of any bank management, or of the operation of any private interests whatever. It was the result of a clear, loud, and irresistible demand of the public will. It cannot be charged to party, to management, or any thing but a universal conviction that the measure would be useful, and was necessary. Its beneficial effects are not doubted, I believe, by any body, in aiding the banks in the great work of resumption. Now, I suppose that all the banks in New York, with, perhaps, two or three exceptions in the city, have availed themselves of this suspension law, and have issued small bills. Their notes, therefore, cannot be received at the custom house, or the post office, or elsewhere, where debts to government are to be paid. I suppose the same state of things exists in New Jersey, and many other states, both Atlantic and western.

I have said on a former occasion, and I still think, that the measures pursued by government have overthrown, at least for the present, its own policy of discontinuing the use of small bills. A state of things has arisen in which the people of states which had begun to act on that policy have compelled their legislatures to give up the attempt for the present. In some instances the laws against small notes have been repealed; in others, modified or suspended. All this, I repeat, has been the work of the people themselves, acting directly on their own legislatures. Under existing circumstances, they find small bills useful, if not indispensable. And as there is no reason to doubt the solvency of the banks which issue such notes more than that of others, the question may be asked, as it is asked, with significance and effect by the committee of the associated banks in Boston, "why not put the notes of all specie-paying banks on the same ground?"

I think, sir, it is the duty of government, at the present important moment, to extend a large and liberal confidence to the banks, and to encourage their efforts, and assist their struggles for resumption by all proper means. To this end, I think the prohibition contained in the fifth section of the deposit law ought to be repealed, or suspended for a considerable time, and until circumstances shall favor a renewed attempt to sustain the policy heretofore pursued. I am not of opinion that it is not enough merely to abolish the incapacity, arising from what has been done, contrary to the provision of the statute. I think it necessary to provide that bank notes of specie-paying banks may hereafter be received, at least for some time, although the banks issuing them continue to issue small bills. Nothing short of this can give effectual relief. The banks cannot now, without great public inconvenience, again recall their small notes. The people will not consent that they should. This is a point, I believe, on which there is little difference of opinion in those states in which small notes are issued.

On the whole, my opinion is, that the best thing to be done, under all circumstances, is to repeal the prohibition, and to wait for a more favorable opportunity to establish the policy which it was intended to sustain. I hope we may see our way on this subject somewhat clearer some time hence than we now see it. If a repeal, however, be objected to, a suspension is indispensably necessary; and this suspension should be for such a length of time as will enable the banks and the public to adjust their concerns to the state of things which will then be before them. But if a suspension only be agreed to, and a day fixed when it shall expire, and especially if that day be a near one, the banks will be compelled immediately to begin to call in their bills, and the relief afforded, if it be any relief at all, will be crippled and ineffectual. Another pressure will commence, and a renewal of past troubles ensue. My opinion is, therefore, that, taking all circumstances into consideration, it is best to repeal the prohibition, and retain, of course, the power of renewing it when a state of things shall hereafter arise to justify such renewal.

For the same reasons, I think the second section of the act of April should also be repealed.

After some further remarks by Messrs. Hubbard, Webster, Buchanan, Preston, Smith, of Indiana, Strange, and Benton, to be given hereafter, the petitions were laid on the table, and ordered to be printed.

Mr. Webster then, in pursuance of previous notice, asked leave to introduce the following: A bill making further provisions for the collection of the public revenues.

Be it enacted, &c. That the operation of so much of the act of June 23d, 1836, entitled "An act to regulate the deposits of the public money," as prohibits the receipt of the notes or bills of specie-paying banks, which have issued since the 4th of March, 1836, notes or bills of a less denomination than five dollars, be, and the same is hereby, suspended until further order of congress.

Sec. 2. *And be it further enacted,* That it shall be lawful for the secretary of the treasury to select and employ as depositories of the public money, according to the provisions of said act, any banking institutions which may be established under the provisions of a law of the state in which it exists.

Sec. 3. *And be it further enacted,* That it shall be lawful for the secretary of the treasury hereafter to select and employ as depositories of the public money, according to the provisions of said act, any bank which shall redeem its notes and bills on demand and specie, notwithstanding it may have stopped specie payments since the date of the said act.

Sec. 4. *And be it further enacted,* That the operation of the second section of the act of April 14, 1836, entitled "An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836," be, and the same is hereby, suspended until further order of congress.

Leave was granted, the bill was introduced and read the first time, and, on the suggestion of Mr. Wright that it would be of no use to refer it, a report just having been made on the whole subject from the committee on finance, the bill was laid on the table, with the understanding that it would receive its second reading and come under the consideration of the senate to-morrow.

Messrs. Grundy, Norvell, Wall and Hubbard, reported various bills from committees referred to them.

Several committees were discharged from the consideration of subjects which had been referred to them, and a number of bills, which will be noticed in their further progress, were introduced on leave, read twice and referred. Several bills from the house were also read twice and referred.

Mr. Merrick asked leave to withdraw the papers of the executor of James Cook, of Maryland, as they were required as evidence in a court of chancery.

This being counter to a resolution of the senate, offered by Mr. Hubbard, and recently adopted, a conversation of some length ensued on the question of order, chiefly by the Vice President, Mr. Merrick, Mr. Hubbard, and Mr. Webster, which resulted in leave being granted to withdraw the papers; whereupon,

Mr. Hubbard offered a resolution, which lies over one day, making the resolution formerly offered by him, and prohibiting the withdrawal of original papers on private claims, one of the standing rules of the senate.

The Vice President presented a communication from the secretary of war, with a report from the colonel of ordnance, containing information in pursuance of the act of 1794 in reference to armories.

Also, from the secretary of state, respecting foreign vessels that have arrived in the various collection districts of the United States. Severally laid on the table, and ordered to be printed.

The bill to encourage the introduction and cultivation of tropical plants in the United States was taken up, advocated by Messrs. Linn and Sevier, opposed by Messrs. Morris, Clay, of Alabama, Niles, and King, and ordered to be engrossed by the following vote:

YEAS—Messrs. Bayard, Benton, Buchanan, Clay, of Kentucky, Clayton, Fulton, Grundy, Linn, Lumpkin, McKean, Merrick, Mouton, Norvell, Preston, Robinson, Ruggles, Sevier, Smith, of Connecticut, Smith, of Indiana, Southard, Tallmadge, Trotter, Wall, Webster, Young—25.

NAYS—Messrs. Allen, Clay, of Alabama, Hubbard, King, Morris, Niles, Pierce, Strange, Tipton, White, Williams—11.

The senate, after an executive session, adjourned. June 13. In addition to other business, which will be noticed hereafter, Mr. Webster gave notice that he should to-morrow morning call up Mr. Williams' motion for leave to bring in a bill for a joint British and American commission of exploration and survey, to determine on the north eastern bound-

dary of the United States, in accordance with the treaty of 1793, which motion had, on Mr. W.'s desire, been laid on the table. Mr. W. gave this notice merely that senators might have before them the two maps of the country in question, recently printed by order of the senate, without which the details of the subject could not be well understood.

The senate proceeded to consider the bill to set apart a belt of land on the western borders of Missouri and Arkansas, as bounty lands to be granted to settlers engaged for a term of years in the defence of the frontier.

The amount of land (estimated by Mr. Davis at more than 3,000,000 acres,) embraced by this bill, was to be granted to settlers who for the term of five years should be organized into companies, and held themselves in readiness to enter at any time into the service of the United States for the defence of the frontier.

The bill was explained and advocated at considerable length and with much earnestness by Messrs. Fulton, Linn, Clay, of Alabama, and Sevier, and opposed by Messrs. Strange, Davis, Morris, Niles, and Lumpkin.

The bill was rejected, on the question of its engrossment, by the following vote:

YEAS—Messrs. Benton, Clay, of Alabama, Fulton, Linn, Mouton, Nicholas, Pierce, Robinson, Sevier, Smith, of Indiana—10.

NAYS—Messrs. Allen, Bayard, Buchanan, Calhoun, Clay, of Kentucky, Clayton, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Morris, Niles, Norvell, Prentiss, Roane, Smith, of Connecticut, Southard, Strange, Tallmadge, Trotter, Wall, White, Williams, Wright, Young—28.

HOUSE OF REPRESENTATIVES.

Friday, June 8. In moving his resolution for an inquiry by the judiciary committee into the causes of the failure of the last term of the circuit court for the Louisiana District—

Mr. Johnson, of Louisiana, explained the serious causes of the complaint which had existed in Louisiana for years with regard to the operations of the judicial system of the United States in that state. He stated that no business had yet been disposed of in the circuit court for that state; that the last term of the court had not been held in consequence of an arbitrary attempt of the district judge to remove the clerk of the district and circuit courts without cause. He had been informed, from the most respectable sources, that the clerk produced a letter from the district judges, stating that he had performed the duties of his office faithfully, methodically, promptly, and uprightly, and to the entire satisfaction of the bench, the bar, and the public, and that the only reason he had for removing him was, a desire to appoint an intimate friend in his place. On opening the circuit court, judge McKinley, of the supreme court, after the argument of counsel, gave an opinion that the district judge did not possess the power to remove the clerk without cause. Judge Lawrence still maintaining his right so to act, the question, it is understood, will be brought before the supreme court of the United States for final decision. In the mean time, neither the district nor circuit court of said state can be held for the want of a clerk. Consequently, the important business pending in the said courts will be suspended for a further period of, perhaps, twelve or eighteen months, and even for a much longer time, if the case should not be decided at the next term of the supreme court of the United States. Thus the mass of business in both courts is to be postponed, and the interests of the people sacrificed, because the district judge wishes to remove a clerk who is eminently qualified for the situation, and against whom he had no cause of complaint, with the view of bestowing the office on an intimate friend.

Mr. J. concluded by remarking that, if the facts to which he had referred are true, of which he had no doubt, he, as one of the representatives from the state of Louisiana, had no hesitation in saying that, in his opinion, the district judge should be impeached and dismissed from office.

[The resolution for inquiry was agreed to.]

The following were the yeas and nays on the motion to lay on the table the bill providing for the removal of the treasury building:

YEAS—Messrs. Andrews, Atherton, Banks, Beirne, Bicknell, Boon, Cambreleng, W. B. Campbell, John Campbell, Carter, Casey, Chaney, Cleveland, Clowney, Col. A. Connor, Craig, Crockett, Cushman, Davies, Deberry, Duncan, Elmore, Farrington, Fairfield, I. Fletcher, Fry, Gallup, J. Garland, W. Graham, Graves, Griffin, Haley, Halsted, Hammond, Harrison, Hawkins, Haynes, Herod, Holsey, Hubley, Ingham, T. B. Jackson, J. W. Jones, Keim, Kilgore, Klingensmith, Legare, Leadbetter, Logan, McKay, Abraham McClellan,

Montgomery, Moore, Morgan, S. W. Morris, Murray, Noble, Owens, Paynter, Pennybacker, Petrikin, Phelps, Plumer, J. H. Prentiss, Rariden, Rencher, Shaffer, Aug. H. Shepperd, Shepler, Snyder, Southgate, Spencer, Stone, Stratton, Taylor, Thomas, Titus, Towns, Turney, Underwood, Vanderveer, Wagener, Weeks, Sherrod Williams, Jared W. Williams, C. H. Williams, Yell—89.

YAYS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Beatty, Biddle, Boni, Borden, Briggs, Bronson, William B. Calhoun, Chambers, Cheatham, Cray, Cushing, Darlington, Davee, Dennis, Dringgoole, Dunn, Edwards, Evans, Everett, R. Fletcher, Fillmore, Goode, Grantland, Grinnell, Hall, Harlan, Harper, Hastings, Henry, Hoffman, Howard, J. Jackson, J. Johnson, N. Jones, Kemble, Lincoln, Loomis, Marvin, S. Mason, Maxwell, Robert McClintan, McKennan, Menefee, Mercer, Milligan, M. Morris, Naylor, Noyes, Parker, Parmenter, Parris, Patterson, Phillips, Pope, Potts, Pratt, Randolph, Read, Ridgway, Robertson, Robinson, Russell, C. Shepard, Sibley, Slade, Stuart, Tillinghast, Toland, Webster, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, Lewis Williams, J. L. Williams, Word, Yorke—82.

Saturday, June 9. Mr. Campbell, of Tennessee, gave notice of a motion to reconsider the decision of the house laying on the table the bill for removing the walls of the new treasury building.

Mr. Pope made an effort to have the bill to extend the pension bill of 1832, for surviving revolutionary officers and soldiers, made the special order for Friday next from 11 to 2 o'clock, but the motion failed.

A similar effort was made by Mr. Bond, in respect to the "bill to enlarge the provisions of the act entitled 'An act granting half-pay to widows or orphans where their husbands and fathers have died of the wounds received in the military service of the United States, in certain cases, and for other purposes,'" but with no better success.

A number of reports were made by committees, among them was the senate bill from the committee on the judiciary, without amendment, to amend "An act, more effectually to provide for the punishment of certain crimes against the U. States, and for other purposes."

Mr. Cambreleng now pressed for the consideration of the motion to reconsider the decision on the treasury building bill, but it was agreed first to take up and dispose of the bills on the speaker's table. They were taken up accordingly. They were private bills, several of which were postponed, and others passed—but before they were all disposed of, the house adjourned.

Monday, June 11. The Chair called the states in order for resolutions, when the following, among others, were presented, agreed to, and otherwise disposed of.

On motion of Mr. Harper,

Resolved, That the committee on public lands be instructed to inquire into the expediency of reducing the number of offices for the sale of public lands in the state of Ohio.

Mr. Harlan offered the following, which lies over:

Resolved, That the president of the United States be requested to inform this house whether any portion of the duties which by law devolve on the secretary of the navy has been transferred to and performed by the secretary of war, and the reasons of the non-performance, (if such be the fact,) by the secretary of the navy, of any of the duties appertaining to his said office.

On motion of Mr. Williams,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing by law for refunding to applicants the fees they may have paid for a reissue or modification of their patents, when they shall have failed to obtain the same.

On motion of Mr. Mercer,

Resolved, That the commissioner of the general land office be directed to report to this house what quantity of the land scrip would be required, in his judgment, for satisfying the outstanding military bounty land warrants granted by the commonwealth of Virginia.

On motion of Mr. Howard,

Resolved, That the secretary of the treasury be directed to report to this house a statement of the amount of money received and expended by the United States in each state in the years 1833, 1834, 1835, 1836, and 1837, designating the several principal heads of expenditures and receipt, and the amounts of the same respectively.

On motion of Mr. Carter,

Resolved, That the committee for the District of Columbia be instructed to inquire into the expediency of requiring the corporation of Washington to remove from the principal street leading due east

from the front of the capitol the market-house now standing therein.

On motion of Mr. Bronson,

Resolved, That the committee on the judiciary be instructed to inquire and report whether any other or further legislative enactment by congress is necessary for the prevention and punishment of the crime of piracy, or acts in the nature of piracy, committed on the inland lakes or waters; and whether any other penal enactments are necessary for the safety and protection of vessels navigating the northern lakes, and rivers connected therewith.

On motion of Mr. Fillmore,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of authorizing immediate surveys and estimates for suitable fortifications for the protection and defence of the northern frontier.

On motion of Mr. Lincoln,

Resolved, That the secretaries of state, war, navy, and the treasury, respectively, be directed to report to this house what architectural plans and drawings, if any, have been prepared under the order, and for the use, of these departments, respectively, since the 4th day of July, 1836, who have been employed in preparing the same, and what compensation has been made therefor.

On motion of Mr. Cushing,

Resolved, That the committee on manufactures be instructed to inquire into the expediency of providing by law for adding to the annual statistical statement for the treasury department a list of the books imported and produced in the United States each year.

On motion of Mr. Ewing,

Resolved, That the committee on private land claims be instructed to inquire into the expediency of providing by law for refunding to the purchasers of public lands the amount of purchase money paid into the land offices for the number of acres the commissioner of the general land office shall be satisfied, upon proper proof, the tract or tracts sold by the United States are deficient of the number so bought and paid for.

Mr. Wise submitted the following resolution, which lies over one day:

Resolved, That the president of the United States be requested to communicate to this house all correspondence and information in possession of the executive department in relation to the visit of Lewis Cass, our minister at the court of France, to the Mediterranean, its objects and results, and its expenses to the nation; whether he voyaged in a national vessel, at the public expense, and whether other persons, and, if so, what persons, accompanied him at the public expense; now long, said vessel was detained or employed in said visit, and at what expense; who represented the United States at the court of France during the absence of said Lewis Cass; and whether he has been paid the full outfit and salary of the envoy extraordinary and minister plenipotentiary at said court.

Mr. Everett submitted the following, which lies one day.

Resolved, That the president of the United States be requested to cause to be transmitted to this house, at the commencement of the next session of congress, a statement of the military force employed in the Seminole war, from its commencement, showing the number of artillery, dragoons, infantry, and marines, in the regular army or service of the United States; the number of volunteers and militia employed in said war, designating the state or territory to which they belong, and the number of Indians employed in said war, designating the tribes to which they belong, with the term of service of the several corps or detachments employed in said war, with the sum paid to the several corps or detachments for their pay and rations, and a statement of the number of horses lost in said war, with the amount allowed therefor; also, a statement of the number of officers and men who have been killed or have died of sickness during said war; and copies of all accounts (other than those rendered in the foregoing requisitions) allowed at the treasury department on account of expenditures in the Seminole war.

The following resolutions were moved by Mr. Prentiss, of Mississippi, and ordered to be printed:

1. **Resolved,** That the power of designating the time, place, and manner, of elections for representatives is expressly given by the federal constitution to the legislatures of the states, respectively, subject to no supervision or control, except by law of congress only; and that, in the exercise of this power, the state legislatures may constitutionally fix the time of election subsequent to the expiration of the congress preceding that for which such election is to be held.

2. **Resolved,** That neither the federal nor state executive can constitutionally anticipate, super-

sede, or change, the times of election as fixed by the state legislatures.

3. **Resolved,** That this house has not the constitutional power, either legislative or judicial by its own action alone, to annul, suspend or impede, the operation of an act of a state legislature fixing the time, place, and manner of election for representatives.

4. **Resolved,** That no resolution or action of this house can deprive the people of any state of their constitutional right of electing representatives to congress at the time designated for that purpose by the legislature of such state; that the claim of such power, on the part of this house, would be a dangerous encroachment upon the rights of the states, and its exercise a direct and palpable violation of the constitution.

5. **Resolved,** That the constitutional jurisdiction of this house over the subject of representation is a limited one, embracing the questions of election, qualification, and return, only; and that, in judging of election, this house is bound to judge in accordance with the act of the state legislature regulating the time, place, and manner thereof.

6. **Resolved,** That, in accordance with the constitutional act of the legislature of the state of Mississippi, prescribing the time, place, and manner of election for representatives to congress, and in compliance with all the provisions of said act, an election was held in November last for two representatives from said state to the 25th Congress, at which election S. S. Prentiss and Thomas J. Word were duly elected, possessed the constitutional qualifications, and were duly and legally returned.

7. **Resolved,** That the resolution of this house adopted on the 5th day of February last, denying to said Prentiss and Word seats in this house as members thereof, was a dangerous attack upon the elective franchise, in derogation of the rights of the state of Mississippi, in violation of the constitution of the United States, and a mischievous example to future times.

8. **Resolved, therefore,** That said resolution be, and the same is hereby, rescinded.

The following joint resolution was moved by Mr. Kennedy, and ordered to be printed.

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the secretary of the treasury be, and he is hereby, authorized and required to cause the public moneys to be deposited in such bank or banks, after the fifteenth day of July next, as shall consent and agree to receive the same on the following terms and conditions, to wit:

First. That said bank or banks shall agree to pay over the said public moneys on warrant, from time to time, when and wheresoever the public convenience shall require the same to be paid, in the legal currency of the United States, if demanded, free of all charge or expense to the treasury.

Second. That such bank or banks shall guaranty all bills exchange supplied by it or them to the government in the transfer or payment of any such moneys.

Third. That said bank or banks shall perform the same duties in relation to loans and pensions as have been heretofore performed by the Bank of the United States, or the deposit banks, free of all charge to the government. And,

Finally. That said bank or banks shall deposit with the secretary of the treasury, as security for the punctual payment of the said public moneys, and for the faithful performance of the duties heretofore referred to, stocks of the United States, treasury notes, or stocks of the several states, such as the said secretary shall approve, to the amount of five millions of dollars, estimating the same by the par value thereof.

Resolved, That the secretary of the treasury be empowered to adopt all such measures as he may deem necessary to carry the above resolution into effect; in such manner as shall most securely provide for the deposit and payment of the public moneys in accordance therewith.

Resolved, That it is expedient and proper that so much of the fifth section of the act entitled "An act to regulate the deposits of the public money," approved on the twenty-third of June, eighteen hundred and thirty-six, as prohibits the receipt by the government of the notes or bills of banks which issue or pay out notes or bills of a less denomination than five dollars, be forthwith repealed.

Mr. Boom, when the state of Indiana was called for resolutions, moved to suspend the rules, for the purpose of taking up and considering the joint resolution, introduced by himself on a former day, for adjourning the two houses of congress on the 2d July.

Mr. B. demanded the yeas and nays on the question of suspending the rules; which were ordered;

(requiring two-thirds.) And the house refused to take up the joint resolution by the following vote—Yeas 87, nays 69.

The call for resolutions then proceeded.

Mr. *Kilgore*, when Ohio was called, offered a joint resolution, looking to a repeal of the small note interdiction; and he asked to have the rules suspended for one hour, to consider it. But he withdrew this motion, at the request of Mr. *Hamer*, until the call for resolutions should be finished.

And the call for resolutions again proceeded.

Mr. *Adams*, when Massachusetts was called, offered the following resolution:

Resolved, That Wednesday, the 20th instant, at one o'clock, be assigned for the consideration, in committee of the whole on the state of the union, of bills from the senate numbered 147, 175, and 176, reported by the committee on manufactures without amendment; (to authorize the importation of two iron steamboats; to refund to the Georgia railroad and banking company certain duties upon railroad iron; to refund certain duties upon railroad iron.)

But the house refused to suspend the rules, so as to permit the action upon this resolution at this time.

Mr. *Carter* made another ineffectual effort to induce the house to fix a day for the special consideration of the bill to extend the pension laws to certain classes of cases arising from western wars.

Mr. *Manefee*, on the call for resolutions from Kentucky, offered the following resolution, which was adopted:

Resolved, That the president of the United States be requested to communicate to this house such information as he may possess relating to the alleged attack on the American steamboat *Telegraph*, in the British waters, and to the alleged destruction of the British steamboat, *Sir Robert Peel*, in the American waters; what measures, if any, have been adopted in consequence thereof; and, if not incompatible with the public interest, such correspondence, if any, as may have occurred between this government and the British minister, or Canadian authorities, in relation thereto; and, if any, information possessed by him concerning the concentration and warrants of foreign troops on the northern or northeastern frontier of the United States.

Mr. *Kilgore* (the call for resolutions having been completed) then moved a suspension of the rules for the purpose of taking up, for one hour, and considering the resolution this morning introduced by himself. And, on this motion, he asked for the yeas and nays, which were ordered. And the motion was decided in the negative by the following vote, (two-thirds being required to carry it:) Yeas 98, nays 82.

Mr. *Adams* asked leave to offer a memorial asking for relief for the laborers on the public buildings, thrown out of employment by the suspension of the erection of the new treasury building. It was offered, and referred to the committee for the District of Columbia.

The hour of 12 o'clock having arrived, the house in pursuance of a special order made on a former day, took up business relating to the District of Columbia.

Mr. *Thomas* hoped the pending motion to reconsider the vote by which the bill to take down the walls of the treasury building was laid on the table, on a former day, would be settled before the house should go into committee upon the affairs of the District. Mr. *Thomas* made a motion (requiring two-thirds) to this effect, which prevailed. So the rules were suspended. Mr. *Harrison* moved to lay the motion to reconsider on the table. Mr. *Milligan* demanded the yeas and nays, which were ordered; and the motion of Mr. *Harrison* was rejected by the following vote: Yeas 88, nays 100. The question then recurred upon reconsideration. Mr. *Mercer* gave notice of an amendment it was his intention to offer. The Chair decided that the motion proposed to be reconsidered being non-debatable, so was also the pending motion. Mr. *Yell* demanded the yeas and nays upon reconsideration, which were ordered; and the motion to reconsider was decided in the affirmative by the following vote: Yeas 103, nays 91. And the question upon the pending motion that the bill do lie on the table, was lost. The amendments of the committee of the whole were then taken up and discussed by several members. Before the question could be taken on the motion to amend, Mr. *Cushman* moved to lay the bill, &c. on the table; and on this question demanded the yeas and nays, which were ordered; and the motion to lay the bill on the table was decided in the negative by the following vote: Yeas 95, nays 98. Mr. *Yell's* amendment (to the effect that no more money be spent upon the erection of a treasury building until the country is relieved of the debt incurred by an issue of ten millions of

treasury notes,) was then rejected without a division. The bill and amendment were then further discussed by other members, and, after a few moments thus spent, Mr. *Petrikia* moved to lay the bill on the table. Mr. *S. Williams* demanded the yeas and nays, which were ordered; and the motion was decided in the affirmative by the following vote: Yeas 94, nays 91. So the bill was again laid on the table.

The house then, on motion, went into committee of the whole, (Mr. Underwood in the chair,) and took up several District bills for consideration, in pursuance of the special order of the day.

The committee had made but little progress, when, a bill for the erection of a court-house in Alexandria being under consideration, Mr. *Petrikia* moved to strike out the enacting clause. He did this upon the ground that it was an extravagant and unnecessary appropriation.

Messrs. *Bouldin*, *Dawson* and *Jenifer*, severally made remarks to the point that there was no court-house belonging to the United States in Alexandria; that it was necessary that there should be one.—They were willing to go for whatever sum the committee should decide ought to be appropriated for that purpose, if that named in the bill were thought to be too large.

Mr. *Petrikia* said he had some facts in his possession on this subject, which influenced him to oppose this bill. A banking-house belonging to the United States had been offered the government for the purposes of the proposed court-house. But this was not to be heard of, because there were certain people who wished that their fine plat of ground should be purchased for this purpose. The way the honest yeomanry of his country erected courthouses was, to tax the oxen and farming implements of the farmer. But here, surrounded by luxury and dissipation of every kind, costly buildings were to be erected to subserve private speculators' ends, &c. He adhered to his motion. A division was then called for on this motion, and resulted as follows: Ayes 9, nays 31. No quorum, (only forty members being present; it was then precisely 3 o'clock.) The chairman vacated the chair, (which the speaker took,) and the former reported this fact to the house.

Mr. *Dawson* asked if there was no way in which a quorum of members could be secured to attend to the public business?

Mr. *Mercer* and *McKenna* each suggested that the only mode in which this could be accomplished was to go on with, and completely to carry into effect, a call of the house. Mr. *E. Whittlesey* suggested another mode, which was, to pass a rule that no member should be entitled to his *per diem* for the day on which, on a call of yeas and nays, he should be found to be absent. Mr. *Everett* moved a call of the house: Ayes 25, nays 28. Lost, 53 members only being present. Mr. *Williams*, of North Carolina, moved a reconsideration of this vote. Mr. *Cushman* asked the yeas and nays. Ordered and taken: Yeas 63, nays 29. So (94 members being present) a call of the house was ordered, and proceeded. On the first call of the roll 110 members answered to their names. After the second call (of absentees) there were found to be 180 members present. Mr. *Cumbrerlang* moved to suspend all further proceedings under the call; which motion prevailing, the house again resolved itself into committee of the whole, (as detailed in our last report,) the business proceeded till 20 minutes past 5 o'clock, when the committee, after three counts, at which, severally, 71, 76, and 95 members only were found to be present, rose, and reported that fact to the house.

The Speaker then took the chair, and, having counted the house, announced that there were 123 members within the bar, and the house went again into committee of the whole, (at half past five o'clock.)

The question as to taking up the Falmouth and Alexandria railroad (senate) bill previously to the other bills on the calendar, which was pending when the committee found itself without a quorum, was then in order, and the division upon this question was as follows, (by tellers,) ayes 70, nays 43. No quorum. The chairman counted the house, and reported 110 only to be present.

The Speaker again took the chair.

Mr. *Haynes* then moved an adjournment. Lost: Ayes 58, nays 67. And this vote disclosing the presence of a quorum, the Speaker again left the chair, and the chairman resumed it, in committee of the whole. The question upon taking up the railroad bill recurring, the following was the division, (by tellers,) ayes 62, nays 40. No quorum. (It was now 20 minutes before 6 o'clock.) The chairman again counted the committee, and the tellers reported as follows: Ayes 70, nays 32. No quorum. And the fact was again reported to the

house—the Speaker returning to the chair. A motion was then made to adjourn. Mr. *Adams* demanded the yeas and nays. On ordering the yeas and nays (requiring one-fifth) 19 rose in the affirmative, and 88 in the negative. The motion to adjourn was then decided in the negative by the following vote, (by tellers,) ayes 47, nays 55. So the house (at 6 o'clock) refused to adjourn, and there was no quorum present. A call of the house was then demanded. Mr. *Mercer* asked for the yeas and nays on this motion, as inflicting the only punishment the house could inflict on the absentees—an exposure of those absent. The yeas and nays were ordered, and the motion that there be a call of the house was decided in the negative by the following vote: Yeas 58, nays 65.

The Speaker then deciding that a quorum (123) was present, the house, of course, again went into committee of the whole. And the chairman resumed the chair, and the committee went on with the business referred to it.

At 7 o'clock the committee rose, and reported the following bills without amendment:

1. A bill relating to the orphans' court of Alexandria county.

5. A bill to make temporary provision for the comfort and support of certain lunatics in the District of Columbia.

And the following were reported with certain amendments:

2. A bill for the relief of the widow and heirs-at-law of the late Lewis Grant Davidson, deceased.

3. A bill making appropriations for the support of the penitentiary in the District of Columbia.

4. A bill to provide a free bridge across the eastern branch of the river Potomac, in the city of Washington.

6. A bill for the erection of a court house in Alexandria, in the District of Columbia.

7. A bill (from the senate) to establish a criminal court in the District of Columbia.

8. A bill (from the senate) to incorporate the medical society of the District of Columbia.

9. A bill (from the senate) permitting the extension of the Falmouth and Alexandria railroad through the District of Columbia, and for other purposes.

The bills above marked 1 and 5 were ordered to be engrossed, and read a third time; and, being so read, were passed.

The house then took up the bill above marked 2, with the amendments reported by the committee. Pending the same, the house, at half past seven o'clock, on motion, adjourned.

Tuesday, June 12. Messrs. *Towns*, of Georgia, *Dennis*, of Maryland, *Mercer* and *Banks*, of Virginia, obtained leave to present petitions; which were respectively referred.

On motion of Mr. *Grennell*,

Resolved, That from and after this day the house will have a daily recess from 2 o'clock till half past 3 o'clock P. M.

She Speaker laid before the house a communication from the secretary of the navy, in compliance with a resolution of the house of the 28th ult. requesting the secretary of the navy to communicate to the house copies of all letters, communications, documents, and correspondence which have passed between him and the navy commissioners, naval constructors, and all other officers and persons relative to the building and equipment of the steam-frigate *Fulton*; also,

A communication in answer to a resolution of the house of the 28th ult. requiring the secretary of the navy to report the contemplated alterations in the steam-battery *Fulton*.

Several reports were received and a number of resolutions of a local or private nature were offered. Mr. *Yell*, from the committee on the public lands, obtained leave to offer the following resolution:

Resolved, That the secretary of war be directed to communicate to this house, without delay, copies of all communications from general Nathan Arbuckle, during the last twelve months, in relation to the probability of an Indian war upon the western frontier; with such other information as may be in possession of the war department touching that subject.

The resolution was agreed to.

Mr. *Carter* made another effort to have Saturday set apart for the consideration of certain bills in reference to the extension of the pension laws to the widows of persons engaged in western wars. He asked the yeas and nays; but the house refused to order them; and the resolution was decided in the negative—Ayes 93, nays 56, (not two-thirds.)

An act to recognize the district court in the state of Mississippi, was read a third time and passed.

M. E. *Whittlesey* asked leave to offer the following resolution:

Resolved, That no representative of this house shall be entitled to receive a per diem allowance for any day he shall not answer to his name on the first call of the names of the members, when a call of the house shall be ordered by a majority of the members present unless he shall have been absent on the business of the house, and by its order or permission, or unless he shall have been detained by sickness, within the provision of the second section of the act of January 22, 1818, allowing compensation to members of congress, and to the delegates of territories, or unless he shall be excused by the house for not being present; and it shall be the duty of the clerk to certify to the speaker the names of all such absentees, not within the excepted cases; and the speaker shall not include a per diem allowance for such absent member, not within the exceptions, for the day of such absence, in any draft he may draw to enable such a member to obtain his other pay.

The reception of the resolution being objected to, Mr. W. moved a suspension of the rules to enable him to offer it; and asked the yeas and nays on this motion; which were ordered.

Mr. W. said he did not wish to press the consideration of the resolution this day, but to be allowed to offer it now, that it might lie one day. Mr. Hopkins moved to lay the resolution on the table.

Mr. Whittlesey demanded the yeas and nays on this motion, and they were ordered by the house; whereupon, Mr. Hopkins withdrew his motion.

The question on suspending the rules was then put, and decided by yeas and nays, as follows: Yeas 89, nays 98.

So the rules were not suspended, and the resolution could not therefore be offered.

An act granting land in aid of the Rock river and lake Michigan canal was read a third time, and passed.

The house then on motion of Mr. Boon went into committee of the whole on the state of the union, (Mr. Craig in the chair.)

Mr. Shields made an effort to have the committee take up the bill authorizing the state of Tennessee to issue patents and perfect titles to certain vacant and unappropriated lands within her limits, but, after conversation, withdrew the motion.

The committee then took up the pre-emption bill.

Mr. Randolph, who had the floor, addressed the committee at considerable length, in opposition to the bill. He traced the successive steps in establishing the pre-emption system, dwelt on its effects in encouraging frauds, diminishing the avails of the public lands to the treasury, and sinking the value of real estate generally. He insisted that the system was unfair to the old states, and injurious to the national prosperity.

Mr. Harrison, of Missouri, next took the floor, on the opposite side, correcting some points stated by Mr. Randolph, and arguing to show that they must be founded in error. He spoke in warm defence and eulogy of the settlers, and pleaded the cause of the west, as having conferred more benefits on the government than she had ever received from it.

The debate was further continued by Messrs. Lincoln, Underwood, Pope, Lyon, and Mason, of Ohio.

Mr. Garland, of Louisiana, moved his substitute (embracing several sections) for the whole bill.

Mr. Underwood moved his amendment to the original bill, (requiring the pre-emptor to make affidavit that he has not obtained a previous pre-emption right.)

[We will publish a more detailed account of this day's proceedings in the next "REGISTER." The house appeared to be disposed to sit out the bill to night, but adjourned at past 5 o'clock.]

Wednesday, June 13. Several petitions were presented, on leave, by different gentlemen, and variously disposed of.

Mr. Calhoun, of Massachusetts, from the committee on private land claims, to which was referred the senate bill No. 89, for giving effect to the eighth article of the treaty of 1819, reported the views of the minority thereon.

Mr. McKay, from the committee on military affairs, reported a resolution in favor of the authorities of the city of Savannah, in the state of Georgia; which resolution was ordered to be engrossed, and read a third time to-day.

Mr. McKay, from the committee on military affairs, reported without amendment senate bill "to settle the construction of the act regulating the pay of paymasters in the army;" also, "for the relief of the heirs of gen. William Eaton."

Mr. Ingham, from the committee on naval affairs, reported the following resolutions, which were read, and agreed to:

Whereas the committee on naval affairs, to which were referred copies of letters, documents, and communications called for by a resolution of the house of representatives of the 7th of December last, in relation to the delay of the sailing of the exploring expedition, with instructions to investigate the causes of delay, &c. have selected such parts thereof as in their judgment may be material in such investigation: therefore,

Resolved, That the clerk cause the same to be arranged in chronological order, with an index designating the name of the author of each paper, and of the person to whom it is addressed, with its date; and when the same shall be so arranged and prepared, he is required to cause the usual number of copies to be printed.

Resolved further, That the clerk cause the remainder of said copies, the same having been rejected by said committee as unnecessary to be printed, to be in like manner, arranged, indexed, and bound, and preserved among the documents of the house.

Mr. Howard, from the committee on foreign affairs, offered the following resolution:

Resolved, That Saturday next, the 16th inst. after the hour of 11 o'clock, be assigned for the consideration of the bill to provide for the satisfaction of claims due to certain American citizens for spoiliations committed on their commerce prior to the 31st of July, 1801."

The resolution was negatived without a division.

Mr. Legare, from the committee on foreign affairs, presented a report upon the subject of certain memorials referred to that committee, from the New York "peace society," and other individuals, with regard to the settlement of international disputes by arbitration. Mr. Howard, under instruction, moved to print ten thousand extra copies. Mr. Petrikin objecting. Mr. Howard moved that the rules be suspended for the purpose of making the motion to print. This motion prevailed—Yeas 101, nays not counted. Messrs. Cushing and Dromgoole, of the same committee, bore testimony to the merits and great value of the report, without pledging themselves to sustain its views.

The motion to print prevailed.

Mr. Dromgoole, from the committee on foreign affairs, upon the subject of the annexation of Texas to the United States, reported, that there is now no proposition pending in this house either for the admission of the republic of Texas as a state into the union, or for its territorial annexation to the United States.

The committee do not deem it advisable to recommend any action on the part of the house of representatives calculated to prejudice any such proposition should it hereafter be formally submitted for decision, or to forestal public sentiment in relation thereto. In consideration whereof, the following resolution is reported:

Resolved, That the committee on foreign affairs be discharged from the further consideration of the whole subject, and that all the papers relating thereto, and to them referred, be laid on the table.

Mr. Cushing called for a division of the question, so that it might be first taken upon that part of the report which proposed to discharge the committee on foreign affairs. Mr. C. dissented from the report entirely, and should, before he sat down, move a recommitment, for the purpose of having the subject more deliberately and argumentatively presented to the house. It was due to the country and the subject. The preamble says there is no proposition before the house for the annexation of Texas to the United States. This might be technically, in strict parliamentary language, correct; since there was not any motion or resolution pending in the house for the annexation of Texas. But Mr. C. denied that this was, in substance, correct. Three states of this union, Tennessee, Alabama, and Mississippi, have passed resolutions for the admission of Texas into the union; and of two at least of these states, the resolutions have been presented here, and are in the possession of the house. In addition to which, Texas herself had applied to the United States for admission. This proposition was pending now, and in force; and not, as the late report of the secretary of state would seem to intimate, withdrawn from the cognizance of the government. By the very latest intelligence from Texas, the senate of that republic had distinctly refused to withdraw the application. Now, some gentlemen might think that this application was within the cognizance of the executive only, as in the first instance. Mr. C. maintained the contrary most positively. Congress, the house, the people of the United States, were under no obligation to wait in such a matter for the initiative of the president in regard to it. We, the representatives of the people, have the same power and right as the president to act upon it in the initiative. He might not be disposed to do right. It was the duty

of the house to see to the interests and the rights of the people upon this vital question. The constitution does not give to the executive any power to admit new states. It is for congress to do it, so far as the power resides any where. Let congress, let the house, speak, and speak out, in the face of the country and world.

Furthermore. Three of the states, Ohio, Michigan, and Massachusetts, have sent here resolutions solemnly remonstrating against the annexation of Texas. It is due to those three states, also, to express our opinions frankly on the subject. It was due to the thousands upon thousands of petitioners, whose petitions on this subject load the table, to express our opinions. They ask it, they demand it, they have a right to it. How long is this house to fold itself in the mantle of its dignity, covering itself up in darkness, refusing to utter its opinions, suppressing opinions and debate, disdaining, as it were, to meet the people fairly in the light of day, manfully and honestly, as becomes their representatives? Mr. C. insisted upon the duty of the committee to make a full, argumentative report. He would not undertake to discuss the merits of the question. He was conscious it would be out of order, and he had no disposition, on this or any other question, to debate out of order. But he desired to see a full report, and therefore he submitted the following motion:

That the report be recommitted to the same committee with instructions to make report thereon in full as to the merits of the questions presented by the resolutions of the legislatures of the several states of Tennessee, Alabama, Michigan, Ohio, and Massachusetts, and of the various petitions before the house on the subject of Texas.

Mr. Carter, of Tennessee, said he differed entirely from the gentleman from Massachusetts as to this subject. Although his (Mr. Carter's) own state legislature had memorialized congress on this question, yet his own course thereupon in this house had gone to show that his opinions did not correspond precisely with those of his legislature upon this point. He doubted the expediency of annexing Texas to the union.

The Chair reminded the gentleman from Tennessee that this question was not now before the house.

Mr. Carter said he had only intended to express his own opinion, and to show that he was acting disinterestedly. No question was then before the house for the annexation of Texas, except as incidentally raised by the presentation of memorials, legislative resolutions, &c. Nor could it be fairly a question for the house to consider till a report from a committee had been made thereon.

Mr. C. would say to the gentleman from Massachusetts, why not bring forward a counter report on this subject if dissatisfied with the report of the committee? He would warn that gentleman that this was a question that would agitate the country from Maine to Georgia, and that the result of that agitation might not be such as that honorable member might perhaps prefer. Therefore he thought that the committee, in offering the resolutions they had done, had acted a prudent and proper part. Were the gentleman to have brought forward a counter report, the question would then be fairly raised for the house and the country to decide; but at present no such question was before the house.

The subject was a perplexing one. It was already agitating the country, and the more it was discussed the more it would agitate the land. It had been with difficulty that the whole mass of the southern community have been restrained from petitioning congress in favor of the annexation. Mr. C. again repeated what were his individual opinions on this question; and said that, if instructed by his constituents to vote contrary to those opinions, it being a matter of expediency he should do so. In the absence of instructions, he held it to be equally his duty to vote according to the best of his judgment. But he did beg the gentleman from Massachusetts (Mr. Cushing) not to embarrass this motion of the committee. Let him bring in, if he thought proper, a counter report.

Mr. Cushing here remarked that, under the circumstances attending the introduction of the report of the majority, it had been impossible for him to prepare a counter report. Mr. Dromgoole said that no proposition for a minority report, or anything of the kind, had ever been made in committee. Mr. Adams asked if the numerous legislative resolutions, and the memorials of thousands and tens of thousands of the citizens of this country, in relation to this subject, had ever received five minutes' consideration in the committee on foreign affairs? Mr. Dromgoole said he had but one answer to make to this question; which was, to deny explicitly any right of that member, or any other member, to catechise the committee, as to its ac-

tion. Mr. Adams immediately rose, (amidst varied cries of "order!" "go on!" &c.) and said: That is enough; sir! That, sir, is enough for this house, and for the country. The committee refuse to answer. [Much confusion.] Mr. Carter proceeded, and urged the adoption of the resolution reported by the committee.

Mr. Pickens said he concurred in the motion of the honorable gentleman from Massachusetts, (Mr. Cushing,) to recommit, with instructions to report some proposition for the action of the house. He was for meeting this question boldly, frankly, firmly. He could not agree with the honorable gentleman from Tennessee, (Mr. Carter,) as to the effect of agitating this question. He did not dread such agitation. He was for letting it go on. It would not be the first question that had agitated the American people. He desired to meet it at once. He was for letting the country see who was for and who was against his people. The legislature of his own state, as well as that of his friend's state, (Tennessee,) and those of several other states, had sent up hitherto their resolutions upon the question. It was agitated on the other side, all over the non-slaveholding part of the country, and by their representatives upon that floor, for months past. It was time to meet it; it was time to take a decided and bold stand upon it. As a distinguished member (Mr. Adams) of the Massachusetts delegation had said on a former occasion, it was a question of union or disunion. The Speaker reminded the gentleman from South Carolina that he was straying from the question before the house. Mr. Pickens repeated that he desired to meet this great question at once; and that, therefore, he was in favor of Mr. Cushing's motion to recommit, with instructions. He desired that the country should know the true position of the question. One thing was very certain; if this government did not exercise a control over Texas, Great Britain would. The Speaker again called to order. Mr. Pickens concluded by urging the adoption of Mr. Cushing's proposition.

Mr. Cushman said that a proposition to annex an independent republic to this union should properly come from that republic. No such proposition had been made to that house. For the purpose of arresting what he thought was a debate altogether irregular, he would move the previous question. [Laughter.]

Much confusion then ensued; and Mr. Pickens remarked, "that is a test question!" and Mr. Adams asked the mover to withdraw the motion, to allow him to reply to the argument with which the motion had been preface by himself (Mr. Cushman.)

Mr. Mercer asked what would be the main question; to which the Speaker replied, on the adoption of the resolution offered by the committee on foreign affairs, to discharge that committee from the further consideration of the subject.

The vote on seconding the motion for the previous question stood, ayes 74, noes 81; so there was no second; and the question recurred upon the resolution offered by Mr. Cushing, to recommit, with instructions. (See above.)

Mr. Howard then took the floor; but the hon. appropriated to morning business having elapsed, the house, on motion, took up the order of the day, and went into committee of the whole (Mr. Craig in the chair) upon the pre-emption bill.

Mr. Chapman, of Alabama, defended the bill in a short speech, and was followed by Mr. Prentiss, of Mississippi, who spoke at great length, on the same side; after which, Mr. Robertson took the floor, and spoke till the hour of recess, in opposition to the bill, without concluding.

The committee then rose. The speaker took the chair, and (at 2 o'clock) the house took a recess, according to the new standing order, till half past 3 o'clock.

WEDNESDAY EVENING.

At half past three o'clock, the house met, (but without a quorum.) After some difficulty and hesitation on this subject—

Mr. Robertson, of Virginia, resumed the course of his remarks in opposition to the bill, quoting, and extensively commenting upon, a report of Ethan Allen Brown, late commissioner of the general land office, and Mr. Fritz's testimony as to the frauds and abuses under the pre-emption laws.

Mr. Cushing followed, in support of the bill, contending that the principle of pre-emption grants had been practised since the first settlement of the country, and was embodied in the laws of Massachusetts, which he quoted in support of this position. [Mr. Lincoln disputed this.]

Mr. C. continued his remarks, in the course of which he inquired whether the United States government could show any better title to the soil of this country than could these settlers to their little farms?

Mr. Underwood spoke in opposition to the system; stated the evils which had attended its operation in Kentucky, where he had been intimately acquainted with all its effects; expressed his desire to get rid of it as a part of the policy of the general government for the future, and his willingness, on that condition, to grant pre-emptions to all now settled on the public domain; but stated his own plan of entry, at prices to be gradually reduced, abolishing all sales at auction.

Mr. Garland, of Louisiana, replied with earnestness and warmth, defending the pre-emption system against Mr. U.'s objections; and then went into an exposition and defence of the amendment he had moved as a substitute for the existing plan.

At half past 7 o'clock, a motion was made for the rising of the committee, but negatived—Ayes 58, noes 70.

[The hall was now lighted, and the indications were that the bill was to be disposed of this evening.]

Mr. Garland resumed, and having spoken half an hour longer, and concluded his remarks—

Mr. Snyder, of Illinois, obtained the floor, but yielded it that the question might be taken; on the amendment moved by Mr. Underwood, requiring the affidavit of the pre-emptor that he had obtained no previous pre-emption right.

After some explanations by Mr. Lincoln, and a brief speech in favor of the amendment by Mr. Williams, of North Carolina, the question was taken and the vote upon it stood—Ayes 47, noes 69. (No quorum.)

After some confusion and desultory conversation as to the best mode of proceeding,

Mr. Bell suggested that it would be best to take a question *pro forma* in committee on all the amendments proposed, and let them be renewed in the house.

This was agreed to.

Mr. Underwood's amendment was negatived.

Mr. May moved the following as a new section:

"Sec.—. And be it further enacted, That any person, being the head of a family, who now is settled on, or who shall hereafter settle on, any of the public lands of the United States, and who shall continue to reside on and cultivate the same for the period of twelve months, shall, upon making proof thereof, according to the provisions of this act, be entitled to a right of pre-emption to one quarter section."

This amendment was rejected.

Mr. Lewis moved an amendment the object of which was to meet the case of certain citizens of Alabama who had settled on lands in Alabama, to which the Indian title had not been extinguished, and whose pre-emption rights had been defeated by being included within reservations made by the Indians in the treaty by which the land was afterwards ceded to the United States. Mr. L.'s amendment proposed to allow them to locate their claims on other vacant lands belonging to the United States.

Mr. L. explained the hard case of those for whose benefit the amendment was intended, who had been ousted from their improvements by the arrangements of a treaty.

Mr. Johnson, of La., inquired whether the amendment gave these settlers floating rights to be located on any lands in the state?

Mr. Lewis replied in the affirmative; but, as this was objected to, consented to modify his amendment by striking out the clause granting the "float".

The amendments was objected to by Mr. Maxwell and Mr. Briggs as being the same, in substance, with a bill introduced for the same object, and not yet acted upon.

Mr. Lewis waived this objection.

But the amendment of Mr. Lewis was ruled by the Chair to be out of order, on the ground stated.

Several other amendments were offered, some of which were rejected; but it was agreed that they should all be printed and laid on the tables of members ready for the action of the house to-morrow. It was generally understood that the bill should be finally disposed of the next day, [Thursday;] with which understanding the committee rose at half past 8 o'clock.

The Speaker laid before the house a letter from the commissioner of the general land office, containing information called for by the resolution of the house of the 11th instant, as to what quantity of land scrip would be required in his judgment for satisfying the outstanding military bounty land warrants granted by the commonwealth of Virginia.

Two resolutions of minor importance were offered, after which the house adjourned.

THURSDAY'S PROCEEDINGS.

In the senate, Mr. Buchanan presented the proceedings of a numerous and respectable meeting of

the democratic citizens of the city and county of Philadelphia, convened at the county court-house on Monday evening last, at which a number of resolutions were adopted in favor of the immediate passage of the independent treasury bill now before congress. He moved that these proceedings should be printed, and laid upon the table; which was ordered accordingly, after they had been read.

Mr. B. also presented a memorial from a number of citizens of the city and county of Philadelphia, in favor of the passage of the independent treasury bill, and against the establishment of a national bank. Laid upon the table, and ordered to be printed.

Mr. Morris presented the proceedings of a convention of the banks in Ohio, in favor of so modifying the deposit act of 1836 as to receive the notes of banks that since that time had issued notes less than five dollars. Laid on the table, and ordered to be printed.

On motion of Mr. King, the committee on commerce were discharged from the further consideration of the petitions of two individuals relating to improvements in light-houses.

On motion of Mr. Grundy, the bill from the house, requiring that the United States district court in Tennessee should be held at Jackson, was considered, ordered to be engrossed for a third reading, and, by consent, read a third time, and passed.

On motion of Mr. Webster, the senate took up Mr. Williams' motion for leave to bring in a bill for instituting a joint commission—British and American—of exploration and survey, to determine the northeastern boundary of the United States on the basis of the treaty of 1783.

Mr. Webster spoke at large on the subject, chiefly with a view to show that the line designated by the treaty of 1783 was well defined, and easily and readily to be found.

On motion of Mr. Buchanan, with the assent of the mover, the motion for leave was again laid on the table, with a view to call it up to-morrow or next day.

On motion of Mr. Preston, the senate took up the joint resolution offered by him to annex Texas to the United States.

Mr. Southard, remarking on the number of senators absent, and the importance of the measure proposed, moved to lay the resolution on the table. Mr. Preston inquired if this was designed to be final for this session in regard to the resolution. Mr. Southard replied that he could speak only for himself; but, as far as he was concerned, it was designed to be final, as he should not vote for again taking it up at this session, but he temporarily withdrew the motion at the request of

Mr. Calhoun, who objected to that part of the preamble which declares that a portion of the United States territory was surrendered by the treaty with Spain; but spoke strongly in favor of the main object of the resolution, and expressed the hope that if the resolution were now laid on the table, it would shortly again be called up.

After a brief conversation by Messrs. Preston, Lumpkin, Calhoun, and Southard, almost wholly relating to the question whether the resolution if now laid on the table, would probably again be called up, Mr. Southard, having in the course of the conversation, a second time made and withdrawn his motion to lay the resolution on the table, declared, in a spirit of courtesy, that he should not again renew it; whereupon, Mr. Norvell renewed the motion to lay the resolution on the table; which motion was carried in the affirmative, as follows:

YEAS—Messrs. Allen, Bayard, Brown, Buchanan, Clay, of Ken., Clayton, Davis, Hubbard, King, Knight, Lyon, McKean, Nicholas, Niles, Norvell, Pierce, Roane, Robinson, Southard, Wall, Webster, Williams, Wright, Young—24.

NAYS—Messrs. Benton, Calhoun, Cuthbert, Fulton, Grundy, Linn, Lumpkin, Mouton, Preston, Rives, Sevier, Strange, Trotter, White—14.

On motion of Mr. Linn, the senate proceeded to consider the bill for the relief of Pierre Menard and others.

This bill was discussed at much length by Messrs. Linn, Grundy, Niles, Robinson, Wright, and Bayard, and, on motion of Mr. Hubbard, was for the time laid on the table.

The senate then adjourned.

In the house, the bill to authorize the issuing land warrants in certain cases was read the third time, passed, and sent to the senate for concurrence.

A joint resolution in favor of the authorities of the city of Savannah, Georgia, was read the third time and passed.

The amendment of the senate to the bill making an appropriation for completing the public buildings in Wisconsin, was concurred in by the house. So the bill is passed.

The amendments of the senate to the amendments of the house to the bill "appropriating alternate sections of land to aid in the construction of a canal from Rock river to Milwaukee, in Wisconsin," were concurred in by the house.

Mr. C. H. Williams moved to take up Mr. Boon's resolution to fix a day of adjournment. Objection being made, he moved to suspend the rules, and asked the yeas and nays; which, being taken, resulted as follows: Yeas 82, nays 55.

There not being two-thirds, the motion was lost. Mr. Potts moved to publish two thousand extra copies of a report of the secretary of the navy on the exploring expedition; but the motion was negatived.

Mr. Palmer, of Pennsylvania, on leave, presented a memorial in favor of the sub-treasury bill.

Mr. Currier once more made an effort to get a day appointed for the consideration of certain bills to extend the pension laws to Indian wars, but he again failed: Yeas 88, nays 81; (not two-thirds.)

The house then resumed the unfinished business of yesterday morning.

And the question being on the following resolution, reported yesterday by Mr. Dromgoole, from the committee on foreign affairs:

"Resolved, That the committee on foreign affairs be discharged from the further consideration of the whole subject, and that all the papers relating thereto, and to them referred, be laid on the table."

And on the amendment thereto by Mr. Cushing, Mr. Howard rose, but yielded the floor at the request of Mr. W. Thompson, who moved to amend the amendment as follows:

Strike out all after "instructions," and insert: "To report a joint resolution, directing the president to take the proper steps for the annexation of Texas to the United States, as soon as it can be done consistently with the treaty stipulations of this government."

Mr. Howard said that he regretted that the proposition of the gentleman from New Hampshire (Mr. Cushman) for the previous question had not been sustained yesterday by the house. He could not anticipate a single good result from the prolongation of a general debate upon the subject of Texas, but, on the contrary, many evils, even greater than the useless consumption of valuable time. As the vote of the house, however, has been against the previous question, he had risen yesterday to vindicate, as far as he could, the committee on foreign affairs from the implied charge of failure to perform a duty entrusted to them by the house. The amendment now offered by the gentleman from South Carolina (Mr. Thompson) gives to the question an entirely new aspect, and he would be compelled to digress from what had been his sole, and still was his main purpose, in order to make some remarks upon the new state of the case. The house was master of its own actions, and could, no doubt, originate a proposal for the annexation of Texas to the United States; but a committee could only act upon the matters referred to them, and he intended to show that no proposition had been heretofore before the house; and, consequently, the committee could have made no other report, with propriety, than the one which they had made. A reference to the journal would show that, at an early period of the session, the house had, by the decisive vote of 127 to 68, five more than the majority of the entire house, determined to lay upon the table all memorials upon the subject of Texas. All committees ought to regulate their action by the expressed will of the house. He thought this position would not be disputed. The subject would, therefore, have slept upon the clerk's table, if a petition, presented afterwards by one of the delegation from Maine (Mr. Noyes,) had not been referred to the committee on foreign affairs, when the attention of the house was not called to it. Jurisdiction having been thus given to the committee by the reference of this straggling petition, there ceased to be any objection to the adoption of a resolution offered by the gentleman from Massachusetts, (Mr. Adams,) sending to them the entire mass of petitions from individuals, the magnitude of which might be measured by cubic feet, and, also, the resolutions of several legislatures, which had expressed their opinions upon the subject. But he did not consider these papers as raising a question. They were only intended, he thought, to bear upon the question after it was raised in some other way. At the extra session we had printed and circulated a large edition of the correspondence between Mr. Forsyth and gen. Hunt, and, although the proposition for annexation was not entertained by the president, yet there was a reasonable ground for supposing that the subject might be renewed, and all these evidences of public opinion were probably prepared to meet the contingency when it should

happen. But it had not happened. The documents before us show that it had not. On the 4th of August, 1837, gen. Hunt addressed a letter to the secretary of state, proposing the annexation of Texas to the United States: and in his reply of the 25th of August, Mr. Forsyth not only declines the proposition, but even declines to reserve it for future consideration. No language could be more explicit than this. It was impossible to mistake it. The minister plenipotentiary of Texas, in his answer of September 12, showed that he did not mistake it, as will be evident from the following paragraph:

"The undersigned most respectfully assures the honorable Mr. Forsyth, and, through him, his excellency the president of the United States, that the prompt and decisive rejection of the proposition for the annexation of Texas to the United States will not be imputed to an unfriendly spirit towards the government and people of Texas."

The prompt and decisive rejection of the proposition. It was, indeed, so. There was no proposition, therefore, pending before the executive branch of the government, and, of course, this house had none before it, derived from the documents communicated by the president. From what quarter, therefore, could any proposition have come, so as to place before the committee a subject upon which they could act? There was none from Texas, and he thought there was none either in the resolutions of legislatures, or petitions of individuals, which had flooded the house in such numbers.

At this point the morning hour expired, and the discussion went over to to-morrow.

The house then proceeded to the unfinished business of yesterday, and resumed the consideration of the pre-emption bill.

After some desultory conversation, the question was put on the first amendment reported from the committee of the whole, as follows:

Strike out all after the word "provisions," and insert: "Certain fractions or regular legal subdivisions of the public lands, which have been reserved from sale in consequence of the filing of a claim to a French or Spanish grant or donation, which was found, or which hereafter may be found, on actual survey or location of such claim or claims, to be without the limits of said claim, or any other reservation, except as is hereinbefore specified."

This amendment was agreed to.

The second amendment was then read, as follows: "Or to the lands lately acquired by treaty with the Miami tribe of Indians in the state of Indiana, of which proclamation was made by the president of the United States on the 22d day of December, 1837."

Mr. Lincoln now offered his amendment to this amendment, as follows:

"In line thirty-first, after the word states, add: or to any sections or fractions of sections of land included within the location of any incorporated town, or to the alternate sections to other alternate sections granted to the use of any canal, railroad, or other public improvement on the route of such canal, railroad, or other public improvement, or to any portions of been actually selected as sites for cities or towns, allotted into smaller quantities than eighty acres, and settled upon and occupied for the purposes of trade, and not of agricultural cultivation and improvement."

The amendment was debated at considerable length by Messrs. Lincoln, Harrison, Sherrod Williams, Johnson, of Louisiana, Cray, Boon, Good, and Tillinghast.

When the question being taken upon Mr. Lincoln's amendment, it was carried, and the amendment thus amended was agreed to.

The next amendment was the following:

"Nor shall the benefit of this act extend to any person who has availed himself of a pre-emption right to the entry of any of the public lands, and acquired a title thereto by reason of such entry."

Mr. Ewing moved a proviso to this amendment, but the chair pronounced it out of order at this time. Mr. White, of Indiana, also moved a proviso, which shared the same fate. Mr. Yell, Mr. Lyon, Mr. Johnson, of Louisiana, Mr. Harlan, Mr. Pope, Mr. Marvin, Mr. Williams, of North Carolina, debated the amendment until the expiration of the morning sitting, (at 2 o'clock.)

The house then, according to the order recently established, took a recess to half past 3 o'clock.

In the evening session the bill was finally ordered to be engrossed for a third reading by a vote of 132 to 70. Particulars in our next.

CHRONICLE.

New Hampshire. The legislature of this state met at Concord on Wednesday last, and organized by choosing Samuel Jones, president, and Asa Fowler, clerk of the senate, and Ira A. Eastman, speaker, and Jeremiah Elkins, clerk of the house.

On the vote for speaker, honorable Ichabod Bartlett (whig) received 107 votes, and Mr. Eastman 128. Jacob B. Moore, of Concord, was the whig candidate for clerk of the house.

Two Giraffes have arrived at New York in the barque Prudent, from South Africa—another died on the way. They were imported for a Boston company, and cost the proprietors about ten thousand dollars each.

In 118 towns in Connecticut, out of 185 in the state, there are 767 insane and idiotic poor, of whom 59 are in close confinement. It is found that 60 persons become insane in the state on an average, per annum. A committee of the legislature recommend the establishing of a state lunatic asylum, capable of accommodating 120 patients.

The New York Gazette of Saturday states that the Rev. Dr. Eastburn has declined to accept the office of bishop of Maryland, to which station he was recently elected by the episcopal convention of that diocese.

A great load. The Cleveland Herald states that on Saturday, the canal boat Danube, belonging to the Swiftsure line, brought to Cleveland by the canal, a cargo consisting of 1,620 bushels of wheat, 100 barrels flour, and 1,772 lbs. furniture—weighing, in all, 120,572 lbs; being larger by 1,580 lbs. than any cargo previously transported on the canal.

The Newport Mercury of Saturday announces that that number completes eighty years since the said paper was first published by James, elder brother of Dr. Benjamin Franklin.

Expedition. A requisition for arms and ammunition made by general Maunsby at Havre-de-grace on the 8th instant, addressed to the executive at Annapolis, 65 miles off, was answered by the delivery of 200 muskets and a full supply of ball cartridges at Havre-de-grace at noon on the 10th instant. This extraordinary despatch was accomplished by means of the facilities afforded by the Baltimore and Philadelphia rail road. The knowledge of the receipt of the arms had the happy effect of quieting the riotously disposed among the canal laborers, and we are satisfied that we shall not hear of any further disturbances.

[Baltimore American.] Health of Washington City. The president of the board of health reports thirty-three deaths for the month of May. Of these there were of the age of two years and under, 12; between two and ten, 2; between ten and thirty, 5; between thirty and fifty, 7; between fifty and eighty, 7.

Diseases.—Measels, 6; consumption, 4; rheumatism, 1; apoplexy, 3; not reported, 4; bilious pleurisy, 8; still born, 4; inflammation of lungs, 3; decline, 4; scarlet fever, 2.

The anniversary. There is to be a great military encampment in Trenton on the 4th July. The whole militia of New Jersey will most probably be on the spot, together with many uniform companies from New York and Philadelphia. No better spot for a tented field could have been selected than this revolutionary battle ground. Baltimore also will be represented on the occasion. The Maryland Cadets, captain Newman, and the Baltimore City Guards, captain Thompson, two of the best drilled volunteer corps, intend joining in the grand display. They will act as a battalion under the command of captain Newman.

Ornithological Society. At a meeting on Friday, it was announced that the commissioners of woods and forests were about to make ponds in the island in St. James' park, for the use of the aquatic birds there located. It was stated, as a curious fact, that many of the birds in the park fly away, even for months, but invariably return, if not arrested by the murderous aim of the fowler. [London paper]

Book-binding with india rubber, recently discovered by Mr. Hancock, of London, where it is patronized by the Bank of England, insurance companies, and many of the most extensive merchants, has been patented in the United States, by the inventor, and is now introduced in New York by Peter A. Mesier. Sewing is completely superseded: and the book or ledger opens so perfectly as to present a full, flat page, that may be written upon to the very edge. The sheets are originally cemented together with a solution of the rubber. Library books are bound in the same way.

A company formed at Paris for exploring the ruins of Carthage, has already met with great success. A large house has been discovered on the margin of the sea, near Bourj Jedid. Paintings in fresco, similar to those at Pompeii, adorn many of the rooms, and beautiful mosaics, representing men, women, and nymphs, fishes of various kinds, tigers, gazelles, &c. have been found. Fifteen cases with these precious relics have arrived at Toulon, and will be brought to Paris.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 17.—Vol. IV.]

WASHINGTON CITY, JUNE 23, 1833.

[Vol. LIV.—Whole No. 1,395.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

☞ The present sheet contains Mr. Preston's speech in the senate upon the treasury note bill.

☞ For some interesting articles from the Canada frontier see last page.

MOST MELANCHOLY DISASTERS. We add two more to the long catalogue of terrible disasters by steam, by which nearly two hundred individuals, comprising the worth, intelligence and beauty of our country have met an untimely death. The details, though meager, are most heart-rending, but fall far short of the dreadful events in those scenes of death. Deeply, most deeply, do we sympathize with the friends of the survivors whose hearts have been made desolate, but yet have no hope that this sacrifice of life and the living misery it has entailed, will prevent similar occurrences in future. The public mind has become callous from their frequency; and, as if in mockery of the sufferers, almost at the moment when their shrieks of despair were sounding over the wide waste of waters, some of the representatives of the nation were declaiming against the right of congress to save their lives. And it was only a few days since, that we read in one of the papers, published in the city from which the *Pulaski* sailed, a frivolous anecdote directly tending to encourage that spirit of competition which, it is said, caused her destruction. Oh! most humane legislators, most charitable editors! You condemn the wretch to the penitentiary who, in a drunken brawl, stabs his comrade, but commend those as experienced and able who for the accursed spirit of gain, deliberately jeopard a hundred lives on which are linked a thousand destinies.

P. S. It is with great joy we state that the following persons have been rescued from the wreck of the *Pulaski*, in addition to those enumerated in the account published in page 259:

A. Lovejoy, Camden co., Georgia; maj. Heath, Baltimore; maj. Twigg and son, Richmond co., Geo.; Mr. Greenwood, Augusta, Geo.; Mr. O'Grogory, Augusta, Geo.; Mrs. Noah Smith, Augusta, Geo.; Miss Rebecca Lannar, Augusta, Geo.; Chas. Lamar, Savannah; Robert Seabrook, Edisto Island, S. C.; Masters T. & W. Whaley, (2) Edisto Island, S. C.; Mr. R. Hutchinson, Savannah; Mr. A. Hamilton, Augusta, Geo.; capt. Pearson, Baltimore; Mr. Edings, Edisto Island, S. C.; Mr. C. Ward, Savannah; Chicken, 1st engineer; E. Joseph, New York; C. W. Clifton, Canton, Mississippi; D. Walker, and nephew Thomas Downing, Charleston; Warren Freeman, Macon, Geo.; — unknown; John Cape, fireman, Baltimore; — fireman; Patrick and Bill, deck hands; Rhynah, a negro woman; a negro woman belonging to Dr. Stewart.

CONSTITUTIONAL SCRUPLES!!! It being deemed important that the people should have within their reach for information and reference, official accounts of the proceedings of their representatives and the laws passed by them, the committee on the library, as one mode of accomplishing such object, recently reported a resolution authorizing the clerk of the house of representatives to subscribe for certain copies of the "REGISTER" for each member thereof (to be deposited with the clerks of the different counties, or otherwise disposed of so that the public could have access to them)—provided we would agree to publish in it, weekly, the journals of both houses of congress, with the yeas and nays on all questions decided, and at the end of every session all the laws passed or treaties ratified. This proposition, if agreed to, would, as explained by the chairman of the committee on the library, have enabled us to distribute about *eight thousand copies of the journals every week, and the same number of copies of the laws at the end of every session*, in a suitable form for reference, at a cost of about \$5,000 per annum to the nation,—or about one half of the amount of the expense we would have to incur to do the work. And yet it was rejected in consequence of the constitutional scruples of certain members, who could not agree to vote for books! We cried content to this decision, though we thought, and, still think, that the project of the committee on the library was intended to fulfil to the letter, that provision of the constitution which declares that congress shall publish a journal of its proceedings.

Thus content, we had banished the decision of the house from our mind, when not long since our attention was attracted by A CART HEAVILY LADEN WITH HANDSOMELY BOUND BOOKS, standing before the door of one of our respectable boarding houses—and were informed that they belonged to the delegation from one of the small states, and were but a small portion of a mass for which large sums had been recently appropriated by congress!!! Now, without casting the slightest imputation upon congress, we think this case presents a singular commentary upon constitutional scruples! Why, that cart load of books, a gift to six or seven individuals, cost the people nearly as much money as our project to place the journals and laws in the hands of every voter in the country, at the least possible price, would have cost the government for *one year*—and we verily believe, that the money voted for books within the last few years, would pay the cost of *ten thousand copies of the journal and laws*, to be published on our plan, for *TWENTY-FIVE YEARS!!!* And yet in the one case it is constitutional, and in the other it is not!

We make no comments upon this subject, and merely state the facts for the information of those who have expressed their surprise at the result of the decision upon the proposition of the committee on the library. We embrace the occasion, however, to say that we are determined to publish the journals and laws on our own responsibility, as soon as we feel authorized to incur the extra expense. *The journals are the only infallible exposition of the conduct of a representative*, and ought to be in the hands, or within the reach, of every constituent—especially the yeas and nays, which speak a language that cannot be misunderstood. With the laws and journals added to the documentary articles with which our pages are filled, we hazard nothing in saying, that the "REGISTER" must become the most useful political journal ever published, and that it will confer great and lasting benefits upon posterity.

VIRGINIA. The Virginia commercial convention which convened at Richmond in the early part of last week, adjourned on Saturday last. Among the resolutions adopted was the following:

"Resolved, That a vigorous and persevering effort be made to build up and sustain a large and increasing foreign import trade—that a committee of merchants be appointed, to sit after the adjournment of the convention, to prepare an address to our fellow citizens, unfolding the importance of such a trade, and the ready capacity of Virginia to obtain it—stating the support the trade will derive from an increase of bank facilities, under such restrictions and modifications as the wisdom of the legislature may devise, and from an addition to the banking capital, if the addition authorized by the existing laws shall be found, after a sufficient trial, to be inadequate to sustain and support the various interests of the commonwealth—and stating the aid the trade will derive from a judicious system of internal improvements; and that the legislature be respectfully requested to meet the advances of any neighboring state, who may have enacted laws to transport her products and merchandise into Virginia."

The convention also recommended another state convention to assemble in Norfolk in November next, and the appointment of delegates to the Augusta (Geo.) convention.

DEATH OF TALLEYRAND. This extraordinary man, died on the 17th of May. He had been out in his carriage on the previous Sunday; but a slight sore produced an anthrax, or gangrene, and he was thus carried off in his 84th year. He had for some time written and addressed to the pope a retraction of his conduct at the famous ceremony of the federation, where he forgot his episcopal ordination, and condescended to bless that democratic and somewhat heathen ceremony. He received absolution, extreme unction, and died in the peace of the catholic church; although the archbishop of Paris, to whom the prince had sent a copy of his letter to the pope, kept aloof from his bedside. King Louis Philippe, however, visited the death-bed of the veteran statesman, whose respect for etiquette and courtly ideas was manifest, even in

his dying moments. He insisted on presenting to the king all who happened to be with him, and had not undergone that ceremony, and he acknowledged the king's visit, not as the act of warm and private friendship, but as "a great honor done to his house." Madame Adelaide, sister of the king also visited the prince. Messrs. Thiers and Mole also attended his last moments. [*Morning Chronicle*].

In an article on this subject, the *Courier Francais* says: "He quitted life with a calmness that could not have been exceeded by the purest conscience. In death he preserved all the stoicism (*impassibilite*) of his life. He went out of the world like a true courtier, by using flattering words to his king, and like a true diplomatist by negotiating with the pope, with whom, as a consecrated bishop, a married priest, and excommunicated catholic, he had many accounts to settle."

Great preparations were making in Paris for the funeral of prince Talleyrand. Upholsterers were employed during the whole of one day in decorating the church of the Assumption and the Ardent chapel, in which he was to be laid out in state, an hour before the funeral ceremony. The courtyard of his hotel was hung in black, and in the centre stood a rich canopy, under which the body was to be exposed previous to its being conveyed to the church. The *corps diplomatique*, the authorities, the chamber of peers, were to attend at the funeral, and the four corners of the pall were to be borne by Marshal Soult, Chancellor Pasquier, Count Mole, president of the council, and the Duke of Broglie, as grand dignitaries of the order of the legion of honor. Four of the royal carriages were to follow the procession.

THE GREAT WESTERN arrived at New York from Bristol on Sunday morning last, having sailed from Bristol on the 4th inst. She arrived at Bristol from New York in fourteen days, on which occasion a grand entertainment was given on board of her. The *Sirius* reached Falmouth from New York in eighteen days, and returned to New York on Monday last in seventeen days from Cork, whither she went from Falmouth. The political advices brought by these ships are not of much interest. The *Sirius* is to sail to-day from New York for London. The Great Western goes on Monday.

EXPRESS MAIL ROBBED. The Nashville Whig of the 16th states that the express mail was robbed on the night of the 13th on the Louisville road, near Beacon creek. The express horse was stopped in the road by the robber and the rider dismounted and tied to a sappling. The saddle bags were carried about a mile into the barrens, cut open, and the most part of their contents carried off. The mail, it is said, was a large, and no doubt a very valuable one, containing, as it did, the letter packages from New Orleans of the 8th and 9th, Mobile of the 10th and Nashville of the 13th inst. No clue has yet been found to the name of the robber, nor is it certain that there was only one concerned.

From the "Globe" of Saturday night.

A MAIL DESTROYED BY FIRE.

Copy of a letter from the postmaster at Silver Creek, New York.

Post office, Silver Creek, N. Y. June 16, 1833.

SIR: The mail from Toledo, Ohio, for Buffalo, New York, by the steamboat Washington, of the 14th inst. was burnt in said boat off this port this morning about 4 o'clock.

The destruction was so rapid that nothing was saved; the passengers that escaped, did so by swimming about two miles to land.

I have advised the postmasters at Toledo and Buffalo of this event, that they may advise those interested of the loss of these letters.

Respectfully, &c.

W. VAN DUZEN, P. M.

Hon. A. Kendall, postmaster general.

NAVAL. On Wednesday last the nomination of James K. Paulding, to be secretary of the navy, vice M. Dickerson, resigned, was confirmed by the senate.

On the same day, also, was confirmed the nomination of John R. Livingston, to be navy agent for the port of New York, vice J. K. Paulding.

THE MURDER IN ARKANSAS. The Little Rock Gazette of the 23d inst., contains a full and detailed account of the trial of colonel John Wilson, late speaker of the house of representatives, and member from Clarke county, for the murder of major J. J. Anthony, member from the county of Randolph, on the 4th day of December last. There were six witnesses examined on behalf of the state, and two in behalf of the accused.

It appears from the testimony, that this unfortunate occurrence originated in an allusion made by Mr. Anthony, with regard to the Real Estate Bank, of which the speaker was president. The deceased was speaking on a bill relative to granting premiums for killing wolves; the bill required that an affidavit be made before a magistrate previous to the payment of premium.

Mr. Anthony moved to strike out the word magistrate, and insert the "president of the Real Estate Bank." The speaker immediately asked, "do you mean to insult the chair? If you do, you will take it back very quick." Mr. A. disclaimed any insult, but observed that he thought "the certificates should be signed by a man of great dignity." As soon as those words were uttered, the speaker left the chair, and as he descended, drew his bowie knife, having a blade nine inches long. Mr. A. then left his seat, and drew his knife, blade twelve inches long, advanced towards the speaker—flourishing the knife—made two passes, and struck him on the arm. Wilson retreated a few paces, and as he was again in the act of advancing, Anthony threw his knife and afterwards a chair at him. Wilson then rushed towards Anthony, who immediately picked up another chair to defend himself. Wilson caught it, made a thrust with his knife underneath the chair, which entered Anthony's breast, who immediately fell and expired.

The verdict of the jury was, "guilty of excusable homicide." The prisoner was then discharged.

In speaking of major Anthony, the Gazette observes, "he was an officer of the war of 1812 with Great Britain, and was one of the gallant defenders of Fort Sandusky; subsequently served in the Creek war, under general Jackson, where he acquitted himself in such a manner, as to give entire satisfaction to that distinguished military chief."

SMITHSONIAN LEGACY. The Pennsylvania states, on the authority of a letter from London, that "the hon. Richard Rush has obtained an absolute decree for the Smithsonian bequest, and that the money has been paid to him. It amounts to upwards of a hundred thousand pounds sterling. Mr. Rush was to have embarked on his return in the course of the present month, bringing with him the money thus bequeathed for the purpose of education in the United States. It was supposed that the matter would have been the cause of a tedious chancery suit, but it appears from this intelligence that it has been terminated with a very little delay."

ST. AUGUSTINE. We are indebted to captain Southwick, of the schr. *Empire*, arrived yesterday from St. Augustine, for the *Herald* of the 2d instant, from which we copy the following:

Extract of a letter to the editor, dated

Garey's Ferry, May 28, 1838.

Two days ago, captain Thigpin, of a company of volunteers, now mustering here, gave notice to col. Twigg that a party of Indians had been at John's Ferry, on New river, about 40 miles north of this place. With his usual activity, our gallant commander, colonel Twigg, ordered captain Bullock, with E company, 2d dragoons—the only one company then at Garey's Ferry—to proceed at once with the sixty men of captain Thigpin's, to Fort Harnee, there to be reinforced by as many men as could be spared, and pursue the Indians until they came up with them.

These Indians are thought to be runaway Creeks, and to have been camping about New river and its vicinity for some time. There number has not been ascertained, but twenty-five fires have been seen.

An express from Micanopy arrived yesterday, states that captain Tompkins, at that post, expected to have a fight with Tigertail on the 30th. Tigertail was near him with plenty of women and men and full of fight. The Tallahassee were with him. The despatch says that two companies of dragoons had been sent out to fight him.

[*Charleston Mercury.*]

FURTHER ATTEMPTS TO FIRE THE CITY OF CHARLESTON. By the Mercury of the 11th inst., we perceive that further attempts have been made to fire the city.

On Saturday evening, the 9th instant, about 10 o'clock, the kitchen attached to the dwelling of Mr. Davege, in Boundary street, was set fire to, by

placing a mass of combustibles under the flooring.

A negro girl living in the yard, first gave the alarm to her mistress, after bed time, but the lady could perceive no traces of fire; the girl, however, soon pointed out the spot, when the floor being cut away, they found two separate places on fire, and the sills just catching. The fire was quietly put out, and the girl, together with other slaves from the adjoining lots, were arrested for examination. No information could be obtained from the girl: she pretended to know nothing of the incendiary.

Another. Yesterday morning about half past five o'clock, Mr. B. Clark, No. 262 King street, had just got home from patrol duty, when on entering the door of his dwelling, found the entry filled with smoke; he gave the alarm, and the neighbors coming in, found the under part of the stairway on fire, kindled by parcels of dry goods, books, &c. in one large mass.

The family, who were asleep on the second floor, knew nothing of their danger until aroused by the noise below. A few minutes longer of delay would have proved fatal, and the unsuspecting inmates been cut off by the destroying element.

COL. CROCKETT. Col. Forbes has recently related to us an interesting anecdote of the celebrated Crockett. At the commencement of the war the latter arrived at Nacogdoches accompanied by several volunteers. Soon after their arrival they proceeded to the office of col. Forbes, (who was then first judge of the municipality,) to take the oath of allegiance. The colonel immediately wrote out the following form:

"I do solemnly swear that I will bear true allegiance to the provisional government of Texas, or any future government that may be hereafter declared, and that I will serve her honestly and faithfully against all her enemies and oppressors whatsoever, and observe and obey the orders of the governor of Texas, the orders and decrees of the present and future authorities, and the orders of the officers appointed over me according to the rules and articles for the government of Texas so help me God."

Upon offering it to Crockett he refused to sign it, saying that he was willing to take an oath to support any future republican government, but could not subscribe his name to this form, as the future government might be despotic; the colonel therefore inserted the word republican between the words future and government, and Crockett readily signed the instrument. The original has lately been deposited in the office of the secretary of war, in which the word republican appears *interlined*, and beneath it is the autograph of David Crockett.

[*Texas Telegraph.*]

ALABAMA COTTON FACTORY. The Tuscaloosa Monitor of the 30th ult., gives the following interesting description of this establishment:

As we were travelling some two weeks ago, through rather a sterile and unimproved portion of our state, where the county of Bibb borders on that of Tuscaloosa, we were all at once surprised with an imposing edifice of brick, three stories high, and being, as we afterwards learned, ninety feet by forty-four in extent. The dashing energies of water power saluted our ears, accompanied with the whirling sound of diversified machinery. What have we here? was our inquiry. We left our seats in the stage, and during the few moments which we had to spare, took a view of the works that were going forward. In the second story we found the carding and roving operations going forward; and in the third, a multitude of spindles were employed in the finishing work of making cotton yarn. A few hands, men, women, and children, seemed to be employed, in rather a quiet way, in attending to the machinery, and seeing that it performed its business correctly. In another apartment, the cotton gin is in operation; so that the factory is prepared to take the cotton, either after it has been picked, or in the seed. In the spinning department, there have been in operation, heretofore, 500 spindles; but they have recently obtained an additional supply, and will very soon be working between 700 and 800. There is a water power sufficient, we are assured, to work 10,000. The cotton yarn produced is said to be of an excellent quality. A lady of the neighborhood affirms that she wove 30 yards of it without breaking a thread. The average production per day, with five hundred spindles, has been 430 dozen. About twenty hands are employed—all white—some males, some females—some large, and some small. They are chiefly people of the neighborhood, and are said to be pleased with their employment. A grist mill and saw mill are connected with the works, which are in active and profitable operation. A portion of the machinery is also devoted to wool carding. The place is called Scotts-

ville, in honor, we suppose of D. Scott, one of the principal proprietors. The works belong to, and are conducted by the Tuscaloosa Manufacturing Company. We learn, that the prospects of the company as to profit, are exceedingly flattering. Their sales are brisk. They contemplate adding a weaving factory to the other works. Thus has this business been successfully carried forward, while very few persons in the state knew that any thing of the kind was under way. Indeed we doubt whether the information, that such factory exists, may not be news unheard of before, to more than one half of the people of Bibb and Tuscaloosa counties.

NEW HAMPSHIRE: June 8. The committee appointed to receive and cast the returns of votes for governor, reported that the

Whole number was	54,570
Necessary for a choice	27,286
Estimated as scattering	193
James Wilson had	431
James Wilson Jr. had	25,244
Isaac Hill had	28,607

This number exceeds by more than nine thousand that ever before given at an annual election in this state. In 1820, the whole number was about forty-five thousand.

In the house of representatives of *New Hampshire*, after the report of the committee appointed to notify the governor of his election had been presented, Mr. Eastman of Conway presented the following resolution:

Resolved, That a committee of ten be appointed to inquire whether the hon. Isaac Hill, governor elect, holds any office or place under the United States which constitutionally disqualifies him from holding the office of governor, and to report the facts in relation to that subject to this house, and that said committee be empowered to send for persons and papers.

Mr. Quincy said he did not object to going into an inquiry at a proper time, but for the present he wished the resolution to lie on the table. He therefore moved that it lie on the table.

Mr. Bartlett of Portsmouth inquired if the effect of this motion was not to prevent debate.

The chair said a motion to lie on the table could not be debated.

Mr. Bartlett observed that he made the inquiry that the house might be informed of the effect of the motion, to stifle inquiry.

The motion was decided in the affirmative—yeas 126, nays 110. So the resolution was laid on the table.

Navy department, June 13, 1838.

The board of naval surgeons, recently convened in Philadelphia for the examination of candidates for admission into the navy, adjourned on the 11th instant.

The following is the list of the approved candidates, in the order of merit, viz:

- No. 1. *Silas Holmes* of Rhode Island.
- No. 2. *Edwd. H. Van Wyck* of New York.
- No. 3. *Horace D. Taliaferro* of Virginia.
- No. 4. *J. Howard Smith* of Pennsylvania.
- No. 5. *John A. Guion* of North Carolina.
- No. 6. *James McClelland* of Pennsylvania.
- No. 7. *Samuel R. Addison* of Ohio.
- No. 8. *Wm. B. Sinclair* of Virginia.
- No. 9. *Samuel Jackson* of North Carolina.
- No. 10. *James Jeffry Brownlee* of New York.
- No. 11. *Joshua Huntington* of Connecticut.
- No. 12. *Robt. B. Banister* of Virginia.
- No. 13. *John S. Whittle* of Virginia.
- No. 14. *Augustus F. Lawyer* of New York.
- No. 15. *Stephen A. McCreery* of Virginia.

Mint of the United States,

June 5, 1838.

Sir—I send you to-day the usual report, required by the department of the gold coinage in May, and I now present to you the following statement of the whole amount of coinage done at the mint during the same month.

Denomination.	Value.	No. of pieces.
Half eagles,	195,295 00	39,659
Quarter eagles	21,972 00	8,789
Half dollars,	174,000 00	348,000
Quarter dollars,	49,000 00	196,000
Dimes,	62,500 00	625,000
Half dimes.	26,500 00	530,000
Cents,	8,785 00	878,500

Totals, \$538,052,000 2,625,348

This statement shows an amount of work greater than has ever been heretofore done at the mint in the same time, since the labor is proportional, not to the value of the coins, but more nearly to the number of pieces. It will be observed that 2,229,500 coins have been struck, of less denomi-

nation than the half dollar. and we are still busily occupied with the fabrication of these small coins, for which the demand seems to be but little diminished.

The mint at New Orleans, after having various unforeseen difficulties to overcome, commenced coining on the 7th of last month; so that all the branch mints are now in full operation.

Very respectfully,

Your faithful servant,
(Signed) R. M. PATTERSON,
Director.

Hon. Levi Woodbury,
Secretary of the treasury.

MOST AWFUL DISASTERS.

Office of the Wilmington (N. C.) Advertiser, }
June 18, 1838. }

Loss of the steam packet Pulaski, with a crew of thirty seven, and one hundred and fifty or one hundred and sixty passengers.

On Thursday, the 14th instant, the steamer Pulaski, captain Dubois, left Charleston for Baltimore with about 150 passengers, of whom about 50 were ladies.

At about 11 o'clock on the same night, while off the North Carolina coast, say 30 miles from land, weather moderate and night dark, the starboard boiler exploded, and the vessel was lost, with all the passengers and crew except those whose names are enumerated among the saved in the list to be found below.

We have gathered the following facts from the first mate, Mr. Hibberd, who had charge of the boat at the time. Mr. Hibberd states that at about 10 o'clock at night he was called to the command of the boat, and that he was pacing the promenade deck in front of the steerage house; that he found himself, shortly after, upon the main deck, lying between the mast and the side of the boat; that, upon the return of consciousness, he had a confused idea of having heard an explosion, something like that of gunpowder, immediately before he discovered himself in his then situation. He was induced, therefore, to rise and walk aft, where he discovered that the boat midships was blown entirely to pieces; that the head of the starboard boiler was blown out, and the top torn open; that the timbers and plank on the starboard side were forced asunder, and that the boat took in water whenever she rolled in that direction.

He became immediately aware of the horrors of their situation, and the danger of letting the passengers know that the boat was sinking, before lowering the small boats. He proceeded, therefore, to do this. Upon dropping the boat, he was asked his object, and he replied that it was to pass around the steamer to ascertain her condition. Before doing this, however, he took in a couple of men. He ordered the other boats to be lowered, and two were shortly put into the water, but they leaked so much in consequence of their long exposure to the sun, that one of them sunk, after a fruitless attempt to bail her. He had in the interim taken several from the water, until the number made ten. In the other boat afloat there were eleven. While they were making a fruitless attempt to bail the small boat, the Pulaski went down with a dreadful crash, in about 45 minutes after the explosion.

Both boats now insisted upon Mr. Hibberd's directing their course to the shore, but he resisted their remonstrances, replying that he would not abandon the spot until daylight. At about three o'clock in the morning they started, in the midst of the wailings of the hopeless beings who were floating around in every direction, upon pieces of the wreck, to seek land, which was about thirty miles distant. After pulling about thirteen hours, the persons in both boats became tired, and insisted that Mr. Hibberd should land. This he opposed, thinking it safest to proceed along the coast, and to enter some one of its numerous inlets; but he was at length forced to yield to the general desire, and to attempt a landing upon the beach, a little east of Stump Inlet.

He advised Mr. Cooper, of Ga. who had command of the other boat, and a couple of ladies with two children under his charge, to wait until his boat had first landed, as he apprehended much danger in the attempt, and should they succeed, they might assist him and the ladies and children. There were eleven persons in the mate's boat, (having taken two black women from Mr. Cooper's.) Of these, two passengers, one of the crew, and the two negro women were drowned, and six gained the shore. After waiting for a signal, which he received from the mate, Mr. Cooper and his companions landed in about three hours after the first boat, in safety. They then proceeded a short distance across Stump Sound, to Mr. Redd's, of

Onslow county, where they remained from Friday evening until Sunday morning, and then started for Wilmington. The mate and two passengers reached here this morning (18th June) about 9 o'clock.

Passengers who left Charleston.

Mrs. Nightingale, and servant; Mrs. Fraser, and child; Mrs. Wilkins, and child; Mrs. Mackay, child, and servant; Miss A. Parkman, Miss C. Parkman, Miss T. Parkman; Mrs. Hutchison, two children, and servant; Mrs. Lamar, Miss R. Lamar, Miss M. Lamar, Miss R. S. Lamar, Miss E. Lamar; Mrs. Dunham; Mrs. Cumming, and servant; Mrs. Stuart, and servant; Mrs. Wort; Mrs. Taylor; Mrs. Wagner, child, and servant; Miss Drayton; Mrs. Pringle, and child; Miss Pringle, and nurse; Mrs. Murray, Miss Murray, Mrs. Britt, Miss Heald, Mrs. Rutledge, Miss Rutledge, Mrs. H. S. Ball, nurse, child, and servant; Miss Trapiar, Mrs. Longworth, Mrs. Edgings, and child; Miss Mikell, Mrs. Coy, and child; Miss Clarke, Mrs. B. F. Smith, Mrs. N. Smith, Mrs. Gregory, Mrs. Davis, Mrs. Hubbard, Mrs. Merritt, Miss Greenwood, Gen. Heath, Col. Dnnham, Maj. Twigg, Judge Rochester, Judge Cameron, Rev. E. Crofts, Rev. Mr. Murray, Dr. Stewart, Dr. Cumming, Dr. Wilkins, Messrs. S. B. Parkham, G. B. Lamar, C. Lamar, W. Lamar, T. Lamar, R. Hutchinson, R. Brower, L. Livermore, B. W. Fosdick, H. Eldridge, C. Ward, G. Huntington, J. H. Cooper, H. B. Nichols, L. Bird, A. Lovejoy, W. W. Foster, J. L. Wort, C. Hodson, W. Stewart, D. Ash, A. Hamilton, S. Miller, R. W. A. Pooler, R. W. Pooler, jr., W. C. N. Swift, A. Burns, H. N. Carter, Pringle, Rutledge, H. S. Ball, Longworth, F. M'Rea, T. C. Rowand, Edgings, R. Seabrook, S. Keith, G. W. Coy, T. Whaley, W. Whaley, O. Gregorie, N. Smith, B. F. Smith, G. Y. Davis, R. D. Walker, E. W. James, Hubbard, J. Auzé, Bennett, Clifton, Merritt, Greenwood, Evans, and Freeman.

Passengers saved in the two yawls.

Mrs. P. M. Nightingale, servant and child, of Cumberland island; Mrs. W. Fraser and child, St. Simons, Georgia; J. H. Cooper, Glynn, Georgia; P. W. Pooler, Savannah, Georgia; Capt. Pooler, sen.; Wm. Robertson, Savannah, Georgia; Elias L. Barney, N. C.; Solomon—; S. Hibberd, 1st mate Pulaski; W. C. N. Swift New Bedford; Z. A. Zeuchtenberg, Munich; Charles B. Tappan, New York; Gideon West, New Bedford, boatswain; B. Brown, Norfolk, steward.

Persons drowned in landing.

Mr. Bird, of Bryan co. Georgia; an old gentleman from Buffalo, N. Y., and recently from Pensacola; a young man name unknown; Jenny, a colored woman; Priscilla, a colored woman, stewardess.

From the Buffalo Commercial Advertiser.

The steamboat North America is just in, by passengers on which we learn the particulars of a most heart-rending calamity—THE DESTRUCTION OF THE NEW AND ELEGANT STEAMBOAT WASHINGTON, by fire, off Silver creek, about 3 o'clock this morning, with the estimated loss of FIFTY LIVES!!

The Washington passed the North American while the latter lay at Erie, in the early part of the night, and was not again seen by those on board the North America until, when within about three miles of this city, a bright glare of light was discovered by the helmsman in the direction of Silver creek, and the North America was instantly put about for the scene of apprehended disaster.

On nearing the spot, about 6 o'clock, the burning hull of the large and noble boat was found drifting over the waters, three or four miles from shore, with not a living human being on board. The lake was literally covered with hats, bonnets, trunks, baggage, and blackend fragments of the wreck.

The intense anxiety of the witnesses of this fearful scene, for the fate of the passengers on the unfortunate Washington, was partially relieved by the discovery of several small boats near the shore, in which the survivors of the disaster had been rescued from destruction.

The alarm had been given at Silver creek, as soon as the flames were perceived from the shore, and all the boats which could be found, were sent to the rescue of the sufferers. There were only three skiffs, besides the yawl of the Washington, which could be thus used.

The North America took on board about forty of those saved, many of whom, including all the ladies, remained on shore. There were six dead bodies picked up on the spot—those of four children and two women. One man died of his injuries soon after reaching the shore, and one child was dead in its mother's arms when she was taken out of the water.

After picking up all the floating baggage which could be seen, the hull—which was still able to float the engine—was towed into Silver creek, where it sank in six or eight feet water. The North America remained at Silver creek, employed in this melancholy business, six or seven hours, and every thing was done by captain Edmonds, and his crew, for the relief of the sufferers. Their prompt and efficient services are entitled to all praise.

The ill-fated Washington was built at Ashtabula last winter, and had made but one trip previous to her destruction. The fire caught near the boilers, and had made such progress when discovered, as to defy all attempts to extinguish it. The helm was instantly put about, and the boat headed for shore, but in a few moments the wheel ropes were burnt off, and she was rendered an unmanageable wreck. Had iron rods been substituted, as melancholy experience has taught on the Mississippi, this appalling loss of life might have been averted!

We hear that the surviving passengers of the Washington unite in stating that no blame was attributable to captain Brown, the commander.

We hope and expect that the reported loss of life, as stated above, may prove exaggerated. We have heard, since commencing this article, the loss variously estimated from twenty to sixty. Many of the survivors were badly burned before they left the boat.

From the Intelligencer of the 15th inst.
MESSRS. BELL AND TURNEY.

To the editors.

Washington, June 14, 1838.

Gentlemen:—In the Globe of the 12th instant, and which was published yesterday morning, I observed a statement relative to the recent personal rencontre between my colleague and myself, which is expected, no doubt, to be regarded by the public as a true narrative of all the circumstances attending it.* Among other misrepresentations in

* The speech of Mr. Turney, which we publish to-day, will enable the public to decide whether the charges brought by him against Mr. Bell, are well sustained and whether the mode adopted by Mr. Bell to meet them was appropriate. Mr. Turney, it seems, felt himself called upon, as a representative of Tennessee, to defend the fame of a man endeared to the state by a life of patriotic services, who had been traduced by the representative from his own district in the grossest manner. If general Jackson were the corrupt, unprincipled, dishonest man, portrayed in Mr. Bell's philippics, the honors paid him by Tennessee dishonored the state. Mr. Turney doubtless felt that, in vindicating the retired chief magistrate from the foulest aspersions, he performed a duty to his own constituents. There is scarcely a man of them of whatever political principles, who would be content to hear the traduction with which Mr. Bell regaled his Hartford Convention friends during his last fall's tour through the New England states, repeated in the house of representatives, without an answer.

Mr. Turney responded, and, as Mr. Bell's subsequent conduct proved, with full effect. The speech, as printed, is but the plain demonstration made on the floor of the house. It is temperate, cool, precise in argument and expression, and not less decisive as to the offences which it lays at Mr. Bell's door and conclusively proves upon him.

It first arraigns Mr. Bell as charging corrupt expenditure on general Jackson's administration throughout the seven years during which the accuser adhered to that administration. Mr. Turney then shows that Mr. Bell voted for the appropriations which authorized those expenditures, and that the extraordinary additions originated in congress, not with the executive. He then takes Mr. Bell's admission of corrupt motive as good against himself. That the recommendations of president Jackson were pure, and designed for the public good, and were so respected by the American people, does not excuse the man who advocated and pressed them to consummation in that body especially charged with the care of the public purse, and who, according to his own showing, voted the money as a source of corrupt patronage to that administration to which he gave his unwearied support for seven years, while, as he pretends, working the abuses now complained of as fatal to the constitution and best hopes of the country. Mr. Turney then puts it even to those disposed to credit Mr. Bell's evidence, and inquires how he can be looked upon in any other light than as one of a banditti once engaged in plundering the public, now seeking safety and reward by appearing as the betrayer and state's evidence against his companions.

that statement, there is one of so gross a nature, so malignant in its purpose, and so well conceived to injure, that I must insist upon having a correction of it inserted in your journal.

After reciting all the most offensive points of attack in the speech of my colleague, and leaving it to be clearly implied that he had commenced and concluded his speech on the same day, the editor of the *Globe* proceeds to state that I consulted my pillow, and possibly my friends, as to the response to be given to the charges made against me by my colleague; and also that I had made up my mind, after a night's deliberation, to meet the accusation of my colleague, by getting up a scene of personal violence in the house. Although the truth may never meet the eyes of a tenth part of those who will be misled by the statement in the *Globe*, still it will be some protection to me, if it shall be made known to the numerous readers of the *Intelligencer* that my colleague concluded his speech the morning after he commenced it; that the most offensive parts of it were reserved for the conclusion; and that I rose to reply the instant he sat down. I will add, that the idea of personal violence, as the probable consequence of my colleague's speech, or of any notice I might take of it, so far as I have heard, never entered the head of any of my friends, as it certainly was not thought of by me, at any time before the instant of its occurrence.

I remark the suppression of a considerable portion of my colleague's speech as printed in the *Globe* of the same date, of which I will not complain; but I notice, also, the absence of an *adverb* in one of the garbled extracts taken from a speech delivered by me at Nashville, in the spring of 1835, which is material to the true sense of the passage quoted. I have no copy of the speech to refer to, and cannot speak with positive confidence, that I am right in this exception; but as my colleague comments with much acrimony upon the sentiment contained in the extract, and as the injustice of his remarks may be made manifest by restoring the true reading of it, if a material word is left out, I hope it will be done in the pamphlet edition of his speech. He will know how to supply the omission, if there be one.

I am, gentlemen,
With great respect,
Your obedient servant,
JOHN BELL.

Messrs. Gales & Seaton.

Mr. Turney next confronts Mr. Bell with his Nashville speech, attempting to conceal his latent hostility to general Jackson—his late New England speech, in which it blazed out—and his testimony before the committee, when called to testify as to the corruptions alleged against general Jackson. In the first he denounces those who dared to suspect his fidelity and sincere attachment to the principles of the late president—boasts of his devotion to the administration and its measures throughout their seven years' development, and treated with scorn all imputations on his sincerity in this respect, as vain attempts to drive him from the cause with which he, in common with general Jackson, was identified throughout the course of an administration which he had sustained at every step in congress. From the New England speech Mr. Turney quoted to show, that a *seven years'* train of corruption was imputed to the chief whom he pretended so faithfully to serve; and from his deposition on oath before the committee to which he was sworn to tell "*the whole truth*," reference is made, proving that Mr. Bell swore off the imputations of corruption which he had made before the public against general Jackson in his speeches. In this aspect it would seem that Mr. Turney intended to leave to Mr. Bell nothing but the dilemma of suppressing on oath to the committee, or speaking falsely in addressing his federal friends.

Mr. Turney then comes to the question of the motives of his colleague in the abandonment and abuse of general Jackson, and his conversion to the federal party and all its policy. And here again a naked alternative is presented in the speech. Mr. Turney alludes to the \$53,000, recorded in Mr. Tyler's report, as received from the United States bank by a certain one, but a nameless member of congress, residing at Nashville; and to political rewards, which Mr. Bell showed himself nothing loth to receive from the opposition—and intimates that one or both may serve to account for a change by which alone they could be deserved. Mr. Bell consulted his pillow, and possibly some less silent friends, as to the response to be given to charges so gravely, firmly, and demonstratively urged, and in a manner which parliamentary forms

From the "*Globe*, of the 16th instant.

TO THE PUBLISHERS OF THE *GLOBE*.

Gentlemen: In Mr. Bell's note, published in the *National Intelligencer* of yesterday, I find the following paragraph:

"I remark the suppression of a considerable portion of my colleague's speech as printed in the *Globe* of the same date, of which I will not complain; but I notice, also, the absence of an *adverb* in one of the garbled extracts taken from a speech delivered by me at Nashville, in the spring of 1835, which is material to the true sense of the passage quoted. I have no copy of the speech to refer to, and cannot speak with positive confidence that I am right in this exception; but as my colleague comments with much acrimony upon the sentiment contained in the extract, and as the injustice of his remarks may be made manifest by restoring the true reading of it, if a material word is left out, I hope it will be done in the pamphlet edition of his speech. He will know how to supply the omission, if there be one."

In my speech, as published in the *Globe*, there is no suppression of the speech as delivered in the house; nor am I aware of any omission of any material part of the speech as delivered in the house. The published speech is, in all substantial respects, the speech as delivered. Every fact and argument used in the speech, as I delivered it in the house, is contained in the published speech. The precise language used in debate cannot, in any reported speech, be literally the same. If, however, there should be an omission deemed material, it was altogether accidental, and is not withdrawn.

The paragraphs quoted from Mr. Bell's Nashville speech, are the same which I read in the house, and are correctly reported in the published speech, with the accidental omission in the copying of a word or two in one of them, which does not change the meaning of the passage. The passage read in the house from the pamphlet edition of the speech, is as follows:

"A man towards whom I have never yet failed in showing a proper respect, and whose administration I have faithfully supported, and, in every instance, with that degree of zeal which could consistently and reasonably be expected from me."

The passage as published in the quotation in the public speech is as follows:

"A man towards whom I have never yet failed in showing a proper respect, and whose administration I have faithfully supported, and in every in-

authorized. He made up his mind, after a night's deliberation, to meet the solemn and well vouched accusations of his antagonist, by producing a scene in the hall of the representatives which would have been disreputable among gentlemen in the bar-room of a tavern. Mr. Bell abused the speaker of the house and a senator from Tennessee, pronounced Mr. Turney "a scavenger," "a tool of tools;" and when Mr. Turney characterized his assertions as he knew they ought to be, resolved to make it an "*affair*" of fisticuffs! He struck at Mr. Turney, but did not reach him. The personal assault was repelled, and Mr. Bell instantly found himself in the arms of his friends. Certainly no place can be so safe to adjust an affair of honor as the floor of the house; but surely it does not comport with the dignity of a national legislative assembly, to be made the theatre of this mode of adjusting differences. Mr. Bell, as the aggrieved party, seems considerably to have brought himself to the conclusion that he must try the issue of character presented in Mr. Turney's remarks by battle; and although we will not deny his right, or object to the comparatively harmless mode resolved on, yet we must say that it was altogether unbecoming in one aspiring to the speaker's chair, first to attack the speaker who had superseded him, and then insult the house itself, by beginning an affray, which, while the single instance is calculated to lessen its character in the eyes of the world, tends, in its example, to disorganize and destroy the body by breaking down that sacred regard to decorum, which alone prevents personal and party altercations from ending like tavern brawls; or what is called at the cock-pit, a *battle royal*.

The speaker, who was not in the chair (the house being in committee) when Mr. Bell directed his abuse towards him, acted properly in not noticing him at all. It is his duty to discountenance every thing which tends, in any way, to the sort of arbitrament in which Mr. Bell would resolve the business of congress. To maintain the decorum and dignity of the body, there is nothing left when a member wantonly, and without pretext, insults the house and its presiding officer, but utter contempt for the assailant, or his expulsion.

stance, with that degree of zeal which could reasonably be expected from me."

The other paragraphs quoted in the *Globe* are literal and correct copies. All the passages were correctly read in the house, and those parts only which were read were published in the *Globe*. I did not wish to fatigue the house by reading more lengthy extracts, but such parts only as were material, and in point. The parts read and quoted in my printed speech, contain each a distinct point, and are not garbled extracts. To show that they are not, I append hereto more extended extracts from that speech than I thought it necessary to quote in debate, and which I request may be published, to show that no injustice was done Mr. Bell in selecting the extracts which I did quote.

HOP. L. TURNEY.

Washington, June 16, 1838.

Extracts from the "*Speech of John Bell, delivered at Vaux Hall Garden, Nashville, on the 23d of May, 1835.*"

"The elections last fall terminated in such a manner as, in the judgment of all men of observation, to defeat, absolutely and without hope, the prospects of any candidate of the opposition for the presidency. That any man, or the friends of any man, since the days of Washington, should expect that he would be permitted to be advanced to the presidential chair, without a rival or competitor, is hardly credible. It was as certain, in the very nature of things, that Mr. Van Buren would have a competitor, in the ranks of the dominant party, the moment the opposition, as a party, were prostrated, as that flowers should put forth upon the return of spring. The notice which had already been taken of judge White, in many districts of the southwest, pointed him out to the public as that competitor."

"It cannot be objected that general Jackson or his administration is, or can be seriously affected by a contest between two of his friends for the succession. General Jackson has been eminently successful and triumphant in all his measures. It is one of the happy consequences of his great success, that the friends of his administration may choose from among the whole number of his friends, whom they prefer to succeed him safely, and without danger to his administration. He yet possesses a vast and undoubted control and influence in the country. It cannot be disputed that there are thousands in the United States, who have such unbounded confidence, not only in his honesty, but in his general sagacity, and his intelligence upon all subjects, as to be ready to yield up their own judgments, in deference to his, upon any political question which may arise. The friends of judge White, therefore, upon grounds of policy, if upon no other, and better ones, will not seek to disturb the tranquillity of gen. Jackson's administration, or to defeat or unsettle any of these great questions on which he has acquired so much of his present power and influence in the country. They would be unadvised to do so. The truth is, it is their interest, and so far as they are acting in view of principle, it is the interest of the country, that they should conciliate general Jackson, and the people of every section who have such unlimited confidence in him, by every means, consistently and honorably, in their power. This is so obviously their policy, that we see some of the partisan presses of his competitor employing their address to drive them to an opposite course—practising every species of provocation and insult, by which they may hope to throw judge White's friends into the opposition ranks. Opposition to the administration of gen. Jackson, is the course which the worst enemies of judge White desire his friends to adopt; they are so anxious on this point that they appear determined to put judge White and his friends in the opposition, whether they will or not. But gentlemen, the friends of judge White will adhere to general Jackson, and his administration, from consistency, and a respect for their own character; and because they will be supporting their own principles upon all questions, properly administrative in their nature, which have arisen or are likely to arise. They know too well how to bestow their ammunition to waste it—by firing into a bomb-proof battery. It cannot be even plausibly objected, that judge White may not be expected to carry out the principles of the present administration, so far as depends upon him. If we run a parallel between him and his competitor upon this point, and calculate the probabilities, we shall find that the chances are in favor of judge White. He has been consistent in the support of his present principles and the principles of the administration; his competitor has not. If it shall be said that the friends and supporters of judge White are not likely to be

such as will sustain his principles, I answer that they are more likely to be homogeneous in sentiment than the supporters of Mr. Van Buren, so far as principle is concerned. Should judge White prevail in the contest over his opponent, surely the great democratic states, which it is said will support Mr. Van Buren, will not desert their principles because their favorite leader shall have lost his election. Their cherished democratic principles will undoubtedly continue dear to them under the lead of judge White; unless then the great body of Mr. Van Buren's friends shall desert their principles, the democracy of the country will still be triumphant."

SPEECH OF MR. PRESTON, OF SOUTH CAROLINA.

On the treasury note bill. Delivered in the senate of the United States, on the 18th of May, 1838.

The senate having taken up the bill to authorize the issue of the treasury notes, to meet the wants of the government—

Mr. Preston said he was altogether indisposed to mix up a discussion of the sub-treasury project with what he had to say on the bill now before the senate to provide for the issuing of treasury notes. With the hard money part of that project he had no sympathy during its short, but feverish existence; and now, being dead, he would be silent concerning it. "*Nil de mortuis bonum.*" By a very decisive vote, of 81 to 21, we are, said Mr. P. fully relieved from all further discussion of this scheme, however much its mourning friends may be indulged in eulogy and monody. There is now a real and practical question before us, which we are pressed to decide with breathless haste, at once; for if we delay a moment, honorable gentlemen tell us the government is about to be precipitated into a gulf of bankruptcy, from which it can be rescued only by our utmost speed. It is now Friday evening; the general government of the United States cannot pay off its laborers to-morrow evening without this bill. Without this bill the hod-carrier at the public buildings must go without his Sunday dinner. If we do not pass this bill now, this instant, the government is disgraced, the public faith violated; there is no alternative—disgrace, or this bill, this identical bill, just as it stands, without substitute, alteration, or amendment of any kind; and he who will not at once eagerly take it, just as presented, is little less than a traitor. Such is the language of gentlemen. Now, Mr. President, I am not altogether content with this bold urging by the administration of its own negligence and incompetency, as reasons why we should not deliberate; that, because they have not done their duty, we should not do ours; that, because their prodigality has exhausted your treasury, and their negligence has not announced that fact until driven the last moment, we should be deprived of all discretion upon the ways and means, and hastily to register the edicts of the executive. That portion of the senate which, either from habit or from recent illumination, believe in executive infallibility, may well believe that all discussion of executive recommendations is very useless, and, perhaps, very impolite; but it is pushing this complacency and acquiescence very far when a similar self-sacrifice is demanded of those who neither have the habit, nor have seen the apocalypse.

I by no means, sir, desire to stop the supplies of government, believing that it is our duty at all times to make such appropriations as may be necessary and proper to sustain its action. If we should refuse to vote a competent salary for the president or the judges, we would unquestionably violate the constitution by omitting an important duty. But it is a very different question how the money to discharge these salaries should be raised. We must adopt some mode; what it should be is addressed to our discretion. The announcement of these truisms would be ridiculous, but for the virtual denial of them implied in the language of senators who hold that opposition to the issuing of ten millions of treasury bills is the advocacy of government insolvency.

For one, sir, I should hold myself guilty of a gross violation of public duty if I withheld the supplies necessary; and I should hold myself equally guilty of a gross violation of public duty if I voted for this bill; and I never will, under any pressure, however brought upon me, whether, like the present, it be either the result of incapacity or of a purpose to make an emergency, neither in war nor in peace, will I ever vote for the issuing of treasury notes, bills of credit, concealed loans, continental money.

The argument for the bill is the haste necessary. Those who urge the necessity, urge it as an argument. The necessity is perhaps made for the sake of the argument. The breathless haste with which the chairman came running into the hall with the

bill, seemed to indicate that he and his friends had been taken altogether by surprise; that bankruptcy had slyly crept up unawares, and was about to pounce upon them by one portentous leap. Why has not this state of things been foreseen and fore-armed against? Why have we not been provided with a system of finance to relieve us from these paltry expedients—this living from hand to mouth? Here, in the sixth month of the session, the president of the United States comes into congress with a beggarly account of empty boxes; supplicating congress to dismiss all other matters, and hasten to the relief of the government. Why have you permitted this pitiable and disgraceful spectacle, now for the first time exhibited, of the president warning congress of the government bankruptcy? There is no excuse for, no palliation of, this unprecedented negligence and incapacity. The chairman of the committee stated to us the other day, when he proposed the sale of the United States Bank bonds, that it was all the senate could do towards replenishing the treasury. If this were true, as it is not, why was not this measure produced early enough to avoid this shameful crisis? Why were not the proceeds of those bonds now in the treasury? Why was not this very bill introduced into this body, as it was at the extra session, when our constitutional inhibition of originating a money bill was not permitted to stand in the way of the gentleman? If this had been done, we should have been allowed breathing time. But this is all the senator could have done. Let me call your attention, sir, to the first sentence of the president's urgent message. He says:

"I submit to the consideration of congress a statement prepared by the secretary of the treasury, by which it appears that the United States with over twenty eight millions in deposits with the states, and over fifteen millions due from individuals and banks, are, from the situation in which those funds are placed, in immediate danger of being rendered unable to discharge, with good faith and promptitude, the various pecuniary obligations of the government."

Now, sir, it is competent to the senate to originate measures to recall these deposits from the states—as much within the powers of this as of the other house. The administration members who have possession of both branches might have introduced a bill in either to demand the whole, or any portion, of these 28 millions; and, in my opinion, their shrinking from this obvious course is a reason why we should look with suspicion upon the proposed measure. Why do not gentlemen call on the states for those deposits which are thus set forth by the president? is a question which suggests very serious reflections. A bill introduced in due season would have replenished the treasury by this time, for the legislatures of many of the states have been in session until recently, and all have been in session since the meeting of congress, and since the present condition of things was foreseen by every body except, perhaps, by the secretary of the treasury.

When, at the extra session, the first bill for the creation of government paper money was before us, I suggested and urged the propriety of drawing upon the deposits in the states. The idea seemed to meet with some favor from the administration side; but it was said we have no time—the case is too urgent; and this is to be a single instance of the issue of treasury notes, not to be followed up. Now there is a second instance; time urges again; bankruptcy has surprised gentlemen twice a year; and twice we are called upon for treasury notes, under the subterfuge of haste. Why is this, Mr. President? Why this puerile pretext, which, if it were aught but a pretext, is such an avowal of incompetency as should be followed up by the resignation of all concerned?

The alternative for those who govern us is of fraud or folly. But I believe, Mr. President, there is not much difficulty in ascertaining the true cause of this reluctance to demand the deposits, and willingness to issue the treasury notes. The issuing of treasury notes is a quiet, unostentatious proceeding, rousing neither individuals nor states. You silently get the desired sweets without exciting the swarm, whereas, if you demand the deposits it is striking the hive, and all the inmates are forthwith about your ears.

If you ventured to call upon the states, they would turn upon you and inquire, for what purpose is all this money wanted? What measure have brought you to this condition? In short, by making this call, you would effect what was a prime object of the deposit law; you would excite the vigilance of the states, and make them, to use the phrase of the times, antagonist to your prodigality; a prodigality which no country could less bear, and no administration ever stood so much in need of. Broken and

tumbling to pieces as you are, you stand in need of prodigal appropriations to buy off the vengeance which your prodigality has brought upon you. You seek to purchase silence upon your spendthrift disbursements by more extravagant expenditures. There is not one single act of retrenchment performed or in progress. There is no pretence of economy. The department asks for twenty-two millions; when it is known that when these reformers and retrenchers came into power, twelve millions were enough; and besides this audacious demand—from those who, it was proclaimed for their country's good, would be, with miraculous speed, the most economical of all possible politicians—there are now bills before us proposing appropriations of more than forty millions. No one has proposed to cut off any branch of extravagance, and no party measure has been proposed to organize a system of economy. Are there any propositions of reform? Any committees of retrenchment? You have not given up one of your useless and corrupting projects. Not a harbor; not a lighthouse; not a pension; not even your notoriously useless Cumberland road. In truth, sir, you dare not; this administration cannot give up any one means of influence and corruption. My colleague proved, in a masterly report a few years since, that its foundations were in money and patronage; take those away, and the swift destruction which in spite of power and patronage is coming upon it, will overwhelm it in the twinkling of an eye.

The administration can neither restrain its prodigality nor permit the people to know it. They dare not rouse the antagonist vigilance of the states, and therefore resort to indirect by-ways of raising a revenue. All that is wanted is, the silent hand of the engraver, a little ink and paper. It is a most noiseless operation. "Let the people slumber on in sweet repose. Heaven forbid that we should wake them."

Now, Mr. President, this is exactly what I desire. I wish the people to know and feel what you are doing. I desire to see a main object of the deposit law accomplished. A direct appeal to the states and the people for money would be a real and efficient check, not only upon your extravagance, but upon all your misdeeds, for it will immediately create a spirit of scrupulous investigation into the whole conduct of the government. I believe, sir, that a necessity of raising your revenue at all times by direct taxation would be in itself a more searching and vivifying principle of liberty than all the checks and guards of the constitution, however wisely conceived. To the mystifying influence of indirect taxation you now propose to add the still more remote, silent, and unintelligible process of creating money. You shrink, altogether, within yourself. You plunge into the dark recesses of your safes and dungeons to counterfeit money, because you are afraid to ask the people for it.

One year has already illustrated the fatal tendency and inevitable destiny of this system of making money. The issue at the extra session was said to be temporary, and but for a short season. You now are about to repeat it. You will do it again and again. You will expand and extend your issues. You will push them, as all governments have in all ages, to extreme; to depreciation. You have tasted once of this intoxicating draught, and now return to it with a keen relish; again you will collapse, and again return to it. Even now there are strong symptoms that this luscious and exhilarating beverage is beginning to be considered as a regular ingredient of the government dietetics. It begins to be whispered that a permanent system of government paper may not be that wretched parent of public and private demoralization which all time has proved it to be, and perhaps one inducement for proposing the present measure may be to familiarize the public mind by degrees to what no one would dare openly avow as the ultimate object of the administration, viz. the establishment of a government paper currency. It is necessary to approach this consummation warily. The people have some ugly reminiscences of continental money. They have heard of the French assignats. Many remember the North Carolina proc money. They would be shocked with the "heinous" mien of this "monster" if the veil were suddenly dropped. But if they can be brought to "endure" it, why, in the regular progress of moral degradation, they may at length be brought to "embrace" it. And when the country is debauched into this embrace, when we are brought to agree that this government shall create its own funds, for its own purposes, I would not give you a haubec for you constitution. Its checks, limitations, and restrictions, are a mere mockery. When the government can make money *ad libitum*, it will spend it *ad libitum*.

I am very strongly persuaded that you have no power under the constitution to issue treasury notes. My colleague states that he intends to vote for this bill, but would, by no means, under any circumstances, in war or in peace, vote for a loan. This most emphatic declaration of his opinion that the proposed measure is not a loan leaves it upon the footing of paper issued upon the credit of the government; and all parties admit that it is intended for circulation. These two qualities combined make the definition of bills of credit; and such, sir, we have no power to issue under the constitution. And, in the first place, appealing to the highest canon of constitutional construction, I demand that the power be pointed out to me. Where is it? Where is your authority to issue bills of credit? It is expressly prohibited to the states; is it expressly given to this government? Whatever was so substantive as to require express prohibition to the states, was sufficiently substantive to require express grant to the federal government. The silence of the convention in one case is as emphatic as its language in the other. This government, to be sure, has the power of raising money, but it is a definite power, limited to certain objects, and circumscribed also as to the mode of doing it. There are two modes of raising money permitted by the constitution: 1st, by laying and collecting taxes, imposts, &c.; 2d, by borrowing money.

Congress shall have power to lay, &c.; congress shall have power to borrow money. There the powers of congress cease. It is not added that congress shall have power to issue bills of credit. If the power to raise money had been granted in general terms, it might have been urged, with some plausibility, that all modes of doing it were included in the grant. But the modes are themselves the subjects of express grant and enumeration; by a clear rule of construction, an enumeration of some particulars excludes those not enumerated; and the application of this rule is especially strong in the present case, from the fact that at the time of the convention bills of credit were the most frequent and familiar mode of raising money; and their intended exclusion might be strongly inferred from the odium into which they had justly fallen. The modes expressly authorized in the constitution are abundantly ample for all the purposes of revenue. The power of taxation is that of confiscating the property of the country for the purposes of government. The power of borrowing is limited only by the extent of the government credit. Surely this is enough for all honest and legitimate purposes.—There are practical restrictions on both these grants of a very efficient character: upon that of borrowing, the want of credit, if it be wantonly pushed; upon that of taxation, the resistance of the people taxed; but, upon the assumed power of emitting bills of credit there is no restraint resulting from the nature of things. The will or the wantonness of government prescribes their own bounds—bounds that never have, and never will be ascertained, but in the utter exhaustion of a totally depreciated currency. But the argument against the power does not rest exclusively upon the application of these obvious rules of construction; it derives great strength from the proceedings of the convention upon the subject of bills of credit; and places the objection upon grounds which must, at least, be conclusive to all who hold a United States bank to be unconstitutional.

The denial of the constitutionality of that institution rests mainly upon these two grounds: 1st. That no grant of power to create a bank is found in the constitution. And, 2d. That, in convention, the proposition to endow this government with the power to create corporations was negatived. Both objections lie against bills of credit. The proposition granting such a power to congress was expressly made to the convention by the report of a committee; it was fully discussed, and rejected. Luther Martin reports the various views taken. He himself was in favor of the proposition, and considered the proceeding of the convention, in denying this power, as an unwise restriction upon the powers of congress. I refrain, Mr. President, from pushing this argument into any further detail, as the ground has already been fully and ably occupied by a member from South Carolina, in the other house, to whose views I could add nothing. He and my most worthy and most republican friend, the venerable senator from Tennessee, have preceded and given me the sanction of their authority for this position. Although my colleague considers this bill as by no means a borrowing of money, gentlemen who act with him contend that it is, in effect and substance, a mode of making a loan. If that be so, sir, it is not the less unconstitutional; for it has the form and semblance of bills of credit. And although bills of credit may be, in effect and substance, a loan, they are not the less unconstitutional.

al; for the constitution prescribes the form and manner of raising money. It allows you no discretion as to the form and manner. If this be substantially a loan, borrow the money, as the constitution directs you.

But it is objected that borrowing money is a dangerous expedient, inasmuch as it creates a national debt, and therefore that bills of credit are better. So thought not the convention; and, for my part, (though I have no fancy for a national debt,) I would rather encounter it than be wise beyond the constitution. Whether the issuing of bills of credit does not create a debt equally with the borrowing of money, I shall inquire by and by. For the present, I have to say that I greatly prefer the plan of borrowing, not only because it is prescribed in the constitution, (always sufficient for me,) but because it brings you fairly before the people, drags you from your lurking places, overrules your pleas in abatement, and puts you at the bar of your country. Yes, Mr. President, go to the people, the people whose money you have squandered, whose commerce you have broken down, whose riches you have destroyed, go and ask them, in the constitutional modes which they have prescribed, for more money. If you desire to avoid any thing but the appearance of a national debt, advance boldly to the people and ask for money. Send out your tax collectors. Abandon this paltry subterfuge, and come up openly to your object, with all your purposes avowed and acted upon. Send the tax collector with your demands for money—for hard money, Mr. President. I should be glad to see you send your taxgatherers through the country with their leathern bags or green purses demanding to have them filled with hard money. This would bring your theories to the test. This would decide the question as to what medium you should be paid in.—Demand gold of the hard-handed farmer, who has returned from market with the proceeds of his produce, and when he offers you what the policy of his state has placed him under the necessity of taking, tell him that you scorn his dirty trash, that precious metal alone is for you. Hold this language to him and to his family, and then, if you can come back here with your wild schemes, do so, and make the most of them. I should most heartily rejoice to see your system, for a short time, brought practically into operation by a direct tax demanded from the people in gold and silver. It was the great fraud of the tariff system, that its operation upon the tax-paying community was so circuitous and involved as to be difficult of clear, or, at least, of succinct exposition. The process admitted of cavil and mystification. So, too, in the system of measures now recommended, and especially in the bill now before us. You disguise and conceal the ultimate effect, by throwing it upon a future time when it will be mixed up with other matters, in the confusion of which you may find an argument or make a subterfuge. I defy, I dare, the administration to come out frankly with their projects, so as to submit them practically to the people. Demand your deposits from the states, or openly borrow money while you have so much on deposit; or, having dried up the revenue from imports, by destroying commerce, order a direct tax to be paid in specie.

Some senators approve of the proposed issue of treasury notes, because they say they will not agree to create a national debt. I can perceive no difference in effect between the obligation to pay these bills when presented, and any other obligation recognising a debt. A treasury note is issued to discharge a debt now due, by creating another to fall due hereafter. If you borrow money, you acknowledge a debt for money received. When you issue a treasury note you acknowledge a debt for services rendered. I do not think that the honorable chairman of the committee on finance, whose candor and perspicuity are acknowledged on all hands, will contend that this bill does not authorize the creation of a national debt. The senator intimates that he will not contend for it. He admits that it is a national debt. Indeed; the terms of the law of the extra session, which this proposes to revive, are unequivocal. They are:

"That the secretary of the treasury be, and he is hereby, authorized and directed to cause to be reimbursed and paid the principal and interest of the treasury notes which may be issued by virtue of this act." "For this reimbursement, at the time and times herein specified, the faith of the United States is hereby solemnly pledged."

At the extra session a bill for the issue of ten millions of treasury notes was passed to meet an emergency, as it was said—an unexpected crisis. Here, now, is another emergency—another unexpected crisis. In truth, sir, I believe the treasury habitually exists in a state of emergency—in a critical condition. But admit that we are overtaken by circumstances which wisdom could not

foresee or prudence avert—what is our duty? Why, to do what is necessary to pass the crisis, and nothing more, until we can sit down coolly and devise the most appropriate measures. And this is the course indicated by the amendment proposed by the senator from Massachusetts. He proposes to grant two millions of treasury notes, which will relieve the pressing necessities of the government, and allow us time to look about us. Indeed, sir, I believe that a hesitating and stinted allowance, from time to time, just enough to keep us along, might tend to enforce a wise lesson of practical economy. We have long wasted our substance with riotous living, and it may be well for us to be reduced to husks for a season, that we may be brought to acknowledge our sins. Undoubtedly, Mr. President, when we do so, and return to the safe precepts of our fathers, we shall be again in the midst of comfort and abundance. But this consummation will be postponed yet for a year or two; and for that time, perhaps, it will be necessary to provide. I, sir, prefer borrowing to treasury notes. But why resort to either beyond the immediate pressure of the moment, when the president tells us, and we all know, that we have 28 millions of deposits? Call in your debts; check for your deposits. The course is direct, plain, obvious; precisely that which any prudent individual would pursue: being pressed by his wants or his creditors, he would call upon his debtors. This, sir, is your only true policy; but, instead of it, you propose to create a national debt, to encourage stockjobbing and speculation, and to lay the foundation of a future high tariff. I warn my colleagues of the south that this creation of a national debt is playing into the hands of those who have deceived us once upon the tariff, and fastened it on us. I beg them to remember that the administration opposed the compromise, and endeavored, at the last session, to violate it; and boasted that they would have succeeded but for the South Carolina votes. I beg them to remember that a national debt in 1842 will be cause for a new imposition of duties; and that, at this moment, and forward to that period, this blundering and falling party in power could desire nothing more ardently than to have a vital question of this kind open for them to play their desperate party game with.

What were the terms on which we deposited the surplus revenue with the states? Did we say to them it is a gift, or did we not, on the contrary, expressly deny that position? I call to the recollection of the senate the facts in relation to that bill, the manner of the execution of which is the true source of the distress which we all now feel. When the opponents of the bill charged upon us that our real object was to give the money to the states, we repelled the charge with indignation. For myself I thought the charge an imputation on my political honor. I would have voted against the bill had I believed that to be its purpose. In that view its operation was most unequal. It gave to my own state in the proportion of one million of dollars to four millions to New York; yet my state contributes to the revenue in the inverse ratio of what she received. The southern doctrine is, that the states pay into the coffers of the general government in proportion to their exportations, and not their consumption. If that doctrine be true, (and, have seen no reason to disbelieve its truth,) then I should have been most unwilling for South Carolina to receive so small a pittance of what she contributed to the revenue, while New York received four times as much. But I denied it to be a gift, and I stated at that time, in my place, that if the general government should ever be in a condition to need the money, I was ready to pledge my state that it should be paid back to the last dollar. I now call upon the senate to carry out, in good faith, the provisions and principles of the deposit bill, and to demand from all the states their respective quotas of the amount then deposited with them. The deposits were made with the states according to their population.

As the bill originally passed, it would have been the imperative duty of the secretary of the treasury, in the present state of our finances, to have promptly demanded whatever sums are necessary, the precise contingency contemplated in the act having occurred. At the last session, however, it was supposed that the discretion of determining on this contingency could be more safely confided to congress, and, therefore, the act was so amended as to require that the legislature should, at its pleasure, make the demand. If the case provided for has occurred, it is as much our duty to proceed as it would have been that of the secretary; and I now demand of gentlemen, "how dare you, in the face of this act, presume to borrow money? how dare you, with such a resource at your command, resort to any other means whatever?" By passing the bill before you, you *ipso facto* repeal the deposit law. No

gentleman will suppose that that law is at an end, and all hope from that quarter out of the question, for the president himself talks to us about the twenty-eight millions on deposit and due to the government. The question is, whether you will now repeal it, and thus place the southern states in a condition where they may be ground down under a system of excessive taxation.

But it is said the states might find it inconvenient to repay this money, and that the demand may oppress them. If it be so, for one, I had rather that South Carolina should meet the demand now, than meet it in the shape of a tariff four years hence. Her credit is good, her resources abundant, and, if she has not got the money, she can borrow it on as good terms as you can. So can all the other states. Their credit is as good as yours: It will be easy for the states to meet the emergency. It may be said that these quotas from the states will not be enough, even with the two millions of the treasury notes. Add what, by the terms of the act, you are at liberty to draw from them, to the proceeds of the sale of the United States Bank bonds and the accruing revenue, and you will find there is enough, even for your habitual prodigality; but if it be not, then your reduced means will enforce a salutary economy—an economy which, I believe, nothing but the iron hand of necessity can enforce. It is one of the most difficult efforts of private life to break through fixed habits of extravagant living, and reduce one's expenditure within the limits of a reduced income. Nor is this difficulty owing alone to the violence done by such a process to our vanity or pride. It is still more the violence which must be done to the force of habit. It is, in fact, a change in our mode of existence. And if this is so difficult with individuals, it is, on every account, still more difficult with governments. Now, the government of this country, since the coming in of this *most economical administration* which ever prospered economy, has, in three years, spent upwards of \$100,000,000. Under this most virtuous, most patriotic, most pure and self-denying, and most economical of all possible parties, thus much has been expended; and there are now propositions before the two houses of congress for the expenditure of \$40,000,000. Sir, this evil has a perpetual growth, and I see the necessity of applying to it an immediate and effective, though perhaps an unwelcome and caustic, remedy. Let the government be taught by necessity to cut down its expenditures. Extravagance is our disease, retrenchment our only remedy.

This bill comes to us under peculiar circumstances. It is perfectly well known that the popular branch of this government would never have passed this bill but under the most pressing apprehension that the fund for internal improvements would be exhausted without it. It is, in fact, a bill to raise funds for internal improvement. A few votes would have turned the scale. Who knows, but, after all, it was passed for the sake of some harbor on Lake Ontario, where a member's constituents had the hope that \$10,000 or \$20,000 of the public money was to be expended? Who can say but it was the Cumberland road itself that passed the bill? Sir, you know how these things are managed. The constituents of gentlemen are in the habit of instructing them, or at least of electing them under a pledge or understanding that they shall vote for some expenditures in their quarter. Maryland, Virginia, Pennsylvania, had been interested in the Cumberland road, and they had all had their day; now Ohio, Indiana and Illinois come upon the field; they insist upon their share of the road. Its refreshing, its fertilizing influence is to proceed westward. The people will have it. They hold their representatives responsible, especially when on their return home they will have to mount the steps or the stump, and demonstrate to their constituents that they had lost the road because treasury notes were a bad thing, and their representatives could not vote for them. To hold language like this, requires some courage; and while I would speak with due respect of those in both houses, to whom the people have thought fit to confide their most important interests, I cannot but remember that, after all, they are men and of like passions with others. And yet, notwithstanding that, the progress of internal improvement, the progress of the Cumberland road, depended upon this bill; notwithstanding, that it had in its favor all the seductive influence of light-houses and harbors, which without it would perish, that bill was sent to us by a tie vote.

It will not be in order for me, at this time, to offer the amendment I propose, unless that offered by the honorable gentleman from Massachusetts, (Mr. Webster,) or something like it, shall be adopted. If it be true that the whole amount of \$10,000,000 is immediately required, then there is no occasion for my amendment. But surely the

whole cannot at once be called for. If \$2,000,000 are insufficient, \$5,000,000 will surely do for the present. I cannot, myself, vote for any which contemplates the issue of treasury notes; but, if the amendment of the honorable gentleman succeed, I shall then offer for the adoption of the senate, the following:

And be it further enacted, That the secretary of the treasury is hereby authorized and required to make the requisitions upon the states according to the provisions of the act of the 23d of June, 1836, for such sums as the expenses of the government may require.

[At a subsequent stage of the debate—

Mr. Calhoun said that his colleague had made an objection against the constitutionality of this bill, which he deemed proper to notice. It was a rule with him, where the constitution is supposed to be involved, to bestow his serious consideration before he acted, and, if he saw reasons to doubt, not to give his assent. He had complied with the rule in this case, and the result was a clear conviction that the bill was constitutional. The right had been exercised from the commencement of the government, without being before questioned; and, according to his conception, came within the powers expressly granted to congress to borrow money, which meant neither more nor less than to raise supplies on the public credit. Interest was not essential to borrowing; and it would be ridiculous to suppose that the framers of the constitution intended to authorize the raising of the supplies with interest, and to prohibit it without it. But we are told that treasury notes are bills of credit, and that the constitution does not authorize congress to issue bills of credit. He did not deem it necessary to go into a formal discussion on either point. He denied that they were bills of credit in any proper sense of those terms. They were intended to raise supplies to meet a temporary deficit in the treasury, and were, in fact, nothing more than means of anticipating the revenue.

But he would not pursue the argument. He would bring it to a short and decisive issue with his colleague. His colleague is the strenuous advocate of the joint resolution of 1816, which authorizes the collection of the public dues in the notes of specie-paying banks, and has no scruples as to the right of collecting in the notes of the banks that do not pay specie. Now, no one will deny, that to authorize the receipt of bank notes in the dues of the government is virtually to endorse on each note that it shall be received in the public dues; or that, if the government had the right to do the one, it had the right to do the other. Nor will it be denied that, if the government has the right to write on the back of a bank note that it will be received in the public dues, it has an equal right to write the same on a blank piece of paper, or, which is the same thing, to make a treasury note. The truth is, that to authorize bank notes to be received in the public dues is neither more nor less than to make them, to that extent, treasury notes, and is, *pro tanto*, as much the making and issuing such notes as if done on a separate piece of paper. If the one be unconstitutional, the other is clearly so. Now, he would make the bargain with his colleague and other advocates of the connexion with the banks: if they will give up the use of bank paper by the government, he would give up the use of treasury notes; and, if they will deny the constitutionality of receiving bank notes, he would not insist on the constitutionality of treasury notes; and, in so doing, he should make a very good bargain for the country. But he was utterly unwilling to admit a construction which, while it denied to the government the use of its own credit, would give the monopoly of it to the banks.]

Mr. Preston. I beg leave to say a word or two by way of rejoinder to my colleague's reply to the constitutional objections which I urged when I first spoke.

In the first place, he states that the right to issue treasury notes has been exercised from the foundation of the government. So has the right to establish a bank. So has the right to receive bank paper in public dues, the denial of which right, under the constitution is the foundation of my colleague's new theory of finance.

2dly. He says it is expressly granted in the power to borrow money, under which this is included; and yet he says that he never will, in war or in peace, borrow money, or in anywise create a national debt. But the constitution makes a distinction between bills of credit and borrowing money; for the issuing of the former is prohibited to the states, while no one doubts that they may borrow money.

He says it would be ridiculous to suppose that the framers of the constitution intended to authorize the raising of supplies with interest, and not with-

out it; and yet, by Luther Martin's report of the proceedings of the convention, it appears that that body, after much and warm discussion, denied to congress the power to issue bills of credit, and granted the power to borrow money; for a very obvious reason—the borrowing of money does not make money; the issuing of bills of credit is making money, is creating a circulation, which is the avowed object of this bill. My colleague denies that these are bills of credit. Judge Marshall defines a bill of credit to be paper issued on the faith of the government, intended for circulation. No one can dispute the correctness of this definition, or that these treasury notes are expressly within its terms. My colleague states that these notes are but means of anticipating the revenue. This is the sole purpose of all bills of credit, of all loans, of all national debts.

But my colleague states, with an air of triumph, that I am in favor of the resolution of 1816, which authorizes the receipt of bank notes, and which is equal to the endorsement of such notes by the government, and thinks this is inconsistent with my views in regard to treasury notes. If this be so, then my colleague, in objecting to the resolution of 1816, acts inconsistently with his approbation of these treasury notes, which, he says, are the same thing. His proposition against me is, that I should hold these treasury notes to be constitutional, because I hold the receipt of bank bills under the resolution of 1816 to be constitutional. Does he not perceive that the converse is true; that he, condemning the resolution of 1816, should also condemn these treasury notes? Besides, sir, that part of the resolution of 1816 is my colleague's own proper work, upon the constitutionality of which he no doubt bestowed his serious consideration before he acted. If the two things are virtually the same, then I have my colleague's authority, by his present vote, for the constitutionality of the receiving of bank paper. If they be not the same, then his argument has no bearing.

But there is, Mr. President, a most essential difference, both in fact and in theory. By the resolution of 1816 the government does not endorse, actually or virtually, the notes of specie banks. It receives them itself, as long as a note is a check for specie; but it does not guaranty them in the hands of the holders, if the banks fail, which is the only conceivable meaning of endorsement. If there were either an actual or virtual endorsement, the government would at this moment be liable for all the bank paper in the United States.

Again: by receiving bank notes, the government does not create a currency,* but uses one which it finds in existence, and that no longer than it is equivalent to specie; whereas the government paper must be taken, whether equivalent to specie or not.

But, most conclusively, the convention denied to congress the power of issuing bills of credit, while it placed no limit upon its receiving public dues in bank notes: the receipt of which was justified by Mr. Madison in the first congress; has been followed up by the government ever since; was expressly authorized by the amendment made upon my colleague's motion to the resolution of 1816; and never doubted until within these six months. I rejoice, Mr. President, that my colleague has put the question on this short and decisive issue.

* Two very different men, but each having weight with certain classes of politicians, have entertained similar sentiments.

General Hamilton said: "The emitting of paper money by the authority of government is wisely prohibited to the individual states by the national constitution, and the spirit of that prohibition ought not to be disregarded by the government of the United States. Though paper emission, under a general authority, might have some advantages not applicable, and be free from some disadvantages which are applicable to the like emissions by the states separately, yet they are of a nature so liable to abuse, and it may even be affirmed, so certain of being abused, that the wisdom of government will be shown in never trusting itself with the use of so seducing and dangerous an expedient." "The stamping of paper is an operation so much easier than the laying of taxes, that a government in the practice of paper emissions would rarely fail, in any such emergency, to indulge itself too far in the employment of that recourse, to avoid, as much as possible, one less auspicious to present popularity."

General Jackson said: "I hope no treasury notes will be issued. The treasury drafts upon actual deposits are constitutional, and do not partake of paper credits as treasury notes, which are subject to depreciation by the merchants and banks, and shavers and brokers; and will be, if issued, and the government cannot avoid it."

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

June 15. Among the petitions presented to day one was by Mr. *Tallmadge* from Henry Hall Sherwood, relating to discoveries in magnetism made by him, and improvements in the construction and use of the magnetic needle. Read, referred, and ordered to be printed.

The senate proceeded to consider the bill to create the office of surveyor-general of the public lands in Michigan.

This bill was discussed at much length by Messrs. *Lyon, Clay, of Ala. Prentiss, Webster, Norvell, Tipton, King, Smith, of Ind., Clay, of Ky., Young, and Sevier.*

The chief arguments in favor of the bill were understood to be the security of the documents relating to the surveys, and the facilities which would be afforded to purchasers to determine the boundaries of their lands.

Mr. *Clay, of Kentucky*, stated, in the course of the discussion, that there were now sixty-four land offices in the country, twenty-one of which had been created since the commencement of the late administration, and seven offices of surveyor-general, two of which had been created since that time; whereas, Pennsylvania and Virginia, with Kentucky annexed, had each had but a single land office.

Mr. *Prentiss*, offered an amendment, requiring that the field notes and other papers descriptive of the boundaries of lands surveyed should be deposited with the secretary of state of the respective states in which the lands lie.

On motion of Mr. *Smith, of Indiana*, who wished also to offer an amendment, (understood to be a provision for a surveyor-general for Indiana also.) the bill was, for the present, laid on the table—Ayes 17, noes not counted.

On motion of Mr. *Grundy*, the senate disagreed to the substitute of the house for the senate bill to change the time of holding the circuit court of the United States in the ninth circuit. So the bill was sent back to the house as it originally passed the senate.

The senate bill to grant pre-emption rights to settlers on the public lands was received from the other house with amendments, which were subsequently taken up for consideration.

Mr. *White* offered a substitute for an amendment by the house relating to reservations of Choctaw lands.

Mr. *Clay, of Alabama*, also sent to the table an amendment to the bill, in the form of an additional section, disallowing floating pre-emption claims under the various pre-emption laws.

On motion of Mr. *Clay, of Alabama*, the bill was then laid on the table, and ordered to be printed with the amendments.

The Vice President presented a communication from the war department, in pursuance of a senate resolution, with a communication from the adjutant general, in relation to the hostile disposition of Indians on the Arkansas frontier, stating, on the authority of a letter from gen. Arbuckle, which letter, from prudential motives, was withheld, that hostile intentions had been manifested in the councils of several Indian tribes, but also expressing the hope that such hostile designs would not be matured. Referred to the committee on military affairs, and ordered to be printed.

The bill to establish an additional land office in Louisiana, and the bill to incorporate the navy yard beneficial society of the city of Washington, were severally considered, and ordered to be engrossed for a third reading.

The senate proceeded to consider the bill from the house, authorizing the Washington monument society to erect a monument to the memory of Washington on the public mall. Mr. *Preston* objected to the site as too low, and said on that account he should vote against the bill. Mr. *Bayard* objected to the site, that the monument would greatly injure the beauty of the view west of the capitol. Mr. *Allen* inquired what was the amount of means which had been collected from all parts of the country. Mr. *Roane* replied that it had been stated at \$30,000. Mr. *Allen* then, in a speech of considerable length, and great earnestness (in which he was vigorously seconded by his colleague, Mr. *Morris*.) expressed his decided belief that more than \$30,000 had been collected for this object in Ohio alone, as \$1,000 were known (by Mr. *Morris*) to have been collected in one small county; and Mr. *A.* made a variety of very strong insinuations that there must be fraud somewhere.

Mr. *Hubbard* expressed surprise at the smallness of the sum, declared it wholly inadequate to the object, and urged that the government should have nothing whatever to do with the subject further than to grant a site for the monument.

On motion of Mr. *Morris*, the bill was indefinitely postponed, without a division. The senate took up the bill for the relief of general Alexander Macomb. Mr. *Hubbard* explained and advocated the bill at length. Mr. *Buchanan* desired to make some remarks on the bill, but, declining to speak on account of the smallness of the number present, The senate adjourned.

June 16. Mr. *Buchanan* presented three memorials from citizens of Philadelphia city and county, praying the immediate passage of the sub-treasury bill. Laid on the table.

Messrs. *Norvell, Clayton, Buchanan, and Pierce*, reported without amendment, from committees, various private bills referred to them.

On motion of Mr. *Roane*, the secretary of the navy was directed to communicate to the senate the proceedings of a court martial at Gosport, on the case of captain William Ramsay, of the navy.

Several bills from the house were read twice, and referred.

The bills to establish an additional land office in Louisiana, and to incorporate the navy yard beneficial society of the city of Washington, were severally read a third time and passed.

The senate resumed the consideration of the bill to create the office of surveyor-general of the public lands in Michigan.

Mr. *Prentiss* temporarily withdrew his amendment requiring the field-notes and other documents relating to surveys to be deposited, when the duties of the land office should terminate, with the secretary of state of Ohio, Indiana, and Michigan, respectively.

Mr. *Smith, of Indiana*, then offered a substitute for the bill, providing for the removal of the present surveyor general's office for Ohio, Indiana, and Michigan, from Cincinnati to Michigan city, in Indiana. Mr. *S.*'s substitute also embraced Mr. *Prentiss*' above amendment as a second section to the bill. Mr. *Norvell* moved to strike out "Michigan city, in Indiana," from this substitute, and insert *Detroit, in Michigan*.

This question being divided, the motion to strike out was carried—Ayes 17, noes 10.

Mr. *Norvell* then withdrew his motion to insert *Detroit*. Mr. *Tipton* said his object was to transfer the office of surveyor-general from Cincinnati, a point where it was not convenient to the lands yet to survey, to the vicinity of the place where the public work was to be performed. Two years ago the senate passed a bill to remove the office from Cincinnati to South Bend, a flourishing town within five miles of the line between Indiana and Michigan; that bill did not become a law. The amendment offered by his honorable colleague proposed to remove the office to Michigan city, Indiana. That place was now stricken out of the amendment by a majority of the senate. The member from Michigan (Mr. *Norvell*) had proposed *Detroit*, but withdrew it. He (Mr. *T.*) was not actuated by a wish to injure any individual or state, or to benefit any local interest, but to serve the country. He moved, therefore, to fill the blank with the town of St. Joseph's, Michigan. This was a flourishing town, on Lake Michigan, at the mouth of the St. Joseph's river, about thirty miles north of the line dividing Indiana and Michigan, accessible to steamboats at all seasons of the year, when not obstructed by ice, and about equidistant from the south boundary of Indiana and the north of Michigan, convenient to all concerned.

After some conversation, the question on this motion was put, and it was carried in the affirmative: Yeas 27, noes 4.

Mr. *Lyon* spoke in favor of creating a new office for Michigan, and of abolishing the old office whenever the occasion for its existence should cease.

Mr. *Clay, of Kentucky*, and Mr. *Lumpkin*, spoke briefly but earnestly against creating a new office for Michigan, as an unnecessary extension of executive patronage, and in favor of the removal proposed by the substitute, as highly liberal to Michigan, on the part of the senators from Indiana.

The question of liberality was briefly contested by Messrs. *Norvell* and *Lyon* on the one part, and Messrs. *Smith, of Indiana, and Tipton*, on the other.

The question was put on the first part of the substitute of Mr. *Smith, of Indiana*, as amended, simply requiring the removal of the present office from Cincinnati to St. Joseph's, in Michigan, and it was rejected by the following vote:

YEAS—Messrs. *Bayard, Calhoun, Clay, of Kentucky, Clayton, Davis, Lumpkin, Morris, Niles, Prentiss, Preston, Roane, Robbins, Ruggles, Sevier, Smith, of Indiana, Strange, Swift, Tipton, White*—19.

NAYS—Messrs. *Allen, Benton, Brown, Buchanan, Clay, of Alabama, Fulton, Grundy, Hubbard, King, Lyon, Mouton, Nicholas, Norvell, Pierce,*

Robinson, Smith, of Connecticut, Trotter, Wright, Young—19.

Mr. *Clay, of Alabama*, moved to lay the bill on the table, with a view to prepare an amendment for abolishing old land offices when no longer required.

Mr. *Tipton* moved to lay the bill finally on the table, which motion was carried in the affirmative by the following vote:

YEAS—Messrs. *Allen, Bayard, Benton, Brown, Calhoun, Clay, of Alabama, Clay, of Kentucky, Clayton, Cutlibert, Davis, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, McKean, Morris, Mouton, Nicholas, Niles, Norvell, Preston, Roane, Robbins, Ruggles, Sevier, Smith, of Connecticut, Smith, of Indiana, Swift, Tallmadge, Tipton, White, Wright*—34.

NAYS—Messrs. *Buchanan, Pierce, Prentiss, Robinson, Trotter, Young*—6.

Mr. *Clay, of Alabama*, from the committee on public lands, reported the bill with the amendments referred to them, granting pre-emption to settlers on the public lands, with recommendations that the amendment of Mr. *White* to the amendment of the house relating to Choctaw reservations be adopted, and that the amendments of the house so amended be then concurred in.

Mr. *White's* amendment was accordingly agreed to.

At the request of Mr. *Young*, who expressed a wish slightly to modify one of the amendments of the other house, the bill was temporarily laid on the table; subsequently taken up, the amendments of the other house further modified, and concurred in by the senate, and the bill was sent back to the other house for concurrence.

The senate resumed the consideration of the bill for the relief of major general Alexander Macomb.

The question at issue on this bill was understood to be whether or not a brigadier general, being a major-general by brevet, should, when his command merely exceeded a brigade, without amounting to a full division, receive the pay of his brevet rank.

The bill, at much length, was opposed by Messrs. *Buchanan, Calhoun, Prentiss, Nicholas, and White*, and advocated by Messrs. *Hubbard* and *Strange*.

On the question of its engrossment for a third reading, the vote stood as follows:

YEAS—Messrs. *Bayard, Brown, Clayton, Hubbard, Lyon, Norvell, Preston, Strange, Tallmadge*,—9.

NAYS—Messrs. *Allen, Buchanan, Calhoun, Clay, of Alabama, Fulton, King, Lumpkin, McKean, Mouton, Nicholas, Niles, Prentiss, Bives, Roane, Robinson, Sevier, Smith, of Connecticut, Smith, of Indiana, Swift, Tipton, Trotter, White, Young*—23.

So the bill was then rejected, and the senate adjourned.

June 18. Mr. *Buchanan* presented six memorials from citizens of the city and county of Philadelphia, praying the immediate passage of the sub-treasury bill, and remonstrating against a bank of the United States. Laid on the table.

Also, a remonstrance from citizens of Philadelphia against the passage of an international copyright law. Referred to the committee on patents.

Also, a memorial from citizens of the District of Columbia and others, recommending to congress the making provision to send a diplomatic agent to Hayti. Laid on the table.

Mr. *Tallmadge* said he rose to ask the unanimous consent of the senate to bring in a bill to abolish imprisonment for debt in certain cases. I introduced this subject, some time since, said Mr. *T.* to the attention of the senate, by presenting a petition for that purpose, and referring it to the committee on the Judiciary. I had hoped that that committee, who are so abundantly competent, would have digested a bill for the abolishment of imprisonment for debt in all cases on process issuing out of the courts of the United States. I am aware of the difficulties in framing the details of such a bill; and am also aware that there might be a difference of opinion as to its adoption. I fully appreciate the situation of the committee, and do not intend, in the slightest degree, to complain of their inaction.

For myself, I am free to say, I am in favor of such a bill in its broadest terms. I was a member of the New York legislature when the act of that state passed abolishing imprisonment for debt. There was much difference of opinion then existing on that subject. But, I believe, since the practical operation of the act has been seen and felt, it has become entirely satisfactory to the great body of that community. So it would be in the United States, if congress would adopt the measure. The example of this government, too, would have a tendency to do away that relic of barbarism in those states where it still exists.

At this late period in the session I am unwilling to present a bill so broad in its operation as to call for debate, either upon its general principles, or the detail of its provisions, and thereby defeat its passage at this time. I will, therefore, content myself with a measure which I trust will meet the approbation of all, and which will receive the favorable action of congress before its adjournment. I propose that no person shall be imprisoned for debt in any state on process issuing out of a court of the United States, where, by the laws of such state, imprisonment for debt has been abolished. This proposition, I think, cannot be reasonably objected to from any quarter. It will answer the present emergency, and congress can hereafter, with full deliberation, act on the general question of unlimited and unconditional abolishment of imprisonment for debt in all cases within its jurisdiction. I consider it the relic of a barbarous age, unsuited to the times in which we live, and derogatory to the free institutions under which it is tolerated.

I will not detain the senate by any discussion of the general question. I wish merely to call the attention of senators to the precise proposition which I intend to submit at this time.

Much excitement prevails, and justly prevails, in the city of New York, on this subject. Whilst our own citizens are exempt from imprisonment under the process of our own courts, still they, as well as strangers and citizens from our states, are incarcerated under process from the courts of the United States. This is a strange anomaly, and ought not to exist. I am told that the jail in the city of New York is crowded with unfortunate debtors from other states, who have been arrested and committed to prison, for want of bail, under the laws of the United States, and who would have been exempted from imprisonment under the law of the state of New York. These citizens have gone there on business—mercantile business, perhaps; for New York is the great commercial emporium "where merchants most do congregate." Shall it be tolerated that the rights of the citizen shall be thus invaded? The constitution says, "The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states." It may well be doubted whether, under this clause, the citizens of another state can be imprisoned for debt by process from the courts of the United States, in a state where, by law, imprisonment for debt has been abolished. It is, at least, against the spirit of the constitution. I merely make this suggestion from first impression, without having bestowed a thought upon it to enable me to go into a constitutional argument. I wish to avoid all such discussions at this time. My proposition does not necessarily lead to them. But, I ask, shall it be tolerated that the laws of the general government shall be used as an engine of oppression, and to supersede the benign and philanthropic legislation of the states? The process of your courts is abused. It is used to evade and defeat the spirit of the laws of the states. Until all the states adopt this humane principle, there will be difficulties enough, as between themselves, without superadding the oppression of the general government.

By the law of New York, her citizens are exempt from imprisonment within her own borders. But if one of them can seize another in a state where imprisonment is not abolished, he can imprison him there, although by our own laws he would be exempt at home. This evil can only be corrected by the legislation of the respective states. There are evils, however, which the legislation of congress alone can reach. Notwithstanding the laws of New York exempt her own citizens, yet, if the plaintiff resides in another state, he may imprison the defendant in New York, under process from the courts of the United States. And I am told it is not unusual for a demand to be transferred to a friend in an adjoining state for the mere purpose of enforcing it in that manner. So, too, may citizens of other states, although exempted by our laws, be imprisoned in New York by like process from courts of the United States.

I have merely alluded to these cases by way of illustration, and by way of showing the crying evil under which many of our citizens are now laboring. When I said the jail in New York was crowded with unfortunate debtors, it was no "fancy sketch." The subject has been deemed worthy the presentation of a grand jury of that city. They visited, in a body, the prison, and "were shown a range of twelve cells, of the dimensions of about ten feet by seven each, occupied, as they were informed by the keeper, by twenty-three individuals, or about two to each cell. These cells, originally designed for the occupation of but one person, are obviously not sufficiently well ventilated for the accommodation of two, particularly during the present extreme heat of the weather. In addition to this, from the

manner of the building and consequent dampness of the cells, the walls of which are plastered upon stone, they are deemed as yet to be in a very unfit situation to be tenanted by individuals whose lives or health are of the least importance to themselves, to families from whom they may be separated, or to the community at large. It is but an act of justice to say that the arrangement of two persons in a cell was dictated by motives of humanity, as being the best that could be done under existing circumstances, the ground tier of cells, from their excessive dampness, being absolutely untenable. From the nature of the laws of our state upon the subject of imprisonment for debt, the persons thus confined are strangers, and certainly not a class who are to be considered as having, on that account, a diminished claim upon our sympathy. Among their complaints of severe colds and various rheumatic affections resulting from the causes adverted to, some were of a character such as, being thus brought to the notice of the proper authorities, we are persuaded will not fail to receive that immediate and proper attention for which the circumstances call."

There is no doubt that the proper authorities will do all in their power, and all that humanity requires, to alleviate the condition of these unfortunate debtors.

I would remind the senate that, as appears from the presentment of the grand jury, "the persons thus confined are strangers," citizens of other states, and all imprisoned under the benign laws of the United States! Is there a senator here whose blood does not boil with indignation at the very idea that a citizen of his own state should be thus confined, like a felon, far from his home, beyond the reach of friendly sympathy, with perhaps a wife and children dependent on him for support, and anxiously waiting his return? Is there a senator here who will, for one moment, consent that the health, and perhaps the life, of that citizen shall be sacrificed, or even jeopardized, under the operation of the barbarous code which still prevails in this government?

"Shut from the common air, and common use
Of their own limbs, how many drink the cup
Of baleful grief, or eat the bitter bread
Of misery!"

If such would be the feelings of every senator, let him unite with me to wipe this foul blot from the statute-books of the nation.

Leave was accordingly granted; the bill was introduced, read twice, and referred.

On motion of Messrs. Hubbard and Sevier, committees were discharged from the further consideration of various private claims.

On motion of Mr. Buchanan, the senate took up the motion of Mr. Williams for leave to introduce a bill to provide for the survey and determination of the northeastern boundary line of the United States according to the provisions of the treaty of 1783.

Mr. Buchanan at much length proceeded to prove, by documents and arguments, that this boundary was well defined, and easy to be ascertained; but he opposed the bill as likely, under existing circumstances, to lead to unnecessary war, though he declared himself ready to go to war rather than Maine should be dismembered. In conclusion, he gave notice that if it should be returned to the senate by the committee on foreign relations, and should come up for consideration, he would then move for indefinite postponement.

Mr. Davis argued and insisted, in reply to Mr. Buchanan, that an order for a survey was in itself, even under the circumstances, no other than a pacific measure. He also at some length adduced additional facts and arguments to those already adduced, to show that the boundary of the treaty was altogether definite and easily found.

Mr. Williams also addressed the senate on the subject, especially in reply to a remark of Mr. Buchanan, that Maine had acted in somewhat of passion, Mr. W. going into the history of the case to show that Maine had acted at least with great coolness and deliberation.

Mr. W. also argued at length in favor of the bill, and further in reply to Mr. Buchanan.

Mr. Clay, of Kentucky, having expressed a desire to speak on the subject,

The senate held an executive session, and then adjourned.

June 19. After some remarks of Messrs. Morris and Allen, of Ohio, in relation to an article which appeared in the *Intelligencer* of this morning on the subject of the Washington Monument, and a complimentary notice from Mr. Clay, of Kentucky, to the decorum and correctness of that print.

The Vice President presented a communication from the navy department, in obedience to a senate resolution of the 16th instant, with a copy of the

proceedings of the naval court martial held at Gosport on the case of captain William Ramsay, and with the subsequent correspondence. Laid on the table, and ordered to be printed.

Several reports from committees were received; among them the following:

By Mr. Roane, from the committee on the District of Columbia, the bill referred to them in relation to the orphans' court of the county of Alexandria, D. C., with an amendment, which was read and agreed to; and the bill, by consent, was ordered to a third reading.

By Mr. Grundy, from the committee on the judiciary, the bill referred to them to abolish imprisonment for debt in certain cases, with an amendment, the design of which was to make the abolition by this bill of imprisonment for debt correspond with its abolition in the respective states where such imprisonment had in whole or in part been abolished; which amendment was read, and the bill taken up for consideration.

After a few explanatory remarks by Mr. Grundy and by Mr. Tallmadge, urging the importance of speedy action on the bill,

On motion of Mr. Clay, of Kentucky, who expressed some doubt as to the practicability of carrying all the provisions of this bill, as it now stood, into effect, and with the assent of Mr. Tallmadge, the bill was laid on the table till to-morrow, and ordered to be printed, with the amendment.

The senate resumed the consideration of the senate bill granting pre-emption rights to settlers on the public lands, as amended by the other house—the question being on a motion of Mr. Young, the effect of which was to disagree to that portion of the other house which excluded from pre-emption lands laid out into town or village lots.

Mr. Lyon offered an amendment to this motion, the effect of which was to exempt from this exclusion such lands as had been purchased by others from those who purchased them originally from the government. This amendment Mr. L. subsequently withdrew.

The bill and the amendment were discussed, *passim*, by Messrs. Lyon, Robinson, Clay, of Kentucky, Sevier, Young, Prentiss, Morris, Tipton, Hubbard, Smith, of Conn., King, Clay, of Ala., and Bayard.

Mr. Young's amendment, granting (in effect) pre-emption to lands laid out into town and village lots, was rejected by the following vote:

YEAS—Messrs. Buchanan, Calhoun, Grundy, Lumpkin, Mouton, Nicholas, Roane, Robinson, Wall, White, Young—11.

NAYS—Messrs. Allen, Bayard, Benton, Brown, Clay, of Ala., Clay, of Ken., Clayton, Crittenden, Davis, Fulton, Hubbard, Knight, Lyon, Merrick, Morris, Niles, Norvell, Pierce, Prentiss, Rivers, Sevier, Smith, of Conn., Strange, Tipton, Williams, Wright—26.

Mr. Clay, of Kentucky, stated that the effect of one of the amendments of the other house, which had not been noticed by senators, was to subject to the provisions of this bill certain lands which had heretofore been always reserved from pre-emption. These were lands which it was supposed might be covered by valid French or Spanish claims, much of which, being near populous settlements, had now become very valuable. Mr. C. especially specified certain lands of this class in the vicinity of St. Louis, which he said would sell at once for \$10 per acre. Mr. C. in conclusion, moved to amend this amendment of the other house, so as to exclude all lands of this class from being subject to pre-emption under this bill.

This motion was carried in the affirmative, as follows:

YEAS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Ken., Clayton, Crittenden, Davis, King, Knight, McKean, Merrick, Niles, Pierce, Prentiss, Preston, Roane, Robbins, Strange, Swift, Tallmadge, Tipton, Wall, White, Williams—24.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Ala., Fulton, Grundy, Hubbard, Lumpkin, Lyon, Mouton, Nicholas, Norvell, Rivers, Robinson, Sevier, Smith, of Conn., Trotter, Wright, Young—19.

The amendment of the other house, as amended by the senate, were then concurred in, yeas 42 nays Mr. Robinson and Young; and the bill with the amendments, was sent back to the other house for concurrence.

The senate adjourned, after an executive session.

June 20. After some unimportant business, on motion of Mr. Grundy, the senate took up the bill to abolish imprisonment for debt in certain cases. The question being on the amendment from the committee on the judiciary, the design of which was to make the operation of this bill correspond with the operation of the laws of the states, respectively, in which imprisonment for debt is in part or wholly abolished.

After a discussion (a report of which shall have a place hereafter) in which the bill was opposed by Messrs. *Preston* and *Bayard*, and advocated by Messrs. *Tallmadge* and *Norvell*, the amendment of the committee was agreed to.

On motion of Mr. *Prentiss*, the bill was further amended, so as to require the same proceedings under the bill as are adopted in the courts of the states respectively.

The bill was then ordered to a third reading by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Alabama, Clay, of Kentucky, Fulton, Grundy, Hubbard, King, Lumpkin, Lyon, McKean, Merrick, Morris, Monton, Nicholas, Niles, Norvell, Pierce, Prentiss, Robbins, Robinson, Ruggles, Sevier, Smith, of Conn., Smith, of Indiana, Spence, Strange, Swift, Tallmadge, Tip-ton, Wall, White, Williams, Wright—36.

NAYS—Messrs. Bayard, Clayton, Preston, Roane—4.

Subsequently the bill was, by consent, read a third time, and passed.

Mr. *Grundy*, offered a resolution, which lies over one day, fixing the daily assembling of the senate at 11 o'clock A. M. instead of 12, till otherwise ordered by the senate.

On motion of Mr. *King*, the committee on the post office and post roads were instructed to inquire into the expediency of establishing a new post route through Brownsville and other towns in Alabama.

The senate resumed the consideration of Mr. Williams' motion for leave to bring in a bill to provide for the survey and determination of the northeastern boundary of the United States according to the treaty of 1733.

The debate on this subject (to be given hereafter) was continued and maintained throughout the day, by Messrs. *Clay*, of Kentucky, *Buchanan*, *Davis*, *Wright*, *Culhoun*, and *Rives*.

Leave was granted, and the bill was introduced and read twice.

Mr. *Williams*, moved to refer the bill to a special committee.

Mr. *Wright* moved to refer it to the committee on foreign relations.

Messrs. *Davis* and *Williams* advocated its reference to a special committee, on the ground that the chairman and another most prominent member of the committee on foreign relations had already declared themselves hostile to the bill, and that courtesy and equity demanded that it should at least go to an impartial committee.

Messrs. *Wright*, *Rives*, *Culhoun*, and *Buchanan* advocated its reference to the committee on foreign relations, on the ground that it involved questions of high import in regard to our foreign relations.

Mr. *Clay*, of Kentucky, urged that it should take that course which, if possible, should obtain the unanimous approbation of the senate, union of action being more important than any particular manner of action.

The bill was referred to the committee on foreign relations.

The senate adjourned, after an executive session.

June 21. The day was principally occupied in a discussion growing out of the presentation, by Mr. Niles, of resolutions of the legislature of Connecticut, against the sub-treasury-bill, &c. After which,

The senate spent some time in executive session, and then adjourned.

HOUSE OF REPRESENTATIVES.

Thursday, June 14, (evening session.) After some remarks from Mr. *Word*, of Mississippi, in favor of the bill, and against the pending amendment, as reported in the morning's proceedings,

Mr. *Williams*, of North Carolina, moved a call of the house; which motion was negatived.

Mr. *Lincoln's* pending amendment (providing that the pre-emptionist shall have held no former pre-emption right,) was then acted on, and rejected by the following vote: Yeas 75, nays 93.

Mr. *Briggs* offered an amendment, which he explained as being intended to limit the action of the law to the honest *bona fide* actual settler, and to preclude speculators in pre-emption rights. He asked, and obtained the yeas and nays on the amendment.

After some conversation as to the expediency of this amendment,

Mr. *Underwood* moved to recommit the bill, with instructions, as follows:

"That the said bill be referred to a select committee to be composed of one member from each state, with instructions to report a bill repealing all laws which direct the sale of the public lands or any part thereof, at public auction, and graduating the price of the public lands in such manner as the committee may deem reasonable, fixing different

prices for the public land; having respect to the periods of time they may remain unsold after being brought into market, and providing for the distribution of the net proceeds of the sales of the public lands, or the lands themselves, among the several states according to their federal members, from and after such day as the committee may deem proper, and providing for pre-emptions in favor of all those now bona fide settled upon the public lands, with a view to secure homes for themselves and families, and not to secure the lands for others, and to prevent settlements upon the public land from being made after the passage of this act, until the lands are legally entered and paid for."

Mr. *Briggs*, at the suggestion of several members, modified his proposition, so as to read as follows:

"That before any person claiming the benefit of this law shall have a patent for the land which he may claim by having complied with its provisions he shall make oath before some person authorized by law to administer the same, which oath, with the certificate of the person administering it, shall be filed with the register of the proper office, when the land is applied for, and by said register sent to the office of the commissioner of public lands, that he entered upon the land which he claims in his own right, and exclusively for his own use and benefit, and that he has not, directly or indirectly, made any agreement or contract in any manner with any person or persons whatever, by which the title which he might acquire from the government of the United States should enure to the use and benefit of any one except himself, or to convey or transfer the said land, or the title which he may acquire to the same, to any other person or persons whatever, at any subsequent time; and if such person, claiming the benefit of this law as aforesaid, shall swear falsely in the premises, he shall be subject to all the pains and penalties for perjury, forfeit the money which he may have paid for the land, and all right and title to the said land, and any grant or conveyance which he may have made in pursuance of such agreement or contract as aforesaid, shall be void, except in the hands of a purchaser in good faith for a valuable consideration without notice; and the certificate which shall be filed with the commissioner as aforesaid shall be taken to be conclusive evidence that the oath was legally administered."

There was some further discussion on these and the other amendments, and upon the bill generally; when

Mr. *Menefee*, after some remarks in opposition to the bill gave notice of his intention to offer an amendment—(which, however, he had not an opportunity of doing.) Mr. *Boon*, demanded the previous question. Mr. *Randolph* called the attention of the house to the fact that Mr. *Boon* had pledged himself that the previous question should not be demanded till candlelight. It was then half past 6 P. M.

After some appeals from various members, Mr. *Boon* withdrew the proposition, and it was immediately renewed by Mr. *Cushman*, who thought the debate had occupied a sufficient time already. On seconding the call for the previous question, the division stood: Ayes 86, noes 98. So the house refused to second the demand for the previous question. The question then recurred upon the proposition to recommit with instructions. (See above.) The yeas and nays being ordered, this motion was decided in the negative, as follows: Yeas 79, nays 123. The question recurred upon Mr. *Briggs's* proposition, (see above,) upon which the yeas and nays had been ordered. Mr. *Casey* opposed the amendment on the ground that it would encumber the title in every land sale, and would produce endless litigation.

Mr. *Titus* had read the following amendment, which he gave notice he should offer in case the pending amendment did not prevail:

"Sec. —. And be it further enacted, That every person claiming a pre-emption right shall make an affidavit that the said claim is on his own account and for his own benefit, and not with any previous agreement or understanding with any other person or persons to transfer the same."

The question was then taken on Mr. *Briggs's* amendment, and resulted in the adoption of that amendment by the following vote:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Ayer, Banks, Bell, Biddle, Bond, Borden, Briggs, Bronson, William B. Calhoun, Chambers, Chaney, Childs, Clowney, Coles, Connor, Corwin, Cushing, Darlington, Dawson, Davee, Davis, Deberry, Dennis, Dunn, Elmore, Evans, Everett, Ewing, R. Fletcher, Fillmore, R. Garland, Goode, J. Graham, Graves, Greenell, Griffin, Haley, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Hawkins, Haynes, Henry, Hoffman, Hopkins, R. M. T.

Hunter, Ingham, H. Johnson, J. Johnson, W. C. Johnson, J. W. Jones, Kennedy, Lincoln, S. Mason, Maury, Maxwell, McKay, McKennan, Menefee, Mercer, Milligan, Mitchell, Montgomery, Naylor, Noyes, Ogle, Palmer, Parris, Patterson, Pick, Pennybacker, Phelps, Phillips, Pope, Potts, Pratt, S. S. Prentiss, Randolph, Reed, R. R. R. Rhett, Richardson, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, Shetter, A. H. Shepperd, Sibley, Slade, Southgate, Stanly Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, J. White, Elisha Whittlesley, T. T. Whittlesley, L. Williams, Sherod Williams, Word, Yorke—114.

NAYS—Messrs. Anderson, Andrews, Atherton, Beatty, Beirne, Bicknell, Birdsall, Boon Buchanan, John Calhoun, Cambreleng, J. Campbell, Carter, Casey, Chapman, Cheatham, Cleveland, Craig, Crary, Crockett, Cushman, Dromgoole, Duncan, Farrington, Fairfield, Foster, Gallup, W. Graham, Grant, Gray, Hammond, Hamer, Herod, Howard, Hubley, W. H. Hunter, T. B. Jackson, N. Jones, Keim, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Lyon, J. M. Mason, Martin, May, R. McClellan, McClure, Miller, Moore, Morgan, S. W. Morris, C. Morris, Noble, Owens, Parker, Parmenter, Pearce, Petrikin, Plummer, Potter, John H. Prentiss, Rariden, Reily, Rives, Shields, Shepler, Snyder, Spencer, Stone, Taylor, Thomas, Titus, Toucey, Turney, Wagner, Webster, Weeks, Albert S. White, Jared W. Williams, C. H. Williams, Worthington, Yell—86.

Mr. *Bell* proposed the following amendment:

"And provided further, That the operation of this act shall be suspended as to the lands, and every part of them, which have been contiguous located to the Choctaw Indians in the state of Mississippi, under the instructions of the secretary of war to col. George W. Martin, locating agent, bearing date 13th of October, 1834, and the instructions of Elbert Herring, commissioner of Indian affairs, to the said agent, bearing date the 11th of March, 1835; and as to the lands, and every part of them, of which any Choctaw head of a family had possession at the date of the treaty concluded at Dancing Rabbit Creek, 27th September, 1830, and who signified his or her intention to remain and become a citizen of the United States, according to the provisions of the 14th article of the said treaty, until the final action of congress in relation to the claims of said Indians, under the 14th article of said treaty."

Some conversation as to the expediency and operation of this amendment took place between Messrs. *Bell*, *Prentiss*, of Mississippi, *Pennybacker*, and *Lyon*, when Mr. *May* sent to the chair the following amendment, proposed as an amendment to Mr. *Bell's* motion:

"And that any person, being the head of a family, who now is settled, or shall hereafter settle, on any of the public lands of the United States, and who shall continue to reside on and cultivate the same for the period of twelve months, shall, upon making proof thereof, according to the provisions of this act, be entitled to a right of pre-emption to one quarter section on the terms, conditions, limitations, and restrictions contained in the foregoing section and provisions of this act."

Mr. *May* defended and explained his amendment, and asked for the yeas and nays thereon; which the house refused to order. Mr. *Sherrod Williams* asked for another count: which was granted, and the yeas and nays were ordered. Mr. *Potts* moved an adjournment. Negatived. Mr. *Petrikin* demanded the previous question.

Many gentlemen desired to know what would be the main question, if ordered.

The *Chair* explained that all the amendments reported by the committee of the whole, excepting one, had been adopted by the house. To that one several amendments had been made, and one of these was yet pending. But, as that amendment of the committee had not been adopted, it, with all the amendments proposed thereto, would be cut off, were the main question ordered.

The call for the previous question was not seconded, 52 only voting for it, and the recusants not counted.

The question recurred upon Mr. *May's* amendment, and was decided as follows: Yeas 52, nays 130.

Mr. *Mason*, of Ohio, proposed the following amendment to the amendment:

"And be it further enacted, That the public faith shall not, by any thing in this act contained, nor by the passage thereof, be considered as pledged, either directly or by implication, that congress will or ought hereafter to renew the same, or pass or renew any other act granting pre-emption rights to settlers on the public lands who may, contrary to law, settle thereon from and after the passage of this act."

Mr. Harrison, of Missouri, moved the previous question. Mr. Sherrod Williams moved to lay the bill on the table. Lost. On seconding the demand for the previous question, the division was as follows: Yeas 61, nays not counted.

So there was no second.

Mr. Mason's amendment was then rejected.

The amendment of the committee of the whole, as amended, was then adopted.

The question recurring on ordering the bill to be engrossed and read a third time, Mr. Boon moved the previous question. Seconded, (by tellers,) Ayes 95, noes 43. And the bill was then ordered to a third reading, by the following vote:

YEAS—Messrs. Alexander, Anderson, Andrews, Atherton, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsell, Borden, Bronson, Buchanan, J. Calhoun, Cambreleng, Carter, Casey, Chaney, Chapman, Cheatham, Cleveland, Coles, Craig, Cray, Crockett, Cushing, Cushman, Darlington, Davee, Dromgoole, Duncan, Dunn, Edwards, Farrington, Fairfield, Fillmore, Foster, Fry, Gallup, R. Garland, Goode, Wm. Graham, Grant, Gray, Haley, Hammond, Hauser, Harrison, Haynes, Henry, Herod, Holsey, Holt, Hopkins, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, Jabez Jackson, H. Johnson, J. Johnson, N. Jones, Keim, Kemble, Klingensmith, Leatbetter, Lewis, Logan, Loomis, Lyon, Marvin, Martin, Maury, May, McKay, R. McClellan, A. McClellan, McClure, McKennan, Miller, Moore, Morgan, S. W. Morris, Naylor, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Paynter, Pennybacker, Petrikon, Phelps, Plumer, Pope, Pratt, J. H. Prentiss, S. S. Prentiss, Rariden, Reily, Ridgway, Rives, Rumsey, Sheffer, Shields, Shepler, Sibley, Snyder, Southgate, Spencer, Stone, Taylor, Thomas, Titus, Toucey, Turney, Vail, Wagener, Webster, Weeks, A. S. White, J. White, T. T. Whittlesey, S. Williams, J. W. Williams, J. L. Williams, C. H. Williams, Worl, Worthington—132.

NAYS—Messrs. Adams, H. Allen, J. W. Allen, Ayer, Banks, Bond, Briggs, W. B. Calhoun, J. Campbell, Chambers, Clowney, Connor, Corwin, Dawson, Davies, Deberry, Dennis, Elmore, Evans, Everett, Ewing, Richard Fletcher, J. Graham, Graves, Grennell, Griffin, Hall, Harlan, Hastings, Hawes, Hawkins, R. M. T. Hunter, J. W. Jones, Kennedy, Lincoln, J. M. Mason, Samson Mason, Maxwell, Mercer, Milligan, Ogle, Parris, Patterson, Pearce, Peck, Phillips, Pickens, Potts, Randolph, Reed, Rencher, Rhett, Richardson, Robinson, Russell, Sergeant, A. H. Shepperd, C. Shepard, Slade, Stanly, Stratton, Taliaferro, Thompson, Tillinghast, Toland, E. Whittlesey, L. Williams, Wise, Yorke—70.

Mr. Harlan moved that the house do adjourn, (it was then half past 8 o'clock.) The division (by tellers) on this motion resulted as follows: Ayes 72, noes 76. So the the house refused to adjourn. The bill was then read a third time.

Mr. Prentiss, of Mississippi, moved to commit the bill to the committee of the whole, with instructions to strike out the amendment of Mr. Bell, (see above,) and, in lieu thereof, to report the following:

"And be it further enacted, That it shall be the duty of the president of the United States to cause to be reserved from sale or entry, according to the provisions of this or any other law of the United States, any tract or tracts of land reserved to any Choctaw under the provisions of the treaty of Dancing Rabbit Creek of 1830, and also to reserve from sale or entry a sufficient quantity of the unoccupied and unimproved lands acquired by said treaty, to satisfy the claim of such Indians as may have been entitled to reservations under said treaty, and whose lands may have been sold by the United States on account of any default, neglect or omission of duty on the part of any officer of the United States; such reservations from sale to continue until the claims to reservations under said treaty shall be investigated by the board of commissioners appointed for that purpose, and their report finally acted upon by congress.

Upon this motion Mr. Prentiss asked for the yeas and nays. Mr. Duncan moved an adjournment, Lost: Ayes 65, noes 75. Mr. Cushman moved the previous question; which was seconded, and the main question was ordered to be put, viz. shall this bill pass? On this question Mr. Boon demanded the yeas and nays; which were ordered, and then Mr. Patterson moved that the house adjourn (9 o'clock.) Lost. The question was then taken on the passage of the bill, as amended, which resulted as follows: Yeas 107, nays 52. So the bill was sent to the senate for concurrence in the amendments made by the house; and, on motion of Mr. Taylor, the house (at half past 9 o'clock) adjourned.

[During the discussion of the pre-emption bill, on the morning preceding the above afternoon's action—

Mr. Goode moved the following amendment:

"Provided, That the right of pre-emption shall extend, under the provisions of this act, at \$2 50 per acre, to all lands within the alternate sections belonging to the United States, on the Miami and Wabash and Erie canals in the state of Ohio, which have been settled on, occupied, and improved, for the purpose of cultivation, prior to the first day of December, 1835, and which are still in the possession and occupation of the original settlers, or his or her heirs-at-law, not amounting to more than one quarter section, and being all in one tract."

In offering the above amendment Mr. G remarked that there were but few cases to which the right of pre-emption could extend, within these alternate sections, as there were but a few settlers on those lands prior to December, 1835. But there were a few cases, of great merit, and which ought to be provided for; perhaps the cases might not exceed ten or twelve.

No question was taken upon this amendment, in consequence of the preference of other questions, in order, and, finally, of the previous question, cutting off all pending and prospective amendments.]

Friday, June 15. Mr. Snyder of Illinois, after the reading of the journal, asked leave of the house to make an explanation in relation to an article that appeared in the Madisonian of yesterday.

Leave being given, Mr. S. rose and said:

Mr. Speaker: I am constrained, by a sense of justice to myself and to the people whom I represent, to notice an editorial article in the Madisonian of yesterday—a paper printed in this city, and edited by Thomas Allen, printer to this house. The article is headed "The Illinois delegation—the sub-treasury." Sir, I will not take up the time of this house by reading it; all of its members have doubtless seen it; and I will not affect to disguise the fact that this article is intended for me. There are but three representatives from the state of Illinois, and I am the only one of that delegation, to my knowledge, who has given any intimation that he would support the sub-treasury bill. I would not now, in this manner, notice this article, were it not that the editor of that paper is an officer of this house. In these days of the licentiousness of the press, every public man receives a full measure of abuse; and I would have taken my share in silence, emanating from almost any other source; but emanating and sanctioned, as it is, by the official character of the editor, I feel bound to take this notice of it, in order that the antidote may go forth with the poison. It is true, the article makes no direct or specific charge of corruption. It is worse; it intimates it. Were it specific, I could the more readily defend my character from the foul charge. The author of the article intimates that I have solicited executive favors and executive smiles, and that promises and favors have been returned. Sir, I am not an applicant for office, neither have I ever received the smiles, promises, or favors of the president. Justice to him and to myself demands of me that here, in my place, I should say that that, as well as the charge of corruption insinuated by the article, is false and malicious.

The manner in which the editor of the Madisonian has violated his pledges made to a portion of the democratic members of this house, before he received their votes for its printer—namely, that he would support the present administration, and the rules and usages of the democratic party—render any other or further notice of him for the present unnecessary.

The report of the committee on foreign relations concerning the Texas question being resumed—

Mr. Adams, by leave, made a motion to recommit the report to the committee on foreign relations, with instructions to report the following resolutions:

"Resolved, That the power of annexing the people of any independent foreign state to this union is a power not delegated by the constitution of the United States to their congress, or to any department of their government, but reserved by the people.

"That any attempt by act of congress or by treaty to annex the republic of Texas to this union would be a usurpation of power, unlawful and void, and which it would be the right and the duty of the free people of the union to resist and annul."

Mr. Howard said that he concurred entirely in the report which the gentleman from Virginia (Mr. Dromgoole) had made on behalf of the committee on foreign affairs, which recommended that all the papers relating to Texas should be laid upon the table; and it might appear inconsistent in him to address the house upon a subject which that report, thus receiving his approbation, considered as not being before the house. But it would be remember-

ed that on yesterday a motion had been made to recommit the report with certain instructions, the adoption of which would of course imply that the committee had erred in their judgment. It was, perhaps, his duty, certainly his right, to endeavor to show that the committee had not erred; and with this view he had, on yesterday, referred to the correspondence between Mr. Forsyth and Gen. Hunt, and deduced from it what he thought a clear inference, that no proposition was now pending before the executive branch of the government for the annexation of Texas to the United States. He had read the letter of the secretary of state, declining even to reserve the proposition for future consideration, and the acknowledgement of Gen. Hunt, that this was a prompt and decisive rejection. The gentleman from Massachusetts (Mr. Cushing,) who dissented from the report of the committee, had said (as he, Mr. H., found it in his printed speech,) that "this proposition was pending now, and in force; and not, as the late report of the secretary of state would seem to intimate, withdrawn from the cognizance of the government." This, then, was the issue which the house had to decide. He could not, for his own part, conceive how a rejected overture could be still pending. Texas was certainly not bound by it. If the president should change his mind, and announce to the minister from Texas that the proposition would be received and discussed, and should find that, in the mean time, Texas had entered into negotiations with England, or any other power, could that government be justly charged with a breach of faith? Certainly not. The answer to such a charge would be, that when the United States promptly and decisively rejected the overture for annexation, Texas was left free to pursue whatever other course she chose; both parties were precisely in the same relative position as they were before the proposition was made. The conduct of Texas herself proved this. A treaty had since been made, (as we are informed in the papers, by the member of this house from Arkansas, upon authority which he considers unquestionable,) between the United States and Texas, for the arrangement of the boundary line between them; and certainly the conclusion of a treaty between two independent governments was at variance with the attitude in which the gentleman from Massachusetts (Mr. Cushing) desired to place them. There was, therefore, nothing before the house in the shape of a proposition emanating from Texas herself, upon which the house, or any committee, could act.

Neither was there any specific proposition brought up by the memorial or resolutions of any Legislature of a state. Massachusetts, Ohio, Tennessee, Alabama, and Michigan, which he would not analyze minutely, because it would occupy too much time; but he would content himself with saying that they all expressed their views in anticipation of the question when it should regularly come up, rather than their intention to bring it up. If any one should controvert this, he would endeavor to fortify himself by a particular examination of these documents. As to the numerous petitions of individuals remonstrating against the annexation of Texas, he supposed that these persons would be satisfied as long as Texas remained out of the union, and, at all events, until she again expressed a desire to come in. Many of the petitions were signed by women. He always felt regret when petitions thus signed were presented to the house relating to political matters. He thought that these females could have a sufficient field for the exercise of their influence in the discharge of their duties to their fathers, their husbands, or their children, cheering the domestic circle, and shedding over it the mild radiance of the social virtues, instead of rushing into the fierce struggles of political life. He felt sorrow at this departure from their proper sphere, in which there was abundant room for the practice of the most extensive benevolence and philanthropy, because he considered it discreditable, not only to their own particular section of the country, but also to the national character, and thus giving him a right to express this opinion.

But the gentleman from South Carolina (Mr. Thompson) has offered an amendment, which brings directly before the house the propriety of making an offer from the United States to Texas to receive that country into the union. He would thank the clerk to read it.

[The clerk then read as follows:

"To report a joint resolution directing the president to take the proper steps for the annexation of Texas to the United States as soon as it can be done consistently with the treaty stipulations of this government."

It would be observed that these steps were to be taken by the president, not immediately and

the passage of the joint resolution, but at some future time, the same as that indicated by the legislature of Alabama, who express a wish for the annexation "as soon as it can be done without a violation of our honor as a nation, or any principle of international law." The passage of such a resolution would, he thought, postpone the advent of the time which that gentleman wished to hasten. The ground upon which the president had rejected the overture of Texas was, that its annexation would be equivalent to a declaration of war with Mexico. And so it would. Mexico was at war with Texas, and blockading her ports. She had a right to do this, and we could not complain so long as the laws of nations were observed. But suppose that Texas were received into the union, what would be the condition of things? Those would become the ports of the United States, and the territory of Texas become a part of the United States. Mexico would, therefore, be legally invading the territory of the United States, by sea and land, with every description of armed force, which was, *ipso facto*, war. The contingency contemplated by the amendment of the gentleman from S. C. was, the recognition of the independence of Texas by Mexico; because, until that happened, no annexation could be made consistently with our treaty stipulations with Mexico. Now, if Mexico thought that the consequence of her recognition of Texas would be its incorporation into the United States, and thereby gratifying the wisher of Texas, that circumstance alone would of itself induce Mexico to refuse to make such recognition. The contingency, therefore, upon which the action of this government was to take place, would be postponed by the very passage of this joint resolution, producing an effect exactly the reverse of what the gentleman from South Carolina wished. He thought that the recognition of the republic of Texas, a measure which that gentleman had advocated with great ardor and eloquence at the last congress, had thrown an additional difficulty in the way of its final annexation. This opinion was freely expressed at the time, and he had seen no reason to change it. The effect had been this: to vary the question of constitutional power from that which was twice settled, in the purchases of Louisiana and Florida, and introduce a new one; thus depriving the friends of Texas of the benefit of two precedents, exactly in point, and throwing them upon argument alone, instead of argument and precedent united. If Texas had not been recognized as an independent power, and been considered, even nominally, as a part of Mexico, and a treaty had been made between the United States and Mexico, by which the latter had ceded Texas to the former, (the consent of the people of Texas being first obtained,) the case would have been parallel with the treaties with France and Spain, by which we acquired Louisiana and Florida. Instead of this, the question now was whether we could absorb an entire nation by a treaty with that nation. As for himself, Mr. H. said, he could perceive no difference between the cases; but others, among whom was the honorable gentleman from Massachusetts, (Mr. Adams,) argued that great difference existed. Great doubt was expressed by many of our most distinguished statesmen, whether the federal government had the constitutional power to acquire Louisiana under the treaty with France; and some of them had even admitted that it was a case beyond the constitution, whilst they were still anxious that the United States should be round off in that direction. But when the case of Florida occurred, the difficulty was lessened; and the third instance would have been more easily accomplished than the second. Of this advantage the friends of Texas were now deprived, and had to meet a new question, instead of following in a track already trodden. He could not himself feel the force of the difference alleged to exist. The question turned upon the competency of the federal government to receive, under the constitution, a portion of territory not belonging to the old thirteen United States; and he could not perceive that the nature of the government which made the grant, whether republic or monarchy, the position, whether on this or the other side of the Atlantic, or the amount of land granted, whether a portion or the whole of the possessions of the granting power, at all affected the question of the power to receive, which could be solved only by a reference to the constitution of the United States. If we had power under that instrument to accept Louisiana and Florida from the emperor of France and king of Spain, we must have power to accept Texas from the people who owned it. The question was solely as to the power of the grantee to the price, and he could not see how the two questions of the person granting and amount granted influenced its decision.

It had been said that the United States were once the possessors of the whole or a part of Texas, under the cession of Louisiana. He believed that this was correct, although he was not prepared to define the limit to which the claim extended. If this was so, we had once before purchased Texas, and sold it to Spain in the Florida treaty. What we had once constitutionally bought and sold, could we not buy again? If the former purchase was invalid, we must in order to be consistent, relinquish Louisiana to France, and Florida to Spain, and restrict ourselves to the boundaries of the thirteen original states; but no one would advocate this. On the contrary, Louisiana would remain represented upon this floor, and he hoped Florida would soon be by her side.

In order to illustrate his opinion that the adoption of the resolution before the house would be an anticipation of the subject, and therefore premature, he would refer briefly to the only three modes in which the president could execute the duty which it was proposed to require of him.

Texas could only be annexed to the United States in one of these ways:

1. By the exercise of the treaty-making power.
2. By an exercise of the legislative power of the federal government.
3. By an amendment of the constitution of the United States.

It could scarcely be deemed proper for the house of representatives to direct the president to make a treaty upon any subject with any power. We might as well request the senate to ratify or not to ratify a treaty, when submitted to that body by the president for their constitutional action, and such a measure, on the part of this house, would strike every mind at once as a departure from every restriction which the constitution has placed upon us. It would destroy that beautiful harmony established by our ancestors, and introduce in its stead a scene of irregular and ruinous exercise, in disorder and confusion of those powers whose separation, and perhaps contradiction, like the centripetal and centrifugal forces of the universe, preserve order and beauty in the system. Should a treaty be made by the president and senate, and this house be appealed to for appropriations, or other laws to carry it out, it must gravely weigh all the responsibilities of its situation before refusing so to do. He admitted that a power of refusal existed; but it was to be exercised only in the last resort: it was the extreme medicine of the constitution. It was only when the safety of the nation was imminently endangered that the maxim would apply, and *salus populi* become *suprema lex*. But it was not necessary or proper to anticipate such a state of things. If it should occur, the house could then determine its course, without now, in advance, pledging itself to any course of measures.

But in either of the other two modes of executing the duty, which the instructions required at the hands of the president, whether by an act of congress, or an amendment of the constitution, the house of representatives would be called upon, necessarily, to perform its appropriate functions.—Then, better than now, an expression of their wishes could be made. At present, there were disturbing and powerful causes at work, which he need not mention to the gentleman from South Carolina, the effect of which would be to decide this question upon motives, feelings, and interests, far different from those statesmanlike views which alone should govern the decision of this deeply important matter. The whole nation was in a state of agitation, working like a troubled sea. Whether this commotion would subside or not, and restore to the country that tranquillity which was indispensable for the happy and permanent adjustment of important measures, his power of vision did not enable him to foresee. But he could discern plainly that the welfare of the entire people of the United States, unconnected with sectional feeling, would be the very last amongst the motives which would influence the house, if the vote were now taken upon the Texas question.

Upon the propriety of the annexation he would not enter. He had carefully avoided bringing that subject before the house, as he thought its discussion premature. The few remarks with which he had troubled the house, upon a different point, would not have been made at all if he had not felt bound to sustain the report of the committee. He had been drawn into some observations, collaterally, because two amendments had been offered, changing the question, after he had taken the floor.

Mr. Petriken said that he considered that this question had occupied the time of the house already too long, to the embarrassment of important public business. There had been a speech on each side, and he would now move to lay the whole subject on the table.

Mr. Cushing asked the yeas nays which were ordered. He then asked the mover to withdraw his motion, to enable him to interpose a single word of personal explanation. He would renew the motion in the behalf of the mover.

Mr. Petriken, with this understanding, consented.

Mr. Cushing then begged leave to disavow any intention to cast any thing like censure upon the course of the rest of the committee, in offering his own proposition. This had been imputed to him by the gentleman from Maryland, who was chairman of the committee on foreign affairs. (Mr. Howard,) and he took this opportunity to disavow it. He intended to express dissent, not censure.

As he had promised, he renewed the motion of Mr. Petriken, declaring, however, his intention to vote against it.

Mr. Petriken then said he would withdraw his motion.

The Chair said that it was the motion of the gentleman from Massachusetts.

Mr. Cushing withdrew it.

Mr. Adams had a word to say. On a former day he had asked a question of the member of the committee on foreign affairs who reported this resolution, as to the length of time and the degree of attention bestowed by that committee upon the subject-matter of the large number of resolutions of state legislatures, and of petitions of the people, referred thereto. This question had been met with a denial of the right of a member of that house to ask it. At the time he (Mr. A.) had said that the country, as well as himself, would draw its own conclusions from this reply. His present purpose was to ask the chairman of that committee if he and the rest of that committee held the doctrine that a member of that house, in the discharge of his public duties, had no right to make inquiries of a committee as to the mode in which they had discharged their duties? Does the chairman take that ground?

Mr. Dromgoole here rose, and wished to ask a question of the Chair. Had a member of this house a right, under the rules, to propound such inquiries to a committee thereof? Mr. Shields here asked if the hour for going to the orders of the day had not arrived? Mr. Adams renewed his inquiries of the chairman and the other members of the committee on foreign affairs. Mr. Howard rose to reply. The Chair announced the orders of the day.

Mr. Howard would prefer to reply at that time. There being no objection, he proceeded to say that, in making the report they had, the committee had acted under a sense of their duty to the house; and it was for the latter, as a body, to decide whether or not they had acted regularly in so doing. In reply to the gentleman from Massachusetts, he would say that he did go the whole length of the ground taken by his colleague of the committee, (Mr. Dromgoole,) who had brought in the report under consideration. He thought it disrespectful to a committee of that house for a member to catechise its members as to the precise time spent in the discharge of its duties, and the mode in which those duties were discharged. He stood by the gentleman from Virginia (Mr. Dromgoole) on this point.

Mr. Adams rose amidst much confusion, occasioned by calls for the orders of the day, and other cries, from various parts of the hall, and said that the gentleman from Maryland (Mr. Howard) had not chosen to meet the issue tendered him. He was interrupted by the Chair, who again announced the orders of the day.

Mr. Hopkins hoped the house would consent to take up the motion made by himself on a former day, to reconsider the vote whereby one branch of the memorial of Francis P. Blair had been referred to a select committee.

Objection was made, and the Chair once more announced the orders of the day.

Mr. R. Garland rose to enter a motion to reconsider the vote whereby the pre-emption bill was yesterday passed with certain amendments. Mr. Yell moved to lay the motion on the table. Mr. R. Garland asked if such a motion was then in order? The Chair responded, certainly not, unless by a suspension of the rules. Mr. Yell moved to suspend the rules for the purpose of taking up and considering the motion of Mr. Garland. Mr. Adams desired to know what were the motives of the gentlemen from Louisiana (Mr. Garland) in making this motion? The Chair said that the inquiry was not then in order. Mr. Adams observed that the reply would influence the vote upon the motion. The motion to suspend the rules was rejected.

In taking up this business, as the regular order of the day, the Speaker hoped he should be excused by the house for suggesting that an adherence to the regular order of business on the calendar resulted uniformly in the greater despatch thereof. Mr. Cumbreleng rose and said that it was now three months since the calendar of private bills was

been acted on with regularity. He hoped the course suggested by the speaker would be adopted. Mr. *Hurlan* protested against the habit of the gentleman from New York, in dictating, day after day, the course of proceeding to the house.

The private calendar was then taken up, and a number of private bills disposed of. But before much progress had been made in the calendar, the usual hour for taking a recess arrived.

EVENING SESSION.

The house met at half past three o'clock, but very few members appeared in their seats.

A call of the house was moved; the house was called, and 121 members answered to their names; when further proceedings in the call were dispensed with.

Mr. *Mercer* obtained leave to move the following resolution:

Resolved, That the use of the hall of the house of representatives, between the hours of eight and ten o'clock A. M. on Thursday next, be allowed to doctor Sherwood and doctor Dwight, for the purpose of explaining the discovery which the former conceives that he has made of the laws which regulate the variation of the magnetic needle, and of the means of thence deducing at any time, by a simple and infallible process, the latitude and longitude of any point on the globe.

Mr. *Petrik* moved to amend the resolution by appropriating half the time to an exhibition of Dr. Reilly's sulphur vapor-bath. [A laugh.]

Mr. *Stanly* moved a proviso that the mover of the amendment, (Mr. P.) or some other member, should submit to the operation. [Convulsions of laughter.] Mr. *Petrik* was required to reduce his amendment to writing. The clerk endeavored repeatedly to read it, but failed to get through. [The merriment increased.] Mr. *Dromgoole* moved to postpone the consideration of the resolution until the house should recover its gravity.

This motion was negatived, as was the amendment without a count.

The resolution was then agreed to.

Two other resolutions to the establishment of post-roads were offered, after which, the house resumed the consideration of private bills, and went into the unfinished business, which was the case of major Thomas Harrison,* (being a bill allowing him arrears of increase of pension from the time the disability incurred, up to the time of the increase of his pension, about two years ago.)

Mr. *Sherrod Williams* concluded his speech in opposition to the bill. It was debated for a considerable time, Messrs. *Taylor*, *Lincoln*, *Howard*, and *Mercer* being in favor of its passage, and Messrs. *Williams*, *Allen*, of Vermont, *Cushman*, and *Evans* against it.

The debate was ended by Mr. *Cushing*, who demanded the previous question. It was seconded, and carried; and the main question being on ordering the bill to its engrossment for a third reading, it was decided by yeas and nays, as follows: Yeas 56, noes 97.

Mr. *Howard* moved an adjournment; but it was lost: Ayes 49, noes 72.

The next was a bill from the senate for the relief of Ann S. Heileman.

Mr. *Underwood* opposed, and Mr. *Grennell* defended the bill, and called for the reading of the report in the case; which was read.

The bill was read a third time, and the question being on its passage, it was opposed by Mr. *Cambreleng* and Mr. *Taylor*, and advocated by Mr. *Mason*, of Virginia, and Mr. *Thompson*, of South Carolina; when Mr. *McKenna* demanded the previous question; which was seconded and carried.

The bill was then passed by yeas and nays, as follows: Yeas 109, nays 33.

The house adjourned.

Saturday, June 16. Mr. *Petrik* obtained leave to offer a resolution for a post route. Mr. *Ingham* made an effort to get Thursday next appointed for the consideration of bills reported by the committee on naval affairs; but, before any decision on giving leave Mr. *Briggs* claimed the floor for his colleague, Mr. *Adams*, on the unfinished business of yesterday morning.

After some explanations on this subject, Mr. *Adams* was about to address the house.

*This bill had been reported by the committee of the whole with the enacting clause stricken out. The case of major H. was a most interesting one; during the discussion an appeal from the claimant, stating the grounds upon which he based his claims, was read, on motion of Mr. *Aycrigg*, of New Jersey. It recapitulated many most interesting incidents in the battle of Chipewa, in which he was engaged, and in which he received several severe wounds, and received the rank of brevet-major in consequence.

Mr. *Tillinghast* asked the gentleman from Massachusetts, (Mr. *Adams*), who was entitled to the floor, to give way so far as to enable him to request the reading of the resolutions of the legislature of Rhode Island on the subject of the annexation of Texas, introduced by him (Mr. T.) on the 29th of December last. Mr. *Adams* said that he proposed himself, in his remarks, to take notice of those resolutions, which would probably answer the purpose of the gentleman from Rhode Island. Mr. *Tillinghast* then said that, in that case, as they would probably then be read, his purpose would be answered; and he would therefore not insist, at this time, upon his request. His reason for making it was, that he understood those resolutions had not been before the committee for their consideration, and he wished the grounds taken in those resolutions should be recalled to the notice and receive the attention of the house before this debate proceeded. Mr. *Adams* addressed the house in support of the amendment moved by him to the instructions proposed by Mr. *Thompson*, of South Carolina, to be given to the committee on foreign affairs, on the subject of the resolutions and memorials respecting the annexation of Texas to the union. Mr. A. continued to speak with great earnestness till the expiration of the morning hour; during which several explanations were made by Mr. *Howard*, Mr. *Legare*, and Mr. *Dromgoole*. [A full report of all the speeches will be given hereafter.]

The house was then about to pass to the consideration of private bills; when Mr. *Whitlsey* moved to reconsider the vote yesterday taken on the bill for the relief of major Harrison, as he wished further time to consider the facts in that case. Mr. *Cushman* moved to lay this motion on the table; but consented to withdraw that motion, and the motion was postponed till Friday next.

Mr. *Shields* and Mr. *C. H. Williams* made an effort to get a day appointed for the consideration of the bill to enable the state of Tennessee to issue grants and perfect titles to certain lands within her limits.

The yeas and nays were taken on suspending the rules for this purpose, and stood—Yeas 67, nays 56; (not two-thirds.) So the rules were not suspended.

Mr. *Cushman* then moved that the house go into committee of the whole, on the two following bills: "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam."

"An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions."

Mr. *Biddle* said that the subject was one of such deep and pressing importance, that he must ask for the yeas and nays on the suspension of the rules. It was a matter that touched human life. Without extravagance it might be asserted that a frightful responsibility hung over every hour of delay. The senate had passed these bills five months ago. Mr. B. was not a member of the committee to which this subject had been referred, but his position compelled him painfully to feel that the chance for securing attention to it was rapidly passing away.

The yeas and nays were ordered, and resulted as follows: Yeas 121, nays 57. So the rules were suspended; and the house went into committee of the whole on the state of the union, (Mr. *Mercer* in the chair,) and took up the bill "authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions."

The bill was slightly amended, and then laid aside to be reported.

The committee then took up the bill "to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam;" together with an amendment reported by the committee on commerce, going to except from that provision of the bill which requires every steamboat to be furnished with certain long boats and yawls the boats navigating the Mississippi river.

In support of this amendment Mr. *Thomas* read a memorial signed by a large number of the masters of steamboats on the western waters, stating various reasons why it would be inconvenient, dangerous, and nearly impracticable for the boats on the Mississippi to carry these yawls tripped up on their quarters. The boat could much sooner be run ashore than these yawls could be lowered and filled with passengers, &c.

Mr. *Fillmore* suggested that the boats on the lakes stood as much in need of these yawls as those which went to sea.

Mr. *Biddle* briefly advocated the amendments of the committee, suggesting that, as these yawls

were sufficient to contain only a part of the large number of passengers who usually crowded the steamboats in the west, in case of danger there would be an instant rush to get into them, the weak and helpless would be rushed aside, the bold and strong would rush headlong to the boats, the authority of the commander in managing them would be disregarded, and the probable consequence would be that the boats would be swamped, and more lives lost than if they had not been provided. The amendment of the committee was agreed to.

Mr. *Tillinghast* moved to amend the bill by adding "or on tide waters." He made some remarks in support of this amendment; stated a case of great danger in which he had been personally present, in which the presence of such yawls or long boats would have been very important, and adverted to the large number of lives which had been lost by the destruction of steamboats, a number greater than often perished in a war. Mr. *Fillmore* moved to amend the amendment of Mr. *Tillinghast*, by adding the words "or on the lakes." Mr. *Tillinghast* accepted this as a modification of his amendment. Mr. *Randolph* called for the reading of a memorial from the owners of steamboats on the Karitan, stating various objections to some of the details of the bill, and especially to the provision respecting yawls. Mr. *Biddle* suggested that the bill had been greatly modified in the senate since that memorial was prepared, and many of the matters to which it related were not now in the bill. The bill was, of necessity, a compromise, in which various views from all parts of the union had been regarded, and it had been purposely rendered as general as possible, avoiding minute details. He hoped too many minute amendments would not be made, as this would jeopard the success of the bill in the senate. Mr. *Tillinghast* modified his amendment so as to except ferry-boats and steamboats of less than sixty tons from the necessity of providing yawls. Mr. *Hoffman* opposed the amendment. Such a provision was not necessary or desirable on the Hudson. Mr. *Legare* suggested a constitutional objection to it; the general government having no right to exact the proposed penalty within the states. Mr. *Tillinghast* said that the constitutional objection, if there was one, applied equally to the clause compelling steam-vessels navigating the ocean to supply themselves with these boats. He did not concur as to the danger of employing them, but thought they would, at any rate, give an additional chance of escape, and wished the experiment to be tried. The question on the amendment was divided. The requirement of boats for vessels navigating the lakes was agreed to. That for vessels on tide waters was rejected.

Mr. *Jones*, of New York, offered an amendment requiring that the person employed as an inspector of steam-boilers must not be personally interested in their manufacture, and must be put on oath in the discharge of his duty. This amendment was agreed to.

Mr. *Fillmore* moved an amendment requiring every boat to be furnished with a certain number of life-preservers. The amendment was opposed by Messrs. *Biddle*, *Hamer*, and *Thomas*, and subsequently withdrawn.

Mr. *Howard* noticed an improvement on board the steam-frigate *Fulton*, in which there was a double safety-valve, one of them being locked up from all access, and so contrived as of itself to let off the steam, although the captain might be disposed improperly to retain it.

Mr. *Evans* thought that the bill did not sufficiently provide for competent skill and knowledge on the part of the engineer of the boat, and suggested an amendment appointing a board before whom they must pass an examination. Mr. *Corwin* remonstrated against a multiplication of amendments. The subject required much practical knowledge, which the house did not possess, and he thought it best to avoid unnecessary detail.

Mr. *Sergeant* thought the bill went as far as was practicable or prudent to go. The principle of the bill was not to guard against all the dangers of human life, but only against those which were peculiarly incident to the use of steam, and these consisted in explosions and configurations. The use of life-preservers might be desirable, and so might various other means of safety, but they applied as well to all other vessels as to steamboats, and opened a very extensive field for legislation. After some further remarks in objection to the amendment of Mr. *Evans*, the question was put on that amendment, when it was rejected.

Mr. *Aycrigg* moved an amendment, not distinctly heard, and which shared the same fate.

Mr. *Rundolph* moved an amendment requiring a certain number of buckets to be kept constantly

filled with water, ready for use; but, before any question was taken, the hour of recess arrived.

EVENING SESSION.

At half past two the speaker took the chair, and the house again resolved itself into committee of the whole (Mr. Davee in the chair,) on the steamboat bill.

Mr. *Randolph* wished to make the bill as perfect as possible before it should be reported. He moved an amendment, the effect of which was to restrict the obligation to keep a fire engine on board the boats, to boats propelled by high-pressure engines. This was intended to create a local distinction between the boats on the western waters, and those plying between the neighboring cities. He did this in accordance with the statements contained in certain memorials upon the subject which had been sent to the house from New Jersey, &c.

Exceptions to the amendment were taken by Messrs. *Fillmore*, *Marvin*, and *Robinson*, and it was rejected.

Mr. *Robertson* moved the following amendment: "Provided, That nothing in this act contained shall be held to apply to steamboats employed in plying between a port or place in any state to another port or place in the same state, and not engaged in commerce with any foreign nation, or among the several states, or to any person owning or navigating such steamboat, or employed on board the same."

Mr. *R.* had no great confidence in the power of legislation to reach this case. But he was willing that all that could be, should be done by congress, within the limits of their constitutional authority. He offered this amendment to protect the rights of the states against the interference of the federal government.

Mr. *Underwood* made some remarks in opposition to this view of the question, and was replied to briefly by Mr. *Robertson*. The latter denied the right of congress to regulate commerce in the different states of the union.

Mr. *Sergeant* proposed an amendment to the amendment offered by Mr. *Robertson*, so as to render the law applicable to such steamboats as are under the jurisdiction of the laws of the United States.

Mr. *Pope* begged gentlemen to forget for a moment that they were lawyers, and not file special demurrers, and pleas, and bills of exception, but pass this very important and useful bill, pretty much as it was reported. He showed that this process of holding boats to the jurisdiction of the different states in which they navigate was likely to be full of embarrassment and difficulty, especially with regard to boats that ply through the waters of several states. He hoped the bill would be passed in the form in which it had been reported.

Mr. *Biddle* and Mr. *Hamer* opposed the amendment to the amendment very briefly. Mr. *Toucey* urged that there were three kinds of commerce, with regard to which congress had a right to legislate: 1st. Commerce with foreign nations. 2d. Commerce between the states. And, 3d. commerce with the Indian tribes. There then was 4th. commerce within the states, with which congress had no right to interfere by legislation. He would be in favor of an amendment to this effect; and offered such a one.

Mr. *Tillinghast* said that congress had long exercised a control over coasting navigation. Mr. *Robinson* stated that all vessels over 20 tons were subject to the control and legislation of congress, and sailed under a license imposed by a law of the United States. Mr. *Menefee* cited the opinion of the supreme court in the celebrated case of *Ogden vs. Gibbons*, in support of those general views of the power of congress over navigation, as an incident to commerce. Mr. *Noyes* suggested that a single line, added to the first section of the bill, so as to restrict the operation of the bill to such vessels as are required to have license under the laws of the United States, would answer all the purposes. And he had read at the clerk's table an amendment, which, when in order, he would move, to that effect.

Mr. *Menefee* defended and sustained the applicability of the opinion of judge Marshall, (above cited,) to which he had before referred, to the question under consideration. Mr. *Sergeant* here withdrew his amendment to the amendment of Mr. *Robertson*, in consequence of the mover's accepting the modification proposed by Mr. *Toucey* to the same effect. Mr. *Thomas* would be more willing to support the amendment thus modified, rather than as originally moved. But he thought the whole amendment unnecessary and supererogatory. Mr. *Robertson* replied to such objections as had been taken to his amendment. The amendment was rejected without a count.

Mr. *Underwood* adverted to the requisition upon the boats which the bill provides to carry a suction-hose and a fire-engine; and he proposed to strike out the ninth section of the bill, which contains that requisition. Mr. *Thomas* was of opinion that this section ought to be stricken from the bill. Mr. *Biddle* concurred in this view; and the amendment prevailed without a division. Mr. *Randolph* moved an amendment, striking out the minimum of the punishment imposed, so as to leave it more discretionary with the court to graduate the punishment to comparative venial offences; and the amendment prevailed.

Some other verbal amendments were offered, adopted or rejected, on motion of different members.

Mr. *Childs*, of New York, offered an amendment, which was adopted; and Mr. *Dunn* and Mr. *Underwood* each offered amendments, which were rejected. Mr. *Gray* moved an amendment to the eighth section, so as to name the lakes to which that proviso is to apply. The amendment prevailed. Mr. *Hamer* moved that the committee rise, and report the bill to the house; which motion prevailed; and the bill and amendments being reported, Mr. *Evans* moved that the bill and amendments, offered and to be offered, be printed; which motion prevailed.

The house then ordered to a third reading the bill from the committee of the whole, to appoint a board to test the practicability of inventions to prevent the explosions of steamboat boilers. The bill was read a third time and passed.

The senate bills were then taken from the speaker's table, read twice, and referred.

Several private bills, on their third reading, were then read and passed.

Mr. *Mitchell* moved that the house do now adjourn; which motion (at a quarter past 6 o'clock) prevailed. So the house adjourned.

Monday, June 18. On motion of Mr. *McKay*, the motion of Mr. *Hopkins* to reconsider the vote whereby the latter part of the petition of Francis P. Blair, offered on a former day, was referred to a select committee, was taken up for consideration. No quorum voting on this motion.

Mr. *Whittlesey* hoped the subject would be postponed until after the call for petitions. Mr. *Thomas* considered that the day could not be better spent than in considering this question. Mr. *McKay* stated the prayer of that part of the petition under consideration, from which it would seem that the petitioner had done printing for the post office department to the amount of \$1,500, which was paid him. Afterwards, Mr. *Kendall*, coming into the department, assumed to deduct that sum from the amount then due to the petitioner, upon the ground that it had been illegally paid by his (Mr. *K.*'s) predecessor in office. The petitioner now prays for the restitution of the sum thus withheld, and that the manner in which he done the public printing may be inquired into.

Mr. *Hopkins* contended that this part of the petition, which had been ordered to be referred to a select committee, ought to be referred to the post office committee, as well as the former part of it, praying for an investigation into another and entirely different matter.

Mr. *Briggs* followed in support of the same position. He animadverted upon the habitual negligence of the various committees on accounts as to the expenditures of the different departments, and expressed the opinion, that when such cases were brought to the notice of this house, they ought to be attended to and investigated.

Mr. *Cushman* moved the previous question, but withdrew it at the request of Mr. *Crockett*, who had a few words to say, and who promised, at the request of Mr. *Cushman*, to renew the motion. Mr. *C.* made some remarks, a report of which will be given hereafter. The previous question was then seconded by tellers, 78 to 57, and the main question was ordered to be put; and on the main question.

Mr. *Williams*, of North Carolina, asked for the yeas and nays, which were ordered; and, being taken, the vote was: Yeas 105, nays 98.

So the house decided to reconsider.

Mr. *Hopkins* moved to refer so much of the remainder of the memorial, which prefers a claim of \$1,500, to the committee on the post office; and that relating to the petitioner's manner of doing the public printing, to the committee on public expenditures.

Mr. *Thomas* said he was indifferent as to the committee to which these subjects should be referred. He had a few remarks to make with regard to what had fallen from the gentleman from Tennessee, (Mr. *Crockett*.) He had never read that gentleman's letter, which had given rise to his remarks. His only object had been to have justice done to a citizen who had been, as he thought, injured by the re-

marks of a member of that house. He thought that the supplies for printing public speeches on one side came in the same way as the other—by voluntary contributions of members of congress; nor was he willing to indulge in vituperation or charges of corruption in this connection. He was of opinion that the investigation asked for ought to be gone into, although he was entirely indifferent as to what committee it should be done by.

Mr. *Carter* thought that there had now occurred a singular change in the doctrines of the party, now asking for select committees to investigate charges against public officers, who, a few months ago, took the ground that such charges were to be properly made by the standing committees. Had they looked into the way in which the committees on expenditures were constituted, and that they could not, and would not be made to give such a report as was desired? Mr. *C.* was of opinion that Mr. *Thomas* had not stated the true mode in which partisan speeches were circulated; and alluded to the uncontradicted allegation, that a tariff for this and similar uses was levied on public officers. If this were so, he thought the salaries of those officers should be, by so much, reduced. He knew the fact that Globes and Extra-Globes had been franked by public officers, and sent gratuitously to non-subscribers; and he stated that a portion of the clerks in departments were employed, a great deal of their time, in directing such documents. Those clerks, he said, were constantly requiring an increase of salaries, which was made necessary by reason of deductions made therefrom for party purposes. He was for the appointment of such a committee as would probe all these things to the bottom, and report thereon. Thus would the guilty be punished, and those unjustly aspersed be relieved from suspicion, and justified.

Mr. *Bond*, in reply to what had fallen from Mr. *Thomas*, went into a variety of statements with regard to alleged abuses in the different departments, and recapitulated some of his former statements upon these subjects. Mr. *Cushman* moved the previous question, but withdrew it at the request of Mr. *McKay*, (promising to renew it,) who moved to refer to a select committee, modified by accepting the proposition of Mr. *Garland*, of Virginia, so as to extend the inquiry to the manner in which the public printing had been executed by the present printer to the house.

On motion of Mr. *Mercer*, the following paragraphs from the manual of Mr. *Jefferson* were read: "If on motion and question it be decided that the bill shall be committed, it may then be moved to be referred to a committee of the whole house, or to a special committee. If the latter, the speaker proceeds to name the committee. Any member also may name a single person, and the clerk is to write him down as of the committee. But the house have a controlling power over the names and number, if a question be moved against any one, and may, in any case, put in and put out whom they please."

"Those who take exceptions to some particulars in the bill are to be of the committee. But none who speak directly against the body of the bill. For he that would totally destroy, will not amend it. *Hakey*, 146. *Town*, col. 208. *D'Ewes*, 634. col. 2. *Scob*, 47. or, as it is said, 5 *Grey*, 145, the child is not to be put to a nurse that cares not for it. 6 *Grey*, 373. It is therefore a constant rule that no man is to be employed in any matter who has declared himself against it." And when any member who is against the bill hears himself named of its committee, he ought to ask to be excused. Thus, March 7, 1606, Mr. *Hadley* was on the question being put, excused from being of a committee, declaring himself to be against the matter itself.—*Scob*, 46."

Mr. *Thomas*, after a few words of explanation in reply to Mr. *Bond*, renewed the motion for the previous question. Seconded—95 to 40. And the main question was ordered to be put.

That part of the petition preferring a claim was then referred to the committee on the post office.

The motion to refer that part thereof relating to the mode in which the public printing had been done by the petitioner, to the committee on public expenditures, was rejected: yeas 89, nays 89. The chair voting in the negative.

The motion next in order was that of Mr. *McKay*, to refer this portion of the petition to a select committee, with the instructions moved by Mr. *Garland*, of Virginia, to extend the proposed investigation to the manner in which the public printing had been done by the present printer to the house.

The yeas and nays having been ordered, Mr. *R. Garland* asked for a division of the question; and the question was first taken on the motion to commit to a select committee, and resulted as follows: yeas 101, nays 100.

So the house decided to refer it to a select committee.

The question recurring on the instructions, resulted as follows: yeas 195, nays 1.

So the proposed instructions were agreed to.

Mr. Grant asked leave to offer a resolution setting apart to-morrow for the consideration of the house bills making appropriations for improvements, surveys, &c. of certain harbors. Objections being made, Mr. Grant asked for a suspension of the rules to enable him to offer the resolution, and on this motion he asked for the yeas and nays. Not ordered. The motion to suspend the rules was lost.

Petitions were now presented, and occupied the attention of the house until the hour of recess.

EVENING SESSION.

The house met at half past three o'clock, according to the order, and went into committee of the whole for the consideration of the bill to establish certain post routes and discontinue others.

The sections of the bill were read in order, according to the states in which the routes were located, and various amendments were proposed, of merely local interest, occupying nearly the whole session.

Mr. Hopkins moved an amendment, appropriating two hundred and twenty-five thousand dollars to carry into effect the provisions of the bill.

Mr. H. alluded to the condition of the post office department, and said that owing to the extension of facilities to the country, and the extraordinary embarrassments of the times, it would be impossible to establish new routes from the present resources of the office; and it might even be necessary to discontinue some of those already established, if aid were not granted from the treasury. He should be opposed to the passage of the bill unless means were afforded to carry it into effect.

Mr. Wise objected to the appropriation, and alluded to the reports of the postmaster general, with an allegation that they were inconsistent and contradictory. The first report, he said, stated the department was in debt near half a million of dollars. The second report stated, that, as if by a magic wand, order had been brought out of confusion, and solvency from bankruptcy. The report at the called session, or at the commencement of this one, stated that the postmaster general could sustain his department upon his own resources, and that he needed no aid from the treasury. If all this was true, how could it be that this appropriation was necessary. He was inclined to believe that the postmaster general was hoarding his resources, to be used for electioneering purposes, and he would not trust this sum of money to him to be used for electioneering purposes; for the application of it to the creation of new post routes was permissive, and not obligatory.

The debate was briefly and incidentally continued till a quarter past eight o'clock, when, without coming to any decision, the committee rose and reported progress; and

The house adjourned.

Tuesday, June 19. In addition to the recovery of Mr. Cranston, whose presence in the house, after a protracted illness, has been heretofore noticed, we are happy to have it in our power to announce that also of Messrs. Coffin and Curtis, both of whom have resumed their seats.

The following gentlemen were announced as composing the select committee on the memorial of Francis P. Blair, viz: Messrs. McKay, Hopkins, Thomas, Hoffman, and Hamer.

The Chair laid before the house an executive communication.

The senate's amendments to several house bills were read and appropriately referred.

Mr. Adams resumed the floor in support of his amendment on the subject of the admission of Texas. He continued to speak until the expiration of the morning hour, when, without having finished his remarks, he yielded the floor.

Mr. Cambreleng moved that the house go into committee of the whole on the state of the union. The motion prevailed, and the house accordingly went into committee of the whole, (Mr. Connor, of North Carolina, in the chair.)

Mr. Cambreleng moved that the committee do now take up the sub-treasury bill. Mr. Sergeant moved to take up the harbor bill. Mr. Cambreleng would say to the gentleman from Pennsylvania, and to the committee, that it must be obvious to all that this was the only debatable bill now remaining; after this should have been debated and disposed of, the house could go on and finish the public business remaining. He was sure all were anxious to go home; and it was best, on all accounts, to have the question on it decided in one way or other.

The committee by tellers, voted to take up the sub-treasury bill: Ayes 182. The bill was read through. Mr. Cambreleng rose, and was about to

address the committee when Mr. W. Thompson asked him to yield the floor for a moment, to allow him to offer a substitute for the bill. Mr. Cambreleng assenting,

Mr. Thompson offered the following:

Strike out all after the words "*Be it enacted*," &c. and insert: "That all dues to the government shall hereafter be collected in gold and silver coin, treasury notes of the United States, and the notes of sound specie-paying banks, under such regulations and restrictions as may be prescribed by act of congress, or by the secretary of the treasury: *Provided*, That no bank notes shall be received as aforesaid, except such as the bank of deposit shall agree to receive and credit as cash

2. *Be it further enacted*, That the secretary of treasury be, and he is hereby, required to select, as special depositories of the public funds, and at such places as may be necessary, sound specie-paying banks, preferring, in all cases where such exist, banks owned in whole or in part by the states in which the same are situated.

3. *Be it further enacted*, That the secretary be, and he is hereby, directed to contract with the banks selected as depositories aforesaid, for the safe-keeping, transfer, and disbursement of the public revenue, on such terms and for such compensation as he may deem right and proper; stipulating in all cases, under such guaranties as he may think necessary, that the public funds deposited with said banks shall be in no case used in their business, nor otherwise used but in payment of drafts from the treasury.

Mr. J. Garland said that before the gentleman from New York proceeded, he would make a motion which should directly test the question on the bill. He meant to meet it front to front, without resorting to any amendment. He moved to strike out the enacting clause of the bill. Mr. Cambreleng then went into an expose in explanation and support of the bill. He was followed by Mr. Pickens on the same side of the question. At the hour of recess Mr. P. gave way for a motion to rise, and the committee rose.

EVENING SESSION.

Mr. Pickens concluded his speech upon the sub-treasury bill.

Mr. Garland, of Virginia, took the floor, and stated that it was his desire to address the committee on this question, and he moved that the committee rise. His motion prevailed, and the committee rose.

On motion of Mr. White, of Kentucky, the house then went into committee of the whole (Mr. Davee in the chair,) upon the post route bill.

Mr. Hopkins' amendment was pending, the object of which was to appropriate \$225,000 in order to establish the proposed new routes. Mr. Underwood went into an argument in order to show that these routes might be established without any additional appropriations. Mr. Reed was willing that every useful and expedient facility should be afforded, not too burdensome upon the treasury. There were some things upon which he wished some information, especially the express mail, which he did not believe to be generally useful, and as involving an expense which might be well dispensed with.

Mr. Montgomery said that it had occurred to the committee to abolish the express mail, although it had not been brought directly before the committee. It had only existed on commercial routes, and had been useful in transporting commercial intelligence; but that mail had been suspended wherever the establishment of rail-road and steamboat navigation had taken place. It had cost more than it had come to, and he (Mr. M.) was of opinion that it might well be altogether abolished.

Mr. Pope was not particular about the passage of the amendment, though he had no objection to it; but he hoped that the bill, at all events, would be passed. Mr. Yell supported the bill. He demonstrated the necessity of the new routes proposed to be established. Mr. Martin, of Alabama, was in favor of the amendment of Mr. Hopkins. He believed that without it the bill would be entirely inoperative.

The debate was further continued by Messrs. Hall, Goode, Mercer, Briggs, Montgomery, Yell, Cathoun, Hoffman, Johnson, of Louisiana, Fletcher, of Vermont, Phillips, and Williams, of North Carolina.

Mr. Yell's motion (offered during this debate) to amend the amendment of Mr. Hopkins to strike out and insert a clause to repeal the act of 1836, establishing the express mail, and to appropriate the proceeds to the new routes, slightly modified, prevailed.

The amendment of Mr. Hopkins prevailed; the committee rose and reported the bill, and the house adjourned.

Wednesday, June 20. Mr. Adams resumed the floor, and continued the course of his remarks in support of his amendment to the resolution of the committee on foreign affairs, in relation to the annexation of Texas to the United States.

[He had not concluded when the hour elapsed for morning business. A full report will be given hereafter.]

The order of the day being announced, the house, on motion, took up the pre-emption bill, as returned from the senate with some amendments, which were concurred in by the house. [The bill now only wants the signature of the president to become a law.]

On motion of Mr. Cambreleng, the house went into committee of the whole, and resumed the consideration of the sub-treasury bill.

Mr. Bronson gave notice of his intention to offer, at the proper time, the following amendment:

"Sec. 20. *And be it further enacted*, That from and after the passage of this act the operation of the following parts of acts or provisions of law, now in force, shall be, and the same is hereby, suspended for the space of two years, to wit: So much of the act of June 23, 1836, entitled "An act to regulate the deposits of the public money," as provides that the notes or bills of any bank which has, since the fourth of July, 1836, issued any note or bill of a less denomination than five dollars, shall not be received in payment of any debt due to the United States. And so much of the act entitled "An act making appropriations for the payment of revolutionary and other pensioners of the United States, for the year 1836," passed 14th April, 1836, as provides that no bank note of a less denomination than twenty dollars shall be offered in payment in any case whatsoever in which money is to be paid by the United States or the post office department."

The pending question was the motion of Mr. Garland, of Virginia, to strike out the enacting clause of the bill.

Mr. Garland, of Virginia, being entitled to the floor, went, at length, into a general argument against the bill, and in reply to the remarks of Messrs. Cambreleng and Pickens on the other side.

At two o'clock the house took a recess.

EVENING SESSION.

The sub-treasury bill again under consideration—Mr. Dromgoole addressed the committee at length in a constitutional argument against the employment of state banks as depositories of the public money, and in favor of the bill as the only remaining resort, unless a national bank, which he held to be still more heterodox.

Mr. Prentiss, of Mississippi, next obtained the floor, and commenced a speech of great interest and animation, in which he traced the history of the experiments on the currency, and commented with severity on the course of some gentlemen who had changed their political preferences, and were now the advocates of this bill and of the administration generally. He continued to speak until about half-past six o'clock, when he gave way for a motion that the committee rise. It rose accordingly.

Mr. Bronson laid on the table, and had leave for the printing of an amendment to the bill, which he proposed hereafter to move.

The Speaker laid before the house a message from the president of the United States, transmitting papers on the subject of the outrages on our frontier.

The message was referred to the committee on military affairs.

And then the house adjourned.

Thursday, June 21. Mr. Hoffman and Mr. Hamer were, on their own request, excused from serving on the select committee on the memorial of Francis P. Blair.

Ordered, That the Chair appoint other members in their stead.

Mr. Paynter, by leave, presented certain memorials and resolutions of different meetings in Philadelphia, for and against the sub-treasury bill.

Mr. Tillinghast obtained an order that the resolutions of the legislature of Rhode Island, which, when presented by him, had through accident not been printed on the journal of the house, should now be inserted with an entry stating the former omission.

Mr. Cushing modified his resolution calling for a report from the committee on foreign relations so as to include the resolutions of the states of Rhode Island and of Vermont among those to be reported upon.

Mr. Adams then resumed the floor in support of his amendment, declaratory, of the doctrine that the government has no power under the constitution to admit into the union the people of any foreign state. He continued to speak till the expiration of the

morning hour. A little farther time was then, by consent, allowed him; but before he had concluded, Mr. *Hurlin* demanded the orders of the day.

Bills from the senate were then read, and referred; and the senate's amendments to certain bills of the house were concurred in.

The house then, on motion of Mr. *Cambreleng*, went into committee of the whole on the state of the union, (Mr. *Connor*, of North Carolina, in the chair,) and resumed the consideration of the sub-treasury bill.

Mr. *Duncan* got leave to have certain amendments to the bill proposed by him laid on the table and printed.

Mr. *Prentiss*, of Mississippi, then resumed the floor, and continued his address to the committee in opposition to the bill, and particularly in reply to Mr. *Pickens'* appeal to the interest of the south in behalf of the bill. He spoke until the expiration of the morning sitting, when the house, at 2 o'clock, took its daily recess.

EVENING SESSION.

After Mr. *Prentiss* had concluded his remarks, Mr. *Hunter*, of Virginia, took the floor, and spoke till six o'clock in favor of the bill, without concluding.

And then the committee, on motion, rose, and the house, on motion, adjourned.

Friday June 22. The journal being read, Mr. *Alam* resumed and continued his remarks (to be reported hereafter in full) upon the subject of the annexation of Texas to the union, until the lapse of the morning hour, without concluding.

The chair having announced the private orders of the day, Mr. *McKean* moved to take up for consideration the joint resolution of Mr. *Boon*, proposing to fix the day of adjournment.

Objection being made, Mr. *McKean* moved a suspension of the rules, to enable him to offer this motion; and on this he demanded the yeas and nays, which were ordered. The motion to suspend prevailed, yeas 133, nays 55.

The following joint resolution, offered by Mr. *Boon* on a former day, was then taken up:

"Resolved, (the senate concurring therein,) that the speaker of the house of representatives, and the president of the senate, close the present session of congress by an adjournment of the two houses over which they preside respectively, on the first Monday of July next."

Mr. *McKean* moved to amend by striking out the "1st Monday" and inserting "2d Monday" of July. Mr. *Boon* modified the proposition accordingly. Mr. *Naylor* moved to amend by restoring the original reading, and asked the yeas and nays. Not ordered. The motion was rejected. Mr. *Gurland*, of Lou., moved to strike out the "2d," and insert the "3d" Monday in July; and on this he asked the yeas and nays which were ordered. Mr. *G.* referred the house to the calendar of business before the house, and instanced several important bills yet to be acted on, whence he argued that the adjournment ought not to take place before the 16th.

Mr. *Bouldin* said he was anxious that the public business should be done. That it might be done was true. That it might have been done was equally true. But if the gentleman from Louisiana (Mr. *Gurland*) thought that length of time would secure that object, Mr. *B.* would ask him to look back upon the last six or seven months, and see what had been done in all that time. He said, if they were disposed to do the business now, he had no doubt that every thing material could be done by the 9th of July. If they did not wish to do it, they never would do it in any length of time. If they meant to do it, let them act promptly; if not, let them go home.

Mr. *Whitlessy* enumerated some important matters to be acted upon before adjournment, and said that the house had now found itself in precisely the predicament he had predicted it would be in the early part of this session. He was of opinion that all this proved the importance and necessity of acting earlier upon the important business of the session. Under the present state of affairs, he could not vote for an earlier day of adjournment than the 16th of July. Mr. *Boon* thought that all the important business of this session, yet to be done, might well be transacted prior to the 9th of July, if members would but talk less and act more. Mr. *Haynes* said he would show the estimate in which he held the value of time by moving the previous question. On the question of seconding, tellers were ordered, and the house refused to second the motion of Mr. *Haynes*: Ayes 72, nays 95. So there was no second.

Mr. *Naylor* agreed that it was certainly very important that the bills enumerated by several members should be acted upon, and he thought that this might as well be done by the 9th as by the 16th of

July, and he should therefore vote for the earlier period. [Here ensued most deafening cries of question! Mr. *Haynes* took the floor. The cries were repeated yet more loudly.]

Mr. *H.* said that such vociferations did not terrify him. He would stand till doomsday, if necessary, and say what he had to say. He had risen to ask the yeas and nays.

The Chair. The yeas and nays have been ordered; and the question is on striking out "the 2d" and inserting "the 3d Monday in July."

That question was decided in the negative: yeas 90, nays 121.

Mr. *Sherrot Williams* moved to postpone the further consideration of this resolution until this day week. Mr. *Casey* demanded the yeas and nays. Not ordered. Mr. *Haynes* asked for tellers. Granted. And the motion of Mr. *Williams* prevailed: Ayes 95, nays 89. So the further consideration of the resolution was postponed until Friday week.

On motion of Mr. *Cambreleng*, the house then went again into committee of the whole, and resumed the consideration of the sub-treasury bill.

Mr. *Hunter*, of Virginia, resumed the floor, and concluded his remarks in support of the bill; and the bill was further discussed during the remainder of the day's sitting.

CHRONICLE.

From the Canada frontier. The Albany Evening Journal states on the authority of Mr. J. W. Turner, a deputy marshal at Oswego who arrived at Albany on Monday, express from Lewiston, that the patriots of Upper Canada have again made a rally on their own soil—having formed a camp in "Long Swamp," (an extensive marsh lying between Grand Island and Chippewa creek) where they are now fortifying themselves. The nucleus of this force was formed by refugees who crossed over from the United States in parties of twenty or thirty at a time, so as to evade British vigilance, but volunteers are said to be flocking in to them from all quarters. The number entrenched when they were discovered is supposed to be from 200 to 400.

The alarm was instantly given, and an express sent off to Toronto for a regular force to extricate them. This news says the Journal, is very vague—we believe it comes by way of Toronto—but we think it may be substantially relied upon. This evening's western mail will either refute or confirm it.

Another report—Extract from a letter from P. C. H. Brother, esq. to a gentleman in this city, dated Queenston, 14th June, 1838:

"To day the report is, that the patriots are kicking up another fuss with us. It is said that they crossed last night below Lewiston, and are now in the forest between this and St. Catharine."

Correspondence of the Argus.

Watertown, June 13, 1838.

Dear sir: We have nothing of importance in relation to the affairs of the frontier, save the fact just communicated to me, that this morning while the steamer *Onelda* was passing Wells' island, Johnson, with four men, appeared in his long boat, constructed in such a manner as to equal the speed of the best steamboat. He and his men gave three cheers. It was attempted to be returned on board the steamboat, but was suppressed. Johnson then raised from his boat the flag of the Sir Robert Peel, and a second time gave three cheers, which was also attempted to be returned by some on board the steamboat, but was in like manner suppressed.

Johnson then made off in his boat towards the island. This occurred near the spot where the "Peel" was burnt.

Johnson's retreat being upon Canadian islands, and the speed of his boat surpassing every thing on the lake or river, when seen, all efforts as yet to take him have failed. He states that he will not be taken alive; and that his fastness, if not impregnable, will defy any force that can for some time at least be brought against it.

Our militia, it cannot be expected, would be willing to go upon Canadian ground, and attempt the arrest of these desperate men; but we are hourly in the expectation of the arrival of some regular troops. Colonel Cummings has arrived here, and is waiting the arrival of the troops; and signifies his readiness to aid the civil officers in their efforts to arrest these men at all hazards.

Another seizure. Capt. Homans, in command at Lewiston, has made another valuable seizure of patriot arms. Ninety stand, with bayonets, were found secreted at Dickerson's tavern, six miles from Lewiston, on the Lockport road. They were principally English Tower muskets and United States manufacture.

This indefatigable officer is preventing much mischief. [Buffalo Com. Adv. June 16th.]

Extract of a letter dated Cornwall, U. C., 4th June.

A very bad feeling exists on both sides, all along the frontier; and I am very sorry to say that it is growing worse every day. Sir John Colborne passed this to-day on his way to Quebec. On his arrival there, he will immediately despatch two or three more regiments to this province. He has made arrangements to place the whole frontier in this quarter in a strong state of military defence. Lord Durham is expected here on Wednesday next. He intends making a tour of the Upper Province, and it is currently reported that he intends moving the seat of government from Toronto to Kingston. This is said to have been recommended by Sir George Arthur.

The war department has ordered two steamboats to be chartered—one on lake Erie and one on lake Ontario—each to be manned and armed. The boat on lake Erie will be placed under the command of lieut. J. T. Homans.

Major general Macomb, to whom has been assigned the command of our troops on the northern frontier, left Washington on the 12th instant and is now at his post. The "Globe" has the following remarks on the appointment of general Macomb. "That nothing may be wanting within its power to prevent collision on the frontier, the war department has ordered the first officer of the army to take charge of the force which is drawn together to suppress the marauding parties on the Canada frontier, made up of the disaffected Canadians, joined by a few outlaws from our side of the line. Whatever can be effected by the limited means which the various demands on our small army leave at the disposal of the commanding general, will doubtless be done to crush the border banditti, whose sole object is that of plunder and revenge. It is possible, too, that the inciters of this gang may hope to produce by the predatory warfare, a general hostile feeling on the frontier, which may lead to difficulties which the respective governments may not be able to compose. To prevent such mischief, no one, we are confident, is better adapted than gen. Macomb."

From the Rochester Democrat, June 15.

Rumor of another outrage. We find the following paragraph in the Toronto Patriot of Tuesday afternoon. We have reason to believe that it is true, although it is possible that it is not. We give it as we find it:

"Another division of the pirates is at work on Lake Erie, where a schooner, laden with merchandise belonging to Mr. Chrysler, of Niagara, has been captured. A despatch, announcing this new outrage, arrived in the city last night, but nothing more than the bare fact has transpired."

The Kingston Spectator of Saturday says: "Two steamers were out last night, having troops on board, searching round the islands for the plunderers, and are not yet returned."

Outrage. We are notified to say that Major Webb, the British officer commanding opposite Black Rock, while on a visit to our city yesterday afternoon, was insulted and maltreated by a parcel of worthless fellows, who constituted themselves champions of the national honor! The court of general sessions, now sitting, have called a special grand jury, on motion of the district attorney, for the prompt investigation of the outrage. [Buffalo Advertiser.]

Three of the individuals who made the unmanly attack on Major Webb, of the British army, have been tried and sentenced as follows: O'Brien to thirty days' imprisonment, and a fine of fifty dollars; Kellogg and Emmons to a fine each of seventy-five dollars. [Globe.]

The Albany Evening Journal states that more than two hundred witnesses, residing along the frontier from Plattsburg to Buffalo, are in attendance on the United States district court. Twelve bills of indictment have been found. Among the persons indicted are Dr. Nelson, Mr. Bryant of Portland, Maine, and a young man by the name of Palmer, of Clinton county. McKenzie, against whom an indictment was found before, was in court on Saturday.

It is stated in the Montreal papers that the government steamer *Dee* was expected there from Quebec with 200 seamen detached from the several ships lying there for service on the Upper Lakes. We may observe en passant that the above steamer *Dee*, and another government steamer, the *Media*, have made the passage across the Atlantic this spring from England.

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THE PAST—THE PRESENT—FOR THE FUTURE.

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☞ The senate have concurred in the resolution of the house fixing upon Monday the 9th of July as the day of adjournment.

☞ The president has recognized Charles H. Forbes as vice consul of Texas for the port of New York.

☞ We have published some interesting particulars relating to the wreck of the *Pulaski*, but have not yet seen an authentic statement of the lost and saved. It appears that out of eleven passengers from Florida, in the *Pulaski*, not one is known to be saved.

The Philadelphia U. S. Gazette of Thursday says: "It is with great satisfaction that we can announce the name of another soul saved from the ill-fated *Pulaski*. It is Mr. Innis (of Philadelphia) of the firm of Okie & Innis. His friends had letters from him yesterday, dated at Wilmington, North Carolina. He was the person unknown, of the thirteen that were last heard from."

He had been "mourned as dead" by his friends at home.

On the 23d inst. a meeting was held at Charleston, S. C., "to adopt some proper course of action in relation to the melancholy accident to the steam boat *Pulaski*;" his honor, the mayor in the chair. They adopted a memorial to the house of representatives, earnestly requesting, "that no time may be lost in providing, by all the means in (their) power, against the recurrence of similar disasters." The memorial concludes by praying congress, "that a system of rigid inspection to be instituted, under proper officers to be appointed for that purpose, so directed as to secure both in the construction of the hull and machinery of steamboats adequate strength, and to provide not merely for the prudent management of such boats, but for the safety of the passengers in the event of accidents, are measures which, if adopted, and carried into full effect, will greatly tend to the security of the public. Your petitioners trust that your honorable body will not adjourn without making these and such other provisions on this subject, as your wisdom may suggest, and may be best calculated to effect the object in view—an object in which the whole American people have a deep and abiding interest." They also passed a resolution of thanks to capt. Davis, of the *Henry Camerton*, who rescued several of the passengers.

THE SUB-TREASURY BILL reported to the house of representatives by the committee of ways and means, was rejected on Monday last by a vote of 111 yeas to 125 nays. On the following day Mr. Foster moved a reconsideration of the vote, but the house refused—Ayes 21, nays 205. A detailed account of the proceedings will be found under the proper head.

MORE SEMINOLES. About 700 Seminole Indians, from Florida, arrived at the Fourche bar, about seven miles below town, in the steamboat *South Alabama*, from New Orleans, last week, and remained there until Monday, the water being too low for the boat to come up. The Indians were then taken on board the *Liverpool* and *Itasca*, each with two keel-boats in tow, and proceeded up the river.

The officers in charge of the party are lieutenants Reynolds and Terry, U. S. army, and a small detachment of U. S. troops.

These Indians are a part of the band of the noted chief Micanopy, who accompanies them, as does Cloud and Nocosola, two other noted chiefs. Near one third of the party are negroes, who appear to have been reared among them.

[Little Rock, (Ark.) Gazette.

THE CHEROKEES. Gen. Scott and suite were at Athens, Tenn. on the 9th instant and left on the following day for Fort Butler, North Carolina. The Journal states that about 7,000 of the Cherokees have been collected, 1,000 of whom have set out for their new homes in the west. The general is of opinion that the whole nation can be removed in a short time, unless his operations should be arrested by new arrangements.

Gov. Bagby, of Alabama, has written a letter to secretary of war, refusing the assent of the state to

the proposition for allowing the Cherokees further time for removing to the west.

The governor of Alabama (we learn from the Nashville Union,) has issued orders for calling into service fifteen hundred of the militia of that state, five hundred of whom are to be mounted men. The troops are to be mounted, organized, and then discharged, subject to be called into service at a moment's warning. The reason assigned by the governor for this measure is the apprehension of difficulties with the Cherokees. From present appearances there will be no necessity for the services of these, as the Indians are peaceably making their way to the west, under the judicious arrangements of general Scott, without the slightest indications of hostility.

FROM THE CANADA FRONTIER. Major general Macomb, and brigadier general Brady, arrived at Sackett's Harbor on the 16th instant. A Sackett's Harbor paper mentions the arrival of two hundred regular troops under the command of captain Gwynne, of the 1st regiment of infantry, and capt. McCall of the 4th. They are to be followed by others. The object of these movements, it is said, is "to suppress and capture the banditti headed by William Johnson—protect the commerce of the lake and river St Lawrence, and to restore confidence and safety to all the peaceable and quiet inhabitants residing near the dividing line between the two governments."

The steamboat *Telegraph* has been chartered by general Macomb for the service of the United States, and it is now being armed and manned for the defence of the frontier, to preserve the laws of neutrality, and to aid the civil authorities in the discharge of their duties.

The Buffalo Commercial Advertiser "says it was generally understood there that the fight at the "Short Hills," noticed in the next page, had its origin in a tavern broil. The lancers were insolent and overbearing, high words were followed by blows, and a general *melee* ensued, in which several were severely injured and a few killed. There is no evidence that any violence was premeditated by either party, and so far as we can learn, it was purely a casual encounter. It may, however, be but the prelude to fresh troubles. There is no affinity between the resident population of the province and the British soldiers. The latter are looked upon as foreign mercenaries, and we may expect to hear of frequent collisions between them and the people."

The trial of the persons implicated in the burning of the *Sir Robert Peel* steamer, was to commence at Watertown, Jefferson county, yesterday under judge Cushman. Anderson is the first named on the list.

The attorney general of the state had arrived to assist the district attorney.

The number of British troops on the Niagara frontier is computed at 500. There is a body of U. S. troops at Buffalo. Gen. Brady left there for Detroit on Thursday the 12th instant.

NORTH-EASTERN FRONTIER. The Portland Advertiser states that gen. Wool of the U. S. army, had proceeded to Augusta (Maine) to confer with governor Kent and his council, now in session, on the subject of establishing one or more military posts near the northern frontier. This distinguished officer has been sent by the war department of the United States at the earnest application of gov. Kent, for the purpose of making a reconnoissance and settling suitable positions for the establishment of posts to protect the territory of Maine from foreign aggression. The Advertiser says, "the importance of these improvements will be appreciated by the people of this state, who look to the final adjustment of our boundary line and the border difficulties with increasing anxiety. We trust that the zeal and earnestness with which the matter is pursued by our executive will lead to a speedy conclusion of this protracted controversy."

BANKS, CURRENCY, &c. The following resolution was adopted at a meeting of the presidents of the banks at New Orleans, held on the 16th instant.

"Resolved, That in the opinion of the board of presidents of the banks of New Orleans, the first

Monday in January should be fixed on as the time of resumption of said banks: *Provided*, That the United States Bank of Pennsylvania, through its agency in this city, will furnish a general currency, until the establishment of a national bank, or until such other remedial measure be adopted or sustained by the government in relation to the currency as will insure the country and the banks against the deplorable consequences of a second suspension of specie payments by the government and the banks."

New York, June 26. The business in sterling exchange yesterday, for the Great Western, was at a small decline on the rates current on Saturday, the sales having been made at 8 1-2 a 9 per cent. prem. chiefly at 8 3-4 a 9. Some of the banks refused to draw under 9 1-2 per cent. prem., but we have not heard of any transactions at that rate. On France, 5f. 22 was obtained. The amount of exchange on all places going forward by the Great Western has been more limited than was anticipated.

The Dry Dock Bank. We are happy to say that this institution is again in operation. The injunction has been removed by the chancellor, and the stock is above par. All claims against the bank have been liquidated, and in all respects its usefulness is resumed, under very favorable circumstances.

[N. Y. Jour. of Com. Mississippi Union Bank. This institution, with a capital of fifteen millions, five hundred thousand dollars, gives heavy salaries to its officers. The Natchez Courier says, that it gives to

H. G. Runnels, President,	\$10,000
—Gildart, Bank Attorney,	10,000
Samuel Gwin, Cashier,	8,000
—Greenleaf, Ass't. do.	6,000
—Wyatt, Teller,	8,000
—Price, Clerk.	2,000

Total, \$39,000

The Girard Bank of Philadelphia has given notice that it will redeem the notes of the Union Bank of Tennessee which are made payable at Baltimore, Philadelphia or New York.

The State Bank of Illinois has declared a half yearly dividend of five dollars a share.

The Union Bank of Maryland has declared a dividend of three per cent. for the last six months.

The Farmers and Planters' Bank has also declared a dividend of three per cent. for the last six months.

Tennessee money market. The Nashville Whig of the 20th instant has the following quotations of the rates of exchange:

U. S. Bank,	10 a 11 pr.
Specie,	10 a 11 do
Kentucky,	8 a 9 do
Virginia,	8 a 9 do
N. Orleans,	5 a 6 do
Indiana,	8 a 9 do
Illinois,	7 a 8 do
Carolinas and Georgia,	2 1-2 a 3 do
Alabama,	par a 3 dis.
Small do	12 dis.

The New York Journal of Commerce of Wednesday, says—

"The sales of the stock exchange indicate an advance of not above one or two per cent. on an average, as compared with prices before the rejection of the sub-treasury bill was known here. The explanation is, that this result has been confidently anticipated, and so the chief advance took place before the vote was taken.

Private banking. We understand that the \$50,000,000 bank which has been projected here under the general banking law, is soon to go into operation, and that J. W. Olcott, esq. of Albany, has been chosen president and accepted the appointment.

NEW HAMPSHIRE. The whig convention, which assembled at Concord on the 20th inst., nominated gen. James Wilson as a candidate for governor, and the following gentlemen as candidates for congress: Rockingham district, JOHN PORTER, of Derry. Stafford do JOHN EASTMAN, of Conway. Hillsborough do A. COLBY, of New London. Cheshire do PHINEAS HANDENON, of Keene. Grafton & Coos do JONATHAN SMITH, of Bath.

The election for governor takes place in March next, and for representatives to congress in November.

NAVY DEPARTMENT, JUNE 23, 1838. The board of captains in the navy, convened in Baltimore, on the 28th ultimo, for the examination of midshipmen, adjourned on the 22d instant.

The following is the list of the midshipmen who passed in the order of rank assigned them by the board, after a careful consideration of their several qualifications, and all other circumstances which it became the duty of the board to weigh:

- | | |
|------------------------|-------------------------|
| 1 Geo. W. Chapman, | 24 Wm. Ronckendorff, |
| 2 Wm. P. McArthur, | 25 Wm. B. Beverley, |
| 3 Hunn Gansevoort, | 26 John Hall, |
| 4 William Drayton, | 27 Francis Lowry, |
| 5 George Wickham, | 28 Wm. E. LeRoy, |
| 6 Simon F. Blunt, | 29 Maxwell Woodhull, |
| 7 Frederick A. Bacon, | 30 Henry Waddell, |
| 8 William T. Smith, | 31 Strong B. Thompson, |
| 9 Thos. W. Cumming, | 32 Lafayette Maynard, |
| 10 William May, | 33 Roger N. Siemba, |
| 11 Henry H. Lewis, | 34 Geo. Colvocoressis, |
| 12 Joseph P. Sanford, | 35 Washington Reid, |
| 13 Geo. W. Harrison, | 36 William Craney, |
| 14 James F. Armstrong, | 37 Edward S. Hutter, |
| 15 Ferdinand Pepin, | 38 Francis S. Haggerty, |
| 16 Montgomery Hunt, | 39 Theodore B. Barrett, |
| 17 Henry Eld, | 40 J. R. M. Mullany, |
| 18 John Contee, | 41 James A. Doyle, |
| 19 Joseph H. Adams, | 42 James J. Forbes, |
| 20 William A. Parker, | 43 Matthias Marine, |
| 21 James D. Johnston, | 44 Chas. Robinson, |
| 22 John N. Maffit, | 45 Wm. M. E. Adams. |
| 23 Wash'n Gwathmey, | |

NAVAL GENERAL ORDER. The armament of the exploring expedition being adapted merely for its necessary defence while engaged in the examination and survey of the islands of the Southern ocean, against any attempts to disturb its operations by the savage and warlike inhabitants of those islands; and that the objects which it is destined to promote being altogether scientific and useful, intended for the benefit, equally, of the United States and of all the commercial nations of the world, it is considered to be entirely divested of all military character, that, even in the event of the country being involved in a war before the return of the squadron, its path upon the ocean will be peaceful and its pursuits respected by all belligerents.

The president has, therefore, thought proper, in assigning officers to the command of this squadron, to depart from the usual custom of selecting them from the senior ranks of the navy, and according to their respective grades in the service, and has appointed lieutenant Charles Wilkes first officer to command the exploring squadron, and lieutenant Wm. L. Hudson to command the ship Peacock, and the second officer of said squadron; and to take command thereof in the event of the death of the first officer, or his disability from accident or sickness to conduct the operations of the expedition.

MAHLON DICKERSON.

Navy department, June 22, 1838.

OFFICIAL. The following paper has been officially communicated to the department of state.

Vienna, May 30, 1838.

SIR: In my official note of the 8th of April last, I reserved to myself the power of communicating to you, at a proper time, the result of the steps which I had hastened to take in the proper departments of the interior, for the purpose of modifying essentially, if not of abolishing entirely, the measures with regard to health, and the precautions hitherto employed in the ports of his imperial and royal catholic majesty, with regard to vessels coming from the United States of North America.

My efforts have not been fruitless; and I have this day the pleasure to announce to you, sir, that the said departments have just made, the following dispositions:

Vessels coming from the United States of America provided with clean bills of health, shall be immediately admitted to free entry, (*pratique libre*.) On the other hand, those which do not bring a clean bill of health shall be subjected to a quarantine of ten or five days respectively, according as the merchandise with which they are laden may be found to belong to the class of objects susceptible of being tainted by the contagious miasma or not.

As to vessels arriving in summer with clean bills of health, they shall be freed from all precautionary quarantine.

I should add that the orders necessary for carrying these measures into execution, have already been despatched to the imperial government of Trieste.

In the hope that I have thus satisfied, so far as depended upon myself, the desire expressed by you on the part of the government of the United States

of North America, I have only, sir, to repeat the assurance of my distinguished consideration.

(Signed) METTERNICH.

To Mr. Nathaniel Niles,
Diplomatic agent of the United States.

[Globe.

MOVEMENT OF TROOPS. A detachment of between 60 and 70 U. S. troops, under command of lieutenant W. G. Freeman, 4th artillery, destined for the northern frontier, left Fort Monroe on Saturday last, in the packet-schooner Thaddeus, for New York.

All remaining disposable recruits in New York (190) left that station on Thursday last, for Sackett's Harbor, under command of captain T. P. Gwynne, of the 1st, and capt. G. A. McCall, of the 4th infantry.

A company of 60 recruits, under command of capt. J. Dimick, 1st artillery, arrived at Troy, N. Y., on Tuesday morning, 12th inst. and took passage on one of the canal packets for Whitehall, on their way to Plattsburg.

Lieuts. Carpenter and Lynch have returned in the steam ship Great Western, arrived at New York, and the former reached this city on Monday evening.

We understand that col. Sylvanus Thayer will resume his former station as superintendent of the military academy, at the close of the present examination.

Capt. Charles W. Skinner has been appointed to the command of the steam ship Fulton, now at the navy yard in this city, during the absence of capt. M. C. Perry. [Army and Navy Chron.

[OFFICIAL—GENERAL ORDERS, NO. 18.]

Adjutant General's Office,
Washington, June 27, 1838.

1. Promotions and appointments in the army since the 1st January, 1838.

First regiment of dragoons.

Second lieutenant William N. Grier, to be first lieutenant, 14th April, 1838, *vice* Ury, deceased.

36. Cadet A. J. Smith, to be second lieutenant, 1st July, 1838.

44. Cadet C. F. Ruff, to be second lieutenant, 1st July, 1838.

Second regiment of dragoons.

First lieutenant Erasmus D. Bullock, to be captain, 29th January, 1838, *vice* Graham, resigned.

Second lieutenant N. W. Hunter, to be first lieutenant, 31st December, 1837, *vice* Forsyth, resigned.

Second lieutenant Robert B. Lawton, to be first lieutenant, 29th January, 1838, *vice* Bullock, promoted.

Second lieutenant Nathan Darling, to be first lieutenant, 1st March, 1838, *vice* Maury, resigned.

25. Cadet William A. Brown, to be second lieutenant, 1st July, 1838.

26. Cadet William J. Hardee, to be second lieutenant, 1st July, 1838.

27. Cadet Hamilton W. Merrill, to be second lieutenant, 1st July, 1838.

29. Cadet Owen L. Ransom, to be second lieutenant, 1st July, 1838.

31. Cadet Henry H. Sibley, to be second lieutenant, 1st July, 1838.

33. Cadet Ripley A. Arnold, to be second lieutenant, 1st July, 1838.

43. Cadet Richard H. Graham, to be second lieutenant, 1st July, 1838.

45. Cadet Zebulon M. P. Inge, to be second lieutenant, 1st July, 1838.

First regiment of artillery.

Second lieutenant George G. Waggaman, to be first lieutenant, 15th February, 1838, *vice* Chalmers, dropped.

1. Cadet William H. Wright, to be second lieutenant, 1st July, 1838.

2. Cadet P. G. T. Beauregard, to be second lieutenant, 1st July, 1838.

Cadet James H. Tapier, to be second lieutenant, 1st July, 1838.

9. Cadet Isaac S. K. Reeves, to be second lieutenant, 1st July, 1838.

23. Cadet Irvin McDowell, to be brevet second lieutenant, 1st July, 1838.

Second regiment of artillery.

First lieutenant W. C. DeHart, to be captain, 3d April, 1838, *vice* Mountfort, resigned.

Second lieutenant Roland A. Luther, to be first lieutenant, 3d April, 1838, *vice* DeHart, promoted.

4. Cadet Stephen H. Campbell, to be second lieutenant, 1st July, 1838.

6. Cadet Alexander H. Dearborn, to be second lieutenant, 1st July, 1838.

11. Cadet William P. Blair, to be second lieutenant, 1st July, 1838.

15. Cadet Lucius Pitkin, to be second lieutenant, 1st July, 1838.

19. Cadet Wm. A. Nichols, to be *bvt.* second lieutenant, 1st July, 1838.

21. Cadet Leslie Chase, to be *brevet* second lieutenant, 1st July, 1838.

Third regiment of artillery.

Second lieutenant Thomas W. Sherman, to be 1st lieutenant, 14th March, 1838, *vice* Church resigned.

7. Cadet John T. Metcalf, to be second lieutenant, 1st July, 1838.

8. Cadet Thomas Casey, to be second lieutenant, 1st July, 1838.

10. Cadet Buckner Board, to be second lieutenant, 1st July, 1838.

13. Cadet James M. Ketchum, to be second lieutenant, 1st July, 1838.

16. Cadet William H. Shover, to be second lieutenant, 1st July, 1838.

18. Cadet Milton A. Haynes, to be *brevet* second lieutenant, 1st July, 1838.

24. Rowley S. Jennings, to be *brevet* second lieutenant, 1st July, 1838.

Fourth regiment of artillery.

12. Cadet Thomas S. Ringgold, to be second lieutenant, 1st July, 1838.

14. Cadet Henry C. Wayne, to be second lieutenant, 1st July, 1838.

17. Cadet William F. Barry, to be *brevet* second lieutenant, 1st July, 1838.

First regiment of infantry.

Second lieutenant George H. Pegram, (*adjutant*.) to be 1st lieutenant, 1st July, 1837, *vice* Beach, resigned.

23. Cadet Robert S. Grainger, to be second lieutenant, 1st July, 1838.

30. Cadet John H. Mathews, to be second lieutenant, 1st July, 1838.

35. Cadet Alexander W. Reynolds, to be second lieutenant, 1st July, 1838.

41. Cadet Ferdinand S. Mumford, to be second lieutenant, 1st July, 1838.

Second regiment of infantry.

First lieutenant Joseph R. Smith, to be captain, 26th April, 1838, *vice* Cobbe, promoted.

Second lieutenant John M. Clendenin, to be first lieutenant, 26th April, 1838, *vice* Smith, promoted.

40. Cadet Justus McKinstry, to be second lieutenant, 1st July, 1838.

Fourth regiment of infantry.

Second lieutenant Henry L. Scott, to be first lieutenant, 1st March, 1838, *vice* Howe, resigned.

34. Cadet Constant Freeman, to be second lieutenant, 1st July, 1838.

39. Cadet Robert M. Cochran, to be second lieutenant, 1st July, 1838.

Fifth regiment of infantry.

Brevet major W. V. Cobbs, captain of the second regiment of infantry, to be major, 26th April, 1838, *vice* Green, promoted.

42. Cadet Carter L. Stevenson, to be second lieutenant, 1st July, 1838.

Sixth regiment of infantry.

Major John Green, of the 6th regiment of infantry, to be lieutenant colonel, 26th April, 1838, *vice* Fowle, deceased.

First lieutenant William Hoffman, to be captain, 1st February, 1838, *vice* Nute, resigned.

Second lieutenant W. H. T. Walker, to be first lieutenant, 1st February, 1838, *vice* Hoffman, promoted.

5. Cadet Jeremiah M. Scarritt, to be second lieutenant, 1st July, 1838.

20. Cadet John C. Fletcher, to be second lieutenant, 1st July, 1838.

22. Cadet Langdon C. Easton, to be second lieutenant, 1st July, 1838.

32. Cadet Edward Johnson, to be second lieutenant, 1st July, 1838.

37. Cadet Charles J. Hughes, to be second lieutenant, 1st July, 1838.

38. Cadet William Hulbert, to be second lieutenant, 1st July, 1838.

Seventh regiment of infantry.

James S. Sanderson, late *sergeant* major, to be second lieutenant, 1st March, 1838.

Promotions by *brevet*.

Colonel Zachariah Taylor, of the first regiment of infantry, to be brigadier general by *brevet*, rank from 25th December, 1837, for distinguished services in the battle of the Kissimmee, in Florida, with the Seminole Indians.

Lieutenant colonel William S. Foster, of the 4th regiment of infantry, to be colonel by *brevet*, rank from 25th December, 1837, for distinguished services in Florida, and particularly in the battle of the Kissimmee.

III—CASUALTIES, (23.)

Resignations, (15.)

Captains, (3.)

John Graham, second dragoons, 28th January, 1838.

Brevet major John Mountfort, second artillery, 2d April, 1838.

Levi M. Nute, sixth infantry, 31st January, 1838.
First lieutenants, (6.)

William Gilpin, second dragoons, 30th April, 1838.

Z. M. P. Maury, second dragoons, 28th February, 1838.

Albert E. Church, third artillery, 13th March, 1838.

John Beach, first infantry, 30th June, 1838.

C. S. Howe, fourth infantry, 23th February, 1838.

Second lieutenants, (6.)

Richard G. Stockton, first dragoons, 30th April, 1838.

Franklin Saunders, second dragoons, 30th June, 1838.

John R. Parker, second dragoons, 31st March, 1838.

Fisher A. Lewis, first artillery, 15th February, 1838.

William T. Martin, fourth artillery, 15th June, 1838.

Peter C. Gaillard, first infantry, 30th April, 1838.

Assistant surgeon, (1.)

John C. Reynolds, assistant surgeon, 25th May, 1838.

Transfer, (1.)

Second lieutenant W. D. Berrien, of the second regiment of dragoons, transferred to the 6th regiment of infantry.

Deaths (7.)

Lieutenant colonel John Fowle, sixth infantry, 25th April, 1838.

First lieutenant Asbury Ury, first dragoons, at Matanzas, 13th April, 1838.

Second lieutenant James McClure, first infantry, at Fort Brooke, Florida, 5th April, 1838.

Second lieutenant Charles H. E. Spoor, fourth infantry, Lockport, N. Y., 26th January, 1838.

Second lieutenant John Connor, 5th infantry, New Orleans, 24th February, 1838.

Assistant surgeon Willison Hughey, 25th April, 1838.

Assistant surgeon Wade Sullivan, at camp Walker, 15th May, 1838.

Dropped.

Lieutenant Charles B. Chalmers, first artillery, 14th February, 1838.

III.—The officers promoted and appointed will report according to their promotions and appointments, and join their proper stations, regiments, or companies, without delay; those on detached service, or acting under special orders and instructions, will report by letter to their respective colonels.

IV.—The graduates of the military academy appointed second lieutenants, and assigned to the four regiments of artillery, and the two second lieutenants assigned to the 2d and 5th infantry, will repair to the northern frontier, and report for duty to the several commanding officers, according to the orders transmitted from the adjutant general, and communicated through the commandant at West Point.

The second lieutenants assigned to the dragoons and the 1st, 4th, and 6th regiments of infantry, will join their respective regiments, and report for duty on the 30th of September, agreeably to regulations.

All the graduates promoted will immediately report by letter to their respective colonels, who will assign them to companies. Those on leave of absence will report their address, monthly, to the adjutant general's office.

By order:

R. JONES *adj't gen'l.*

Note. The numbers prefixed to the names of the second and brevet second lieutenants denote their relative rank.

FROM THE NORTHERN FRONTIER. We have been favored with the following extract from a letter, dated

Niagara frontier, Chippewa, U. C., June 21.

I arrived here to-day, and find this place in a great excitement owing to a battle which took place last night at "Short Hills," about twelve miles hence, between a mounted troop of 100 British lancers and about 2,000 patriots.

It resulted in the loss of four lancers, and the capture of nearly all the rest. The patriots are fast gaining ground, and will not recede until they succeed or are exterminated. This place is garrisoned with 500 infantry, the 24th regiment, and the lancers, besides volunteers. Every person is thoroughly searched before he can leave the place.

The steamboat which lands the passengers from Buffalo is searched. They fear very much an eruption in this place, and for that reason every hotel is under guard, and every passage secured by

armed men. A body of United States troops are quartered in Buffalo, and general Brady and several other officers left this morning for Detroit.

[New York Jour. of Com.]

THE MURDER AT BALTIMORE—SUPPOSED PARICIDE. It has been stated that a most diabolical murder was committed on Thursday night, near Fairmount, on the person of Benjamin Stewart, of Cambridge, Dorchester county, and that the deceased, besides being shot and stabbed, was so savagely hacked by repeated blows inflicted with a large hatchet, that his face was destroyed. It has been also stated that two men and a woman were arrested early on Friday morning, on suspicion of being concerned in the murder.

We have now to add the revolting information that, in consequence of suspicious circumstances—the grounds of which we have not heard—police officers Dimmitt and Lambert were despatched to the wharf on Saturday afternoon to await the arrival of the steamboat Maryland from Cambridge and that, on her arrival, they arrested William Stewart, the son of the deceased, on suspicion of being concerned in the murder of his father!

It appears that Benjamin Stewart, the father, William Stewart, the son, and his wife, had been in the city for some days, boarding at the house of Thomas Stewart, the brother of the deceased. It was understood that the father and son were to have left for Cambridge in the Friday's steamboat, for the purpose of closing their affairs there, and then to return and depart for the west, where they intended to settle. On Thursday evening the father and son walked out about 8 o'clock, and between 11 and 12 o'clock at night the son came in alone. On the following (Friday) morning the son left in the steamboat, and Mr. Thomas Stewart, not seeing the father, was under the impression that he had also gone in the steamboat, according to the arrangement referred to. It was not until he saw the corpse in the afternoon, and identified it to be the body of his brother by the clothes, that he was aware that he had not left the city.

William Stewart,* the son, was arrested as stated above, on the return of the steamboat on Saturday afternoon from Cambridge, and was carried before police magistrate W. A. Schaeffer, esq. On examining his person, spots were found on his pantaloons, to which spirits of turpentine had been applied. A vial half full of the same was found in his pocket, and he alleged that, having spotted his pantaloons on the steamboat, he had obtained the turpentine to cleanse them. Several bullets were also found in his pocket, and in his pocket-book was a paper containing an ounce and a half of arsenic. In the lining of his hat was found the will of his father, dated only on the 14th inst., bequeathing to his son a tract of fifty-eight acres of land.

A pair of pistols was produced by the uncle, which William, the son, had left in his room, one of which was loaded to the muzzle, and the other as if discharged, with pan open and hammer down.

Mr. Drake, hardware dealer, testified that William Stewart was the man who purchased of him, on the afternoon of Thursday, the hatchet which had been found near the murdered body.

William Stewart admitted that he had bought a hatchet of Drake, at the time specified, but that he had pledged it with Mr. Whiteley, in Pratt street.

Drake testified that the hatchet sold on Thursday was the only one sold by him for some days, and that he alone sells that kind.

The examination was closed by sending William Stewart to prison.

We hear that the woman under arrest has made disclosures, implicating one or two others in the murder.

[American.]

STEAM NAVIGATION. In an old book of "New Travels in the United States of America, performed by J. P. Brissot de Warville," is the following immediately interesting passage on steam navigation. Mr. Rumsey, whom he mentioned, was a remarkable genius, and a prophet of undoubted sagacity.

Sept. 1, 1688, [Philadelphia.]

"I breakfasted with Samuel Ameland, [Emlen] one of the richest and most beneficent of the society of friends. He is a pupil of Anthony Benezet; he speaks of him with enthusiasm, and treads in his steps. He takes an active part in every useful institution, and rejoices in the occasion of doing good; he loves the French nation, and speaks their language. He treats me with the greatest friendship; offers me his house, his horses, and his carriage. On leaving him, I went to see an experi-

*A true bill was found against William Stewart, on Tuesday last, by the grand jury now in session in Baltimore.

ment, near the Delaware, on the boat, the object of which is to ascend the rivers against the current. The inventor was Mr. Fitch, who had found a company to support the expense. One of the most zealous associates is Mr. Thornton, of whom I have spoken. This invention was disputed between Mr. Fitch, and Mr. Rumsey, of Virginia. However, it be, the machine which I saw, appears well executed, and well adapted to the design. The steam engine gives motion to three large oars of considerable force, which were to give sixty strokes per minute.

"I doubt not but, physically speaking, this machine may produce part of the effects which are expected from it; but I doubt its utility in commerce; for, notwithstanding the assurances of the undertakers, it must require many men to manage it, and much expense in repairing the damages occasioned by the violence and multiplicity of the friction. Yet I will allow, that if the movements can be simplified, and the expense lessened, the invention may be useful in a country where labor is dear, and where the borders of rivers are not accessible, like those in France, by horses to draw the boats. This idea was consoling to Dr. Thornton, whom I saw assailed by raileries on account of the steam boat. These raileries appear to be very ill-placed. The obstacles to be conquered by genius are every where so considered, the encouragement so feeble, and the necessity of supplying the want of hand-labor, in America so evident, that I cannot without indignation, see the Americans discouraging, by their sarcasms, the generous efforts of one of their fellow-citizens."

"Since writing this letter, I have seen Mr. Rumsey in England. He is a man of great ingenuity; and, by the explanation which he has given me, it appears that his discovery, though founded on a similar principle with that of Mr. Fitch, is very different from it and far more simple in its execution. Mr. Rumsey proposed then (Feb. 1789) to build a vessel which should go to America by the help only of the steam engine, and without sails. It was to make the passage in fifteen days. I perceive with pain that he has not yet executed his project, which, when executed, will introduce into commerce as great a change as the discovery of the Cape of Good Hope." AUTHOR.

DEPARTURE OF THE GREAT WESTERN. The Courier and Enquirer says, that the departure of this vessel on Monday seemed to excite public curiosity almost as much as on her first departure. As the hour approached which was fixed upon for her to leave the wharf, the Battery, Castle Garden, the docks, the rigging of vessels in the harbor were crowded with people. Shortly after 4 o'clock, she was loosed from her moorings, and proceeded majestically down the East river, made a slight curve up the North river and then proceeded to sea. A few minutes more and she had passed the narrows, and then, nothing was visible of her from the city but the dense cloud of smoke which proceeded from her chimney, passing over the distant highlands. Several steamboats accompanied her to the Narrows, amongst them the Passaic from Newark, loaded with passengers almost down to the water's edge, the New Haven, Cornelius Vanderbilt, Fairfield and Belle, and several small craft.

She takes out no less than ninety-one passengers, and has, we are informed, about one hundred tons of merchandize on freight.

BUENOS AYRES. We have received papers from Buenos Ayres to the 14th April, eight days later than our last dates. The blockade of the port by the French squadron still continued, but the officer in command prolonged the period fixed for the departure thence of foreign vessels to the 15th June, and an official notice of this extension of time had been published by the United States and British consuls.

The correspondence between the government and French authorities on the subject of the existing differences, is published, and evinces on the part of the former, a strong determination to adhere to the ground it has taken.

[N. Y. Cour. & Eng.]

SPECIE—MEXICO. United States frigate Constellation, commodore Dallas, from Tampico, sailed on the 9th instant, touched at Vera Cruz on the 19th, and put on board the Lion \$151,546 in specie, for merchants in this city, under the charge of lieutenant Radford, and proceeded to Pensacola. We have learned verbally, and from letters, that the French fleet was about to concentrate at Vera Cruz, with the intention of bombarding the city, and attacking the castle of San Juan de Ulloa, as the Mexicans would not come to any terms; it was also rumoured at

Tampico that general Santa Anna had been placed in command of the Mexican troops, and was making preparations to resist the attack of the French.

The blockade at Tampico was continued by one brig, and by one at Matamoros; at Vera Cruz there were two French frigates and several brigs. The United States sloops of war Boston and Vandalia were at Vera Cruz, and the Ontario at Tampico.

[*New Orleans Transcript*.]

FAMOUS WINES. The late sale by Mr. Thomas and Son, of wines belonging to the late Mr. T. Butler, was very numerously attended, and the prices paid were enormous. Among other transactions, were the following. Fifteen demijohns sold at \$155 each; one at \$150; seven at \$137; five at \$117 50; ten at \$110; seventeen at \$105; thirteen at \$102 50; four at \$101;—and various other wines for lesser sums. One hundred and seventy demijohns were sold,—the whole amount of which is upwards of fifteen thousand dollars.

We have made a hurried estimate of the value of some of these wines,—and find that the price, as paid at auction, is at least half a dollar per wine glass of the usual size,—something as it were, like molten silver, and affording a plausible image of the *aurum osabile*. These wines, above specified, were chiefly purchased, we learn by the Butlers,—of whom it may be said, that it is marvellous if they have improved thereby upon their previous and ancient stock,—which we feel bound to decide is not an easy matter,—howsoever strong the *bouquet* of the last bought wines may be, of gold and silver.

[*Philadelphia Gazette*.]

HON. WILLIAM B. ROCHESTER. We lament to learn that our worst apprehensions with regard to the loss of our respected and valuable citizen judge Rochester, who was a passenger on board the *Pulaski*, are now confirmed. The judge was on his return home from Pensacola, where he had spent the winter, to his residence at Buffalo, and probably took the Baltimore route, with a view to visit his family connexions in Maryland. The melancholy event, which has plunged so many families into a grief too profound for consolation, has not inflicted a heavier blow on any of them, than that which will be felt by the surviving relations and friends of judge Rochester. No man, in all the public and private relations of life, could be more esteemed, respected and beloved. As amiable and unpretending as he was, able and upright, his death is a real calamity to the large circle of connections and friends to which he was endeared by so many ties. [*Courier and Enquirer*.]

REPLY UPON MISS MARTINEAU. In her last work upon this country, Miss Martineau abuses, in rather a petulant and acrid style, a certain village doctor in Vermont, who was called upon to attend her travelling companion, but from whom she could derive no satisfactory information as to the nature of her friend's complaint. "I fancy," says the female politician, "I hear now the sharp, conceited tones of the doctor, doggedly using his power of exasperating my anxiety." The doctor is question, who is a highly respectable physician at Battleboro, has published a reply to this unfeminine attack, in the papers, in which he fairly turns the tables upon his traducer. He says that he equivocated and evaded, in relation to the complaint of Miss Martineau's friend, "from motives of delicacy, and to spare the feelings of the lady. If she has been very much concerned to know, and is yet in the dark, I will enlighten her darkness. Her friend was in the first stages of *deterium tremens*!" And this is the tourist who, in commenting on the foibles of American ladies, regretted that they were so much addicted to intemperance! Miss Martineau should be more cautious in the choice of her travelling associates.

[*New York Mirror*.]

From the *National Intelligencer* of the 16th inst.

LETTER FROM MR. PICKENS.

Washington, House of Representatives,
June 14, 1838.

Messrs. Gales & Seaton: Gentlemen: In your brief report of what I said in the house yesterday on the Texas question, your reporter has this sentence: "A distinguished member (Mr. Adams) of the Massachusetts delegation had said, on a former occasion, it was a question of union or disunion." This is incorrect. I said "that, as the most delicate domestic questions had been dragged into this measure day after day, for the last six months, and as the gentleman from Massachusetts, (Mr. Adams) at the extra session, had declared, in his place, that a large portion of the northern people would prefer a dissolution of the union to the annexation of Texas, I was for meeting the issue he had thus

tendered. I had no fears as to consequences." Again: I said too, "that our resources and population would be drawn off to Texas at an rate, &c., and that unless our government should take such position as to control the matter hereafter, Great Britain would do, and that in this view it was deeply interesting to the whole union, and not to one section only," &c. There are other points, not material for correction or notice.

I have never asked a correction before, I believe, of reports, but be so kind as to notice the above.

Yours, very respectfully,

F. W. PICKENS.

From the *National Intelligencer* of the 16th inst.

LETTER FROM MR. EWING, OF INDIANA.

House of Representatives, June 15, 1838.

Gentlemen: Notorious as the "Globe" newspaper now is for misrepresenting the conduct, the language, and the motives of many pure and enlightened statesmen, I do not view the unfounded calumnies and partial reports of such a reckless vehicle worthy of notice or correction in my place. Indeed, it would, on my part, be a useless waste of time, as I am aware, by experience, that no exposure will prevent a repetition of its malignant perversions; and having resolved that it shall not, at my expense, hereafter, torture truth, or make dastardly thrusts with impunity, I am content to adopt this mode, for the present, to rid myself of its base drivelling, and to illustrate its well-known propensities.

On the 7th instant, as I have already explained in your columns, I offered an amendment to the pre-emption bill, to secure to my state the exclusive right to enter all the land recently purchased of the Miami Indians, except a few quarter sections occupied and improved by bona fide citizens of the state at the date of the treaty purchase; and with this substance of my amendment, set forth in the remarks which I made upon the occasion of presenting it, duly sent in, two hours after presentation, to the office of that vehicle, and promised insertion by its accredited reporter, my remarks were suppressed, after being marked for publication, and the substance of the amendment was changed to grant pre-emption to all who have already settled upon the tract in question. This one instance of the *truth and fairness* of the Official, with evidence indisputable of its perversion in possession, may satisfy. The amendment alluded to was cut off in the house last evening, by the arbitrary action of the speaker of the house, and will not appear upon the journal; but I corrected the false statement of the *Globe* before it was so cut off, and therefore that circumstance will afford no shield, even were it so intended. I do not take the *Globe*. I could never read that paper without a feeling of abhorrence and disgust. But a friend has placed in my hands that issued on the 13th instant, in which I see, under the caption "Mr. Ewing's zeal for Mr. Clay," the garbled tenor of thought proper to give its dupes of my remarks on presenting my amendment is republished, and an arraignment preferred, declaring that

"What Mr. Ewing—a witness not present—'pronounced false,' is established by the written notes taken down during the debate by governor Clay, of Alabama; Judge Young, of Illinois; Mr. Lyon, of Michigan; Mr. Norvell, of Michigan; all corroborating the reports of the *Globe*."

Now be it known, that not one of the whole array of honorable senators whose names are thus thrust forward by the *Globe* has, or can establish, the truth of what I know to be false, and so declared upon the occasion alluded to. Nor can the *Globe*'s report of their speeches, as given, be tortured into a contradiction of anything I said. I said that it was utterly false that the distinguished senator (whose glorious fame and honest name are wormwood to the *Globe* man) had, as was reported, designated settlers on the public lands as 'land pirates;' that it was a calumny, sent abroad for party purposes—worthy of its fabricators—unworthy of belief. The settlers know that they settled down contrary to law; they do not deny or disguise this fact; and this was the sense and true meaning and intent of all that was charged against them. In substance and in fact, the president, (whose delusive echo the *Globe* is,) in his deliberate message to this congress, said as much, and made as many allegations to operate against the wishes and interests of those seeking pre-emption, as the much-traduced senator alluded to in the heat of debate. Have not the people read that message, and could they not mark the double aspect of its bearing upon the present state of things? But it suits the *Globe* man to overlook this; and in his despicable manner, and with his usual malign spirit, to labor to do

wrong and inflict injury in the article I have remarked upon.

I do not believe that the defamation of the *Globe* can excite the prejudice of many honest men at this time of day. I trust indignant contempt of such malignant perversions will alone be called forth. Thus it is that a free and virtuous people will manifest respect for correct principles, and protect their faithful public servants from the influence of corrupt partisans. I thank God my constituents know me, and my public character can never rest upon the reports of the *Globe* newspaper; indeed, its praise would be mortifying; for my energies, my actions, and my opinions instinctively desire to avoid the contamination of such.

I will only add that, in correcting a false imputation against an enlightened patriot, I neither feel nor manifest any "zeal." I am no less the "zealous" friend of general Harrison, another enlightened patriot, but, in truth, my zeal for either is reserved for a different field of action. My whole zeal at present is to serve my constituents; and I trust neither duty nor honor will hereafter require of me to divert that zeal for a moment to counteract any new libels or defamation in the *Globe*, or resting upon its authority.

Very respectfully,

Your friend, &c.

JNO. EWING.

Messrs. Gales & Seaton.

LETTER FROM THE HON. WADDY THOMPSON, JR.

Washington, May 25, 1838.

Sir: A writer in a late number of your paper propounds certain question to me which I have neither the right nor the inclination to refuse to answer. The respectful character of the article, as well as the obviously respectable source from which it comes, forbid me to do so. I therefore send you a speech which I delivered in congress before I saw the article in your paper. I believe all the questions are answered in the speech. Let them may not be with sufficient distinctness, I now add that I am opposed to entrusting the keeping of the public money to agents appointed by the president, and removed at his pleasure. I am opposed to Mr. Rives' substitute, as being but a revival of the exploded pet bank system. I am also opposed to the charter of a United States Bank. I am in favor of special deposits with banks properly selected, preferring, in all cases where they exist, banks owned in whole or in part by states; in such manner that the money is not to be used by the banks in which it is deposited. I believe this plan, in every particular, the best. The money will be kept at less expense, will be more safe, more easily transferred, and it will cut down, if not entirely destroy, this great source of government patronage.

I am unalterably opposed to the rejection of bank notes, and the demand of gold and silver for all public dues. No possible combination of circumstances can induce me to vote for a measure which I believe will cause so much ruin and misery.

Whatever may be my opinion on the general question of the right of the constituent to instruct his representative, I do not hesitate to say that such is my peculiar relation to my constituents, that I would not throw myself in the way of their deliberately formed opinions on any subject. That "kindness and liberality" on their part to which your correspondent alludes, I am fully conscious of, and have endeavored to repay it in a manner more substantial than professions—by a stern and constant devotion to their interest of such poor power as God has given me. I am ready in their service to sacrifice that which I value far, very far beyond all other honors—their confidence and support. I have calmly and deliberately re-examined my opinion on the great questions now agitated, and I am only the more confirmed in their correctness. Until convinced that I am in error, no human power can force me to change my course. If such shall not be (as I do not doubt that in time they will be) the opinions of my constituents, it will give me much pain—nothing so much, however, as would the consciousness that any combination of circumstances should have forced me to sacrifice my own settled convictions of duty. I believe the system proposed will be injurious to the whole country, and more so to the south than any other section. If these opinions, honestly entertained and fearlessly expressed, shall forfeit me the confidence of valued friends, it will not be the first time that I have sacrificed popularity and office to a sense of public duty. I am aware of the powerful influences which have operated in my district to produce different opinions, of the small hope there is of my being able successfully to resist these influences. This in no wise diminishes the obligation to attempt it. I shall most assuredly, by all

means in my power, vindicate my course as your representative, relying on the intelligence, firmness, and justice of those who sent me here. I therefore ask the favor of you to publish the speech which I send you, and I rely upon the "liberality and kindness" of each and all my constituents to read it dispassionately, and form their own conclusions; and I leave it to them to decide whether the systematic and fierce denunciation of which I have been the subject results more from a regard to the public good than from feelings of private and personal hostility.

Respectfully, your obedient servant,
W. THOMPSON, jr.
To the Editor of the *Pendleton Messenger*.

INVITATION TO MR. CLAY.

Invitation of the late meeting at Masonic Hall, New York, to Mr. Clay, and his answer.

LETTER OF THE COMMITTEE.

New York, May 31, 1838.

To the hon. Henry Clay:

Sir: A meeting of our citizens was held at Masonic Hall on the evening of the 29th instant, when the address and resolutions, of which copies are enclosed, were unanimously adopted. By one of those resolutions that vast and animated assemblage committed to us the duty of inviting you to pass through the state of New York, by way of this city, Albany, and Buffalo, on your return to Lexington, after your labors at the present session of congress, shall have terminated.

The meeting lamented that the gratifying spectacle is not now presented by this state, which, but for recent events, it would have exhibited on your first journey through its widest extent. The desolation brought upon our beloved country, by a bad administration of government, although not confined to any particular interest, nor limited by state boundaries, has, in its fullest force, been visited upon us; and the indignation was, perhaps, the more dejecting, because it was dealt by those from whom a majority of our citizens had looked for benefits and gratitude. The indignation of a great people has at length checked the audacity, and foreshadowed the doom of the destroyers. Buoyant, therefore, with expectation, we can at least have the pleasure of showing you the monuments of former success and wiser counsels, and of pointing out to you the sources of our future hopes: our common schools, our canals and railroads, our spacious harbors, our noble rivers, our fertile fields, our shipping, workshops and warehouses, and our numerous and intelligent population, gifted with ingenuity, industry and enterprise, and not yet deprived of all their energies by the incubus that sits incumbent upon them. Amid the ruins which surround us, it is consolatory to see that something has been snatched from destruction by the intrepidity of yourself and your compatriots; and that there is much that was indestructible; and that materials remain, with which, under the guidance of patriotic skill, we may hereafter be able to repair the fabric of our prosperity.

Governed by these feelings, the meeting directed us to urge your acceptance of the invitation which we have above communicated. It will afford us the highest satisfaction to be enabled to state to them that their request will be complied with.—And you will, we trust, permit us to add, that the pleasure of our citizens in seeing you will be heightened by the opportunity of thanking you in person for the many and eminent services of the past; of rejoicing with you in the promises of the present; and of confirming their hopes of the future by a communion with one, who, undismayed by the perils that have from time to time threatened our country, still pursued the onward path, and taught us, by his precept and example, never to despair of the republic.

We are, sir, with the highest esteem and consideration, your faithful friends and obedient servants,

GULIAN C. VERPLANCE,
WILLIS HALL,
JOHN L. LAWRENCE,
THOMAS L. WELLS,
DUDLEY SELDEN,
ROBERT SWARTWOUT.

MR. CLAY'S REPLY.

Washington, June 8, 1838.

Gentlemen: I have to acknowledge the receipt of a letter which, as a committee appointed at a meeting of my political friends, recently convened in the city of New York, you addressed to me, transmitting a copy of their proceedings, and, in pursuance of one of their resolutions, inviting me to visit that city, and to pass through the state of New

York to Buffalo, upon my return home, after the termination of the present session of congress.

I have perused the proceedings of the meeting with the liveliest feelings of gratitude; and I request you, gentlemen, to convey to those who composed it my cordial thanks, and respectful acknowledgments, for their friendly consideration of me. Whilst I feel highly gratified by the sentiments of attachment, confidence, and preference, with an expression of which the meeting has honored me, I think that it has wisely referred the designation of a suitable candidate for the office of president of the United States to the consideration and impartial decision of a national convention. Such an assemblage, representing all parts of the United States, and fairly constituted, will embody the opinions and best express the sense of the whole opposition to the present administration of the general government. It will reconcile differences, promote harmony, and secure hearty co-operation among those who are engaged in the patriotic cause of struggling to bring back the government to its former purity to heal the wounds in the constitution, and to restore the prosperity of the country.

I should be most happy to find myself under circumstances which would admit of my acceptance of the friendly invitation to visit your state. I am sure that every where, on a tour so agreeable, I should meet with the greatest kindness and hospitality, and behold in the virtue, intelligence, and enterprise of the people of New York, in the noble works of internal improvement which adorn its territory, and in the fruitful soil with which Providence has blessed it, abundant elements for repairing the temporary injuries inflicted by the errors and experiments of the federal executive. But I feel constrained to deny myself the satisfaction of contemplating these pleasing scenes. After an absence from my home, which has already extended to eight months, I am naturally most anxious to rejoin my family without any unavoidable delay. I might content myself with the assignment of this simple reason, but I have other and higher motives, which candor requires I should communicate, for declining to accept your obliging invitation. Although I am not, in fact, a candidate for any office, I am aware that my name is freely used in connexion with the highest in the gift of the American people. Whilst it is thus a subject of consideration, I have thought that it best becomes me to remain in an attitude perfectly passive, doing nothing with the intention of attracting the current of public feeling to me, nothing to disturb or affect the exercise of the free and unbiassed judgment of the people. I have accordingly acted in strict conformity with this conviction of my duty. I have visited no place, and shall visit no place, with the view of promoting my own personal advancement. Considerations both of principle and convenience have induced me to adopt this resolution. I know that sentiments of personal esteem and regard for me, and for which I am very thankful, apart from political motives, have prompted the invitation with which you have favored me; but if I were to accept it, no matter under what protestations or professions, it would be believed, whether justly or not, that it had other objects besides social intercourse, and an examination of the inexhaustible resources of your great state. The same or similar reasons with which I might be induced to visit New York, would be urged to prevail on me to go to other portions of the union. How could I discriminate? What limit should I prescribe? There would be a physical impracticability to go to every important point of the union, which I might be pressed, or prompted by the impulse of my own feelings, to visit.

The office of president of the United States is of a nature so exalted, and its functions so momentous, that it ought not to be, and, happily, never can be, reached by individual efforts to acquire it. It should only be bestowed by the free, spontaneous, and deliberate judgment of the people. When so conferred, it is more honorable to them and to the distinguished object of their choice. Thus receiving it, he will enter upon the career of its arduous duties, conscious that he has attained the elevated station by no low or unworthy arts, and overflowing with gratitude, will dedicate all his abilities, and his undivided energies, to the honor and the prosperity and the glory of his country.

Such, gentlemen, are the views which I should entertain if I were a formal candidate, and the sole candidate of the cause to which I am attached.—Far from being weakened, they appear to me to possess additional strength when we survey the actual state of the question to which they relate. The whigs have not yet determined on their candidate. They are now deliberating about it, consulting among themselves in their primary and other assemblies, as they have a right to do, and resolved

to hold a great family consultation in December, 1839. Other gentlemen, of eminent abilities, of distinguished services, and of acknowledged patriotism, are justly and properly and prominently in their view, and under their consideration. Whilst this preliminary question is in progress of an amicable adjustment, I feel that it would not be right for me to make any personal exertions, or even to be voluntarily placed in situations in which it might be supposed that I was making personal exertions, to withdraw from them the confidence, so justly due to them, of our common friends, and fix it exclusively upon myself. In announcing this rule of conduct for myself, it is foreign from my intention to mark out any course for others, or to intimate any dissatisfaction with whatever line they may consider it proper to pursue.

I pray you, gentlemen, individually, to accept assurances of the high personal regard and esteem with which I am, faithfully,

Your friend and obedient servant,

H. CLAY.

OFFICIAL PAPERS.

The following message from the president of the United States, was communicated to the house of representatives on Wednesday, the 27th inst.

To the house of representatives of the United States:

I transmit in compliance with a resolution of the house of representatives of the 11th inst., reports from the secretaries of state, treasury, and war, with the documents referred to by them respectively. It will be seen that the outrages committed on the steamboat Sir Robert Peel, under the British flag, within the waters of the United States, and on the steamboat Telegraph, under the American flag at Brockville, in Upper Canada, have not been followed by any demand, by either government on the other, for redress. These acts have been, so far, treated on each side as criminal offences committed within the jurisdiction of tribunals competent to enquire into the facts, and to punish the persons concerned in them. Investigations have been made, some of the individuals inculpated have been arrested, and prosecutions are in progress, the result of which cannot be doubted. The excited state of public feeling on the borders of Canada, on both sides of the line, has occasioned the most painful anxiety to this government. Every effort has been, and will be, made to prevent the success of the design apparently formed, and in the course of execution, by Canadians who have found a refuge within our territory, aided by a few reckless persons of our own country, to involve the nation in a war with a neighboring and friendly power. Such design cannot succeed while the two governments appreciate and confidently rely upon the good faith of each other in the performance of their respective duties. With a fixed determination to use all the means in my power to put a speedy and satisfactory termination to these border troubles, I have the most confident assurances of the cordial co-operation of the British authorities, at home and in the North American possessions, in the accomplishment of a purpose so sincerely and earnestly desired by the governments and people both of the United States and Great Britain.

M. VAN BUREN.

Washington, June 20, 1838.

A number of documents accompanied this message, the contents of which may be generally inferred from the message itself. The following report from the secretary of war, however, is of sufficient consequence to be separated from the rest for publication.

Department of War, June 19, 1838.

Sir: In relation to so much of the resolution of the house of representatives of the 11th instant, as has, by your direction, been referred to this department, I have the honor to state that, on the receipt of intelligence of the destruction of the British steamer Sir Robert Peel, orders were immediately issued to the commanding officer at Fort Niagara, to detach a portion of his force to Sackett's Harbor; and shortly after, the disposable recruits at New York and Fort Monroe were ordered, part to strengthen that post, part to Plattsburg, and part to Swanton, on the Vermont frontier, at the same time, measures were taken to employ a steamer, to be manned with a competent military force, for police purposes, on each of the lakes, Erie and Ontario.

The department, having subsequently received information, communicated by the governor of the state of New York, that the disturbers of public order had taken refuge on a portion of the Thousand Islands, situated within the jurisdiction of the United States, where they were collecting arms and munitions of war, and engaged in fitting out hostile expeditions against Canada, major gen. Macomb was despatched to Sackett's Harbor, to take the command of the forces on the northern frontier, with

instructions to take prompt and vigorous measures to maintain our treaty stipulations, and to execute the laws of the United States, and especially to lose no time in directing operations against the lawless men who, for the avowed purpose of committing depredations upon the territory of a friendly power, have stationed themselves on the islands in the river St. Lawrence. The general has been since advised to station a guard of regulars at each of the ferries on the river, and at each port of entry on the lakes, in order to protect the persons and property of subjects of her Britannic Majesty from any further outrage; and there is reason to believe, from the character and well-earned reputation of that officer, that he will carry these instructions into effect to the extent the limited force under his command will permit, with promptness and energy.

With regard to the "concentration and movements of foreign troops on the northern and northeastern frontiers of the United States," the department is not informed that the regular troops of her Britannic Majesty have, as yet, been stationed along the frontier, as it is believed to be the intention; that service appearing still to be performed by the volunteers and militia of Upper and Lower Canada—a force estimated, by competent judges, at about twenty-five thousand men. The regulars now in the Canadas are ten regiments of the line of six hundred and fifty men each, to be carried up to fifteen regiments; two battalions of guards, eight hundred and fifty men each; two regiments of cavalry, each of three hundred men. In New Brunswick and Nova Scotia, the regular force consists of five regiments of the line of six hundred and fifty men each. It is presumed that the usual proportion of artillery will be attached to the regular forces in these colonies, and in the Canadas, making an aggregate regular force of between fifteen and sixteen thousand men.

Very respectfully, your obedient servant,

J. R. POINSETT.

To the President of the U. S.

P. S. The accompanying extracts of letters received from his excellency the governor of New York contain such information as has been received by this department on the subject of the recent disturbances on the northern frontier.

From the Army and Navy Chronicle.

RAFT OF RED RIVER—OFFICIAL.

Louisville, June 4, 1838.

Gen. C. GRATIOT,

Chief engineer, Washington:

SIR: I have the honor to state to the department, that on the 9th of December last, the steam snag boat "Eradicator," with a keel boat in tow, left this place for the great raft in Red river, for the purpose of completing its removal. The steamer "Pearl," with a keel boat in tow, left on the 27th of January last, destined to the same service. The "Eradicator" arrived at the raft on the 23d of December, the "Pearl" on the 1st of January, and the "Laurel" on the 8th of February. The work of removing the raft was resumed by the respective boats on their arrival, and was continued by the "Laurel" to the 21st of April, by the "Eradicator" and "Pearl" to the first of May, the period for which the laborers were engaged. On the 7th of March last the first steamboat was enabled to force her way through the upper section of the raft, and up to the 29th five merchant boats had passed up, quite through the raft. On that day the entire remainder of the raft was cut, so as to leave a clear passage for boats. Still there remained in the channel a great number of snags, logs, &c., which have since been taken out by the "Eradicator." On the 1st of May the navigation through the whole extent of the raft was considered safe, and was navigated by the largest class of boats, trading in that river, with full cargoes, at the rate of seven miles an hour up stream, and twelve down, without damage to the boats. There were two boats lost near the head of the raft by striking snags: The "Black Hawk" on the 2d, and the "Revenue" on the 7th April. These accidents happened before the "Eradicator" had worked her way through that part of the river, and earlier than it was safe to risk a heavy laden steamer down the stream, by navigators that could not by any means know the river in so short a time after its channel had been opened, consequently were exposed to great danger.

The snag on which the "Black Hawk" struck was removed two days after the loss of that boat; it was found to be firmly fixed in a perpendicular position, with its roots twenty-three feet below the bottom of the river. The tree was about four feet in diameter, broken off about three feet below the surface of the water, and, situated in a current of about five miles an hour. The steamer "Revenue"

had broken a wheel shaft on the passage down the river, some fifty miles above the head of the raft, and was stove by running on shore, in consequence of her unmanageable condition, having but one wheel at work. However, there is now no obstruction of a dangerous character in the raft, that is known. I consider the navigation as safe through that part of the river, where the raft was formerly located, as at any other part of it, from forty-five miles above its mouth to the head of the steamboat navigation, a distance estimated at 1150 miles.—The former location of the raft occupied 165 miles of that distance. Its removal has extended the navigation by steamboats, about 750 miles on the Red river proper. Its tributaries, from the best information I am in possession of, will afford about six hundred miles, with but partial improvements in their channels, and may be extended by improvements on the main river and its tributaries some nine hundred miles further, extending the whole line of navigation by the improvements 3,250 miles, passing through as fertile a soil as any on this continent, with a less proportion of land which is unfit for cultivation than any tract of the same extent in our country. The climate is well adapted for the cultivation of cotton; the lat. ranging from 32° to 35° N., between the original foot of the raft and the head of navigation. The lands on the river bottom, from the foot of the raft to one hundred miles above its head, have been nearly all redeemed from inundation by the removal of the timber from its bed, all of which is now settling with unprecedented rapidity. In that part of the river where the raft was located, there was not the trace of a man to be seen from its foot up to Rush island, near the Caddo agency, when the work was commenced in 1833, and which is now a continued line of cotton plantations, extending to the town of Shreveport, a distance of 115 miles. From that place to the head of the raft, there are many large improvements, and preparations now in progress to put in cultivation a large portion of the land on that part of the river. The land lying between the Red and the Sabine rivers, has also been thickly settled. There is, perhaps, a settler on every section of land in that whole district of country, covering a tract of ninety miles north and south, and forty east and west, lying within the state of Louisiana, which includes the Caddo purchase of the 1st July, 1835. The land lying between the Red river and Washita, also of about equal extent, and equal in quality, is settling with almost as great rapidity.

The state of Arkansas has its southern boundary at 33 degrees north latitude, which crosses the Red river about 15 miles due north, above the head of the great raft, and by the meanders of the river about 45 miles; and has a boundary on the river, on the southwest bank, of about 200 miles, on the northeast bank to its northern boundary some 600 miles; all of which is settling with a population that must in a few years produce some two hundred thousand bales of cotton per annum, and an immense amount of surplus provisions, being a good grain growing country, and equal to any in the United States for raising stock of any kind. Texas has a boundary on the southeast bank of the river of about 400 miles, which is also as valuable a tract of country as any within the limits of that government, a great portion of which is settled by an industrious and enterprising population.

The advantages to be derived from the removal of the great raft, cannot now be calculated. The government land on that river has been enhanced in value to an immense amount, not less, I should judge, than 15,000,000 of dollars. The settlers will reap inestimable advantages from the same work. The expenditure for its removal under my superintendence, including the building of the steam snag boat "Eradicator," designed to keep clear new accumulations of obstructions in that part of the river, called the raft, has been \$311,129 50. It will be necessary to expend some \$15,000 a year in that river, to work the snag boat "Eradicator," a part of each year, for which service she is constructed and is admirably well adapted, to remove such snags and logs as will from time to time rise from the bed of the river, and cave in from its banks; and to widen the stream at those points where it has been contracted to so narrow a channel as not to afford sufficient room for the drifting trees that float down during the high freshets in that river. For that service I hope congress will make provision from time to time, and in time to admit of the work being prosecuted at the most advantageous season of the year, which is from the 1st of December to the 31st of May. During the summer and fall months the water is frequently too low to operate a boat to advantage, and the work of too unhealthy a character to labor in that climate during that part of the year, when men will be sub-

ject to the prevailing diseases of the country, and the annoyance from the immense swarms of mosquitoes that abound in the valley of that river. Four years will, in my opinion, be as long as it will be necessary to keep up the improvement.

In that time the channel of the river will probably have returned to its former width, by the operation of the current on its bottom and shores, which are both wearing away continually; and by the assistance of the snag-boat to remove the logs and trees that accumulate in its bed, and clearing away the narrowest points, the navigation will be kept open without interruption. There is also some work necessary to be done on several of the bayous in the upper section of the raft, to secure the water in its original channel and prevent the enlargement to such an extent as to endanger the navigation of the river, by drawing more water from it, than could be spared from its volume in a low stage. I beg leave respectfully to recommend that provision be also made for removing the snags from the bed of the river above the raft, as high up as Fort Towson. That work is of great importance to the navigation of the river, and can be done at a small expense by the snag-boat "Eradicator." The master of that boat can run up from the raft, when the water is at the most favorable stages, and execute the necessary work, with a small additional expense, to the operations in the raft region. There are, however, some parts of that river that flow through banks that cave in to some extent, and keep up the supply of snags in that river, and large drifting trees in its current. The latter are liable to lodge at the narrow points in the raft, and give much more labor to remove them than would be required for felling the timber on the banks, and cutting it into pieces that would float down without interrupting the navigation, at the same time prevent the accumulation of snags at those points. For the execution of that work, it will require the labor of 50 men six months, at an expense of \$10,000. For both of these objects I would recommend an appropriation of \$15,000, in addition to the sum necessary to work the snag boat in the raft.

I am sir, very respectfully, your obedient servant,

HENRY M. SHREEVE, Superintendent.

THE STEAMBOAT PULASKI.

From the Wilmington (N. C.) Advertiser—extra.

Wednesday, June 30—1 o'clock P. M.

Further particulars of the loss of the steamboat Pulaski, on the night of the 14th June.

We think it highly important to state, in the first place that a gentleman of unquestionable character and judgment concur in saying the fatal explosion was caused by gross negligence on the part of those who had the direction of the machinery. Solomon, a black waiter on board, who had once been a fireman, states, that a little after 11 o'clock, as he turned from the fire-room, he heard the second engineer (who was on duty) turn the water-cock, and, from the loud shrill whistle which ensued, he knew that the water had gotten too low, and that there was imminent danger. Mr. Couper, Mr. Lovejoy, and others, give it as their opinion that the blow-cock had been negligently left open—that the boilers had been emptied, which alarmed the engineer, and caused him in his fright, to fill them suddenly with fresh water. The boiler being heated to redness, this body of water was instantly converted into steam with an expansive force which the sides of the boilers were too feeble to resist. It is further positively stated that during the whole passage, within twenty minutes of the catastrophe, the steam gauge-cock indicated from 27 to 29 inches of steam. The facts which immediately followed are given correctly by Mr. Hibberd, as published in our extra of the 18th, until it reaches the statement of the sinking. This was not the case, but she parted into three pieces.

In the breaking up, the whole boat went under water; but, upon the separation of the keel from the upper part of the boat, the bow and stern emerged again. Very shortly after, the forward portion of the stern was depressed beneath the water, and the binder portion elevated into the air, upon the highest portion of which were from 50 to 60 persons, more than two-thirds of whom were ladies and children. This continued within view of those passengers upon the bow of the boat (from whom this statement is made) about one hour, when it entirely disappeared. The keel, after its separation, came to the surface bottom upwards, when it floated in immediate contact with the bow for a half hour, when it was seen no more. There was no one upon this fragment.

We will now proceed to speak of the bow, and the fate of those whom it contained. Upon this portion of the wreck there was originally 18. Al

immediately proceeded to lighten their fragment, by throwing into the sea every thing not necessary to secure salvation, which gave it greater buoyancy. On Friday, about 12 o'clock, while floating upon the ocean, two sails were seen, one in a northeasterly direction, and the other in a southwesterly direction, about five or six miles distant. On Saturday morning, early, a portion of the wreck was discovered, about five miles distant, with a small sail and a flag flying. This remnant made a successful attempt to reach those upon the bow, whom they joined about noon. They were 5 males. They attached themselves immediately to their fellow sufferers upon the bow, whose number they swelled to 23, and abandoned their raft.

The twenty-three then proceeded to erect a jury mast, upon which a square sail was hoisted; the wind continuing to blow from the S. E. (in which quarter it had been ever since the wreck,) they were blown towards land, which became visible about 4 o'clock P. M. At sunset quite a strip of land was seen, and trees discovered. The night was passed without any material change, and on Sunday morning, upon the occasional lifting of fog, land was quite apparent about three or four miles off, which they continued to approach until they got within half a mile. The wind, which had been gradually coming round, settled down to N. E. about 11 o'clock, which blew the wreck along the coast, about the same distance from land during the day. The wind gradually increased in violence, and the rain poured down during the whole of Sunday, until 5 o'clock, when it became calm, and the rain ceased. On that night the wind came out from the N. W. On Monday it was clear and calm. At 12 o'clock that day the wind blew a light breeze from the S. W. About 4 o'clock four vessels passed within three miles, steering east.

On Tuesday morning about sunrise the schooner Henry Cameron, captain Davis, was seen about five miles off in an easterly direction. She continued to near until within three miles, when the exhausted sufferers were discovered; she then immediately squared sails and bore down to the wreck, which she spoke about half past eight o'clock A. M. She then passed by, and anchored within a short distance. Captain Davis lowered his boats immediately, and succeeded in transferring the whole of the sufferers to his vessel, where every proper comfort, at his command, was humanely furnished these unfortunate beings. Intelligence was given by these that they had seen another portion of the wreck during the whole of the preceding day, and early that morning. The captain immediately bore down in the direction designated, (easterly,) and in about an hour came up to it; from this he had the gratification of rescuing Mrs. Noah Smith, and Miss Rebecca Lamar, Charles Lamar, two gentlemen, and two negro women, in an exhausted and worn out condition. This work of humanity being finished, captain Davis bore away immediately for Wilmington, where he arrived about 7 o'clock on Tuesday P. M.

To attempt to describe the feelings of these thirty persons towards their preserver, captain Davis—the sympathy of the crowd assembled at the landing—or the mingled emotions of those companions in misery who had been separated, and here met again in safety, though in suffering, time does not allow, nor is human language adequate. We can only add that fifty-nine souls in all have escaped a watery grave, of whom 48 have already arrived in this community, all of whom, it is hoped and believed, will be again restored to their anxious friends.

P. S. Since writing the above, we received the following additional intelligence:

Thirteen persons saved, among them Mr. Lamar. They reached shore near New River Inlet. Mr. Lamar and several others came ashore in a boat; the others on fragments of the wreck. Five are said to be near town, 12 miles. All are said to be likely to live. Two of whom have just arrived.

Samuel Bryley, Talbot co. Md., and Owen Gallagher.

From the Fayetteville Observer.

Seven persons died on one of the pieces of the wreck the day before they were fallen in with; among them, the Rev. Mr. Wuart, of the episcopal church, and lady. To such extremities had the sufferers been reduced, that the day of their deliverance had been fixed on as the fatal day to select by lot a victim to appease the cravings of hunger.

From the Baltimore Chronicle.

The intense interest taken by the public in the recital of the details of this most heart-rending disaster has induced us to seek, from all the sources within our reach, all particulars that we can rely upon as authentic. The annexed narrative is de-

rived from information which we procured, in person, from J. H. Couper, esq., of Glynn county, Georgia, and Major James P. Heath, of this city, two of the survivors. The arrival of the latter amongst us, at the moment when the whole city had given him up as lost, excited the most pleasurable sensation, and was the occasion of universal joy.

The steam packet Pulaski, Captain Dubois, sailed from Savannah, on Wednesday the 13th of June, having on board about 80 passengers. She arrived at Charleston the same afternoon, and sailed the next morning with 65 additional passengers. In the afternoon the wind was fresh from the east and produced a heavy sea, which retarded her progress, and required a full pressure of steam. At half past 10, the wind continued fresh with a clear star-light, and there was every promise of a fine night. At 11 o'clock, the starboard boiler exploded with tremendous violence, blowing off the promenade deck above, and shattering the starboard side about midships—at the same time the bulk-head between the boilers and forward cabin was stove in, the stairway to it blocked up, and the bar room swept away. The head of the boiler was blown out and the top rent fore and aft. In consequence of the larboard boiler and works being comparatively uninjured, the boat heeled to that side, and the starboard side was kept out of the water, except when she rolled, when the sea rushed in at the breach. The boat continued to settle rapidly, and in about 40 minutes the water had reached the promenade deck above the ladies' cabin. Previously to this period, the ladies, children, and the gentlemen who were in the after part of the boat were placed on the promenade deck. About the time that the water reached that point, the boat parted in two with a tremendous crash, and the bow and stern rose somewhat out of the water; but the latter again continued to sink until the water reached the promenade deck, when it separated in three parts, upset, and precipitated all on it into the water. Many then regained the detached portions. The gentlemen who occupied the forward cabin, took refuge on the extreme point of the bow, when the boat broke in two, and clung to it and the foremast; others had placed themselves on settees, and the fragments of the wreck.

There were four boats belonging to the boat; two being swung to the sides, and two placed on the top of the promenade deck. The side boats were both lowered down, within five minutes of the explosion. In that on the starboard side the first mate, Mr. Hibbert, Mr. Swift and one other person had placed themselves;—in that on the larboard side were Mr. J. H. Couper with Mrs. Nightingale and child, and Mrs. Fraser and her son, who were under his charge, Captain R. W. Pooler and son, and Mr. Wm. Robertson, all of Georgia, Barney and Solomon belonging to the crew, and two colored women. By direction of the mate two of the crew launched one of the deck boats and got into her; but as, from her long exposure to the sun, her seams were all open, she immediately filled, and Mr. Hibbert removed the men to his boat. The boats met, when those in the second proposed to Mr. Hibbert to strike for the land, as it had on board as many as it could with any safety carry; this he declined to do, as he said he was determined to stay by the wreck until daylight, and had yet room for more persons. Both boats then continued to row about the wreck until the mate's boat had picked up as many as she could carry, when Mr. Hibbert yielded to the propriety of consulting the safety of those in the boats, by going to the land, as their further stay would endanger them, without affording any aid to their suffering friends, and they left the wreck at 3 P. M. The boats took a N. W. course, being favoured by a heavy sea and strong breeze from S. E.

At 12 o'clock they made the land, and at 3 P. M. were near the beach. Mr. Hibbert then waited until the second boat got up; and informed them that those who were in the boat refused to row any farther and insisted on landing;—Mr. Couper united with him in protesting against this measure, as, from the heavy breakers which were dashing on the beach, as far as the eye could reach, it was obviously one of great peril. Being overruled, they submitted to make the attempt. The mate, who had previously taken the two colored women from the second boat, then proposed to lead the way, and requested Mr. Couper to lie off, until he had effected a landing and was prepared to aid the ladies and children. The first boat then entered the surf, and disappeared for several minutes from those in the other boat, having been instantly filled with water. Six of the persons in her, viz: Mr. Hibbert, Mr. Swift, Mr. Tappan, Mr. Leuchtenberg, and West and Brown of the crew landed in safety. An old gentleman, supposed to be Judge Rochester, formerly of Buffalo, N. Y., but recently of Pensacola, Mr. Bird of Georgia, the two colored women and a boat hand, whose name is unknown, were drown-

ed. The other boat continued to keep off until about sunset, when, finding the night approaching and there being no appearance of aid or change in the wind, which was blowing freshly in to the land, and the persons in the boat having previously refused to attempt to row any further, Mr. Couper reluctantly consented to attempt the landing.

Before making the attempt, it was thought necessary, to prevent the infant of Mrs. Nightingale, which was only seven months old, from being lost, to lash it to her person, which was done. Just as the sun was setting, the bow of the boat was turned to the shore, and, Mr. Couper sculling, and two men at the oars, she was pulled into the breakers—she rose without difficulty upon the first breaker, but the second, coming out with great violence, struck the oar from the hand of one of the rowers. The boat was thus thrown into the trough of the sea, and the succeeding breaker struck her broadside, and turned her bottom upwards. Upon regaining the surface, Mr. Couper laid hold of the boat, and soon discovered that the rest of the party, with the exception of Mrs. Nightingale, were making for the shore;—of her, for a few moments, he saw nothing, but, presently, feeling something like the dress of a female touching his foot, he again dived down and was fortunate enough to grasp her by the hair. The surf continued to break over them, with great violence, but, after a struggle, in which their strength spent its last efforts, they reached the shore, utterly worn out with fatigue, watching, hunger, thirst, and the most intense and overwhelming excitement. Besides this, the ladies and children were suffering severely from the cold. The party proceeded a short distance from the shore, where the ladies laid down upon the side of a sand hill, and their protectors covered them and their children with sand, to prevent them from perishing. Meantime some of the party went in quest of aid, and about 10 o'clock, the whole of them found a kind and hospitable reception, shelter, food, and clothing, under the roof of Mr. Singlee Redd, of Onslow county.

Mrs. Nightingale is the daughter of John A. King, esq. of New York, and a grand daughter of the late distinguished Rufus King. During the whole of the perils through which they passed, she and Mrs. Frazer displayed the highest qualities of fortitude and heroism. They owe the preservation of their own and their children's lives, under Providence, to the coolness, intrepidity and firmness of Mr. Couper and his assistants, and to the steadiness which they seconded the wise and humane efforts of that gentleman in their behalf.

On Monday they reached Wilmington, where they found a deep sympathy for their misfortune pervading the whole city, and generous emulation among its inhabitants to render them every possible assistance.

The forward part of the boat, after her separation, continued to float. On it were maj. Heath and twenty-one others. We have had a long conversation with major Heath, in which he related with great minuteness every thing attending the preservation of the persons who were on the wreck with him. It is impossible to convey in words any thing more than a faint idea of the suffering they underwent, or of the many harrowing and distressing circumstances which occurred during the four days they were on the wreck.

But a short time previous to the explosion it was remarked by one of the passengers to major Heath that the gauge showed thirty inches of steam. On the attention of the engineer being called to this fact, he replied that it would bear with safety forty inches. Major Heath had just retired to the after cabin. A number of passengers were lying on the settees, and when the boiler burst, the steam rushed into the cabin, and, it is thought, instantly killed them, as they turned over, fell on the floor, and never were seen by the major to move afterwards. He had, on hearing the noise of the explosion, got out of his berth and ran to the steps, the steam meeting him in the cabin. He got under the steps, as did also Mr. Lovejoy of Geo., and they were thus shielded from its effects.

In a few moments he went on deck, and found all dark. He called for the captain, and, receiving no answer, made for the mast, as he felt that the boat was sinking. Before he could secure himself the sea burst over him, and carried him away. Fortunately, however, a rope had caught round his leg, and with this he pulled himself back. The mast, as soon as he had been washed from it, fell, and crushed one of the passengers, Mr. Auze, a French gentleman, of Augusta. The boat now broke in two, and the deck forward of the mast, was carried away from the rest of the vessel, seemingly, very swiftly. Nothing more was seen after this, by major Heath of the yawl or the after part of the boat, but, in about half an hour, he heard a wild shrill

scream, and then all was quiet! This must have been when the promenade deck turned over, with at least one hundred human beings upon it!

When daylight broke, he found that there were twenty-two on the wreck with him—among them Captain Pearson, who had been blown out into the sea, but who had caught a plank, and succeeded in reaching them during the night.

The danger of their situation was at once fully realized:—The heavy mast lay across the deck on which they rested, and kept it about twelve inches under water, and the planks were evidently fast parting! Captain Pearson, with the rest, set himself to work to lash the wreck together by the aid of the ropes on the mast—letting the ropes sink on one side of the raft, which, passing under, came up on the other side, and by repeating this operation they formed a kind of net work over it. They also succeeded in lashing two large boxes to their raft, which formed seats.

Friday passed away without any vessel coming in sight. Their thirst now became intense. The heat of the sun was very oppressive, its rays pouring down on their bare heads and blistering their faces and backs, some not having even a shirt on, and none more than a shirt and pantaloons.

The suffering of the younger portion of their company, at this time, became very great. Major Twigg, of the U. S. A. had saved his child, a boy about twelve years of age. He kept him in his arms nearly all the time—and when he would call on his mother who was safe at home, and beg for water, his father would seek in vain to comfort him by words of kindness, and clasping him closer to his heart.

On Saturday they fell in with another portion of the wreck, on which were Chicken and three others, whom they took on their raft. Towards the close of evening they had approached within half mile of shore, as they thought, and many were very anxious to make an effort to land. This was objected to by major Heath, as the breakers ran very high, and would have dashed the raft to pieces on the shore. Mr. Greenwood, from Georgia, told the major that he was one of the best swimmers in the country, and that he would tie a rope around him and swim to the shore. "No! No!" replied the major, "you shall not risk your life for me, under these circumstances, and in such an attempt you would lose your life. No! I am the oldest man in danger, and will not increase the risks of others." All hope of landing then was shortly afterwards given up, as a slight breeze from the shore was now carrying them out into the sea. Despair now seemed to seize on some of them, and one suggested that if relief did not soon reach them, it would be necessary to cast lots! The firmness and decision of major Heath soon put this horrid idea to flight. "We are christians," he told them, "and we cannot innocently imbrue our hands in the blood of a fellow creature. A horrible catastrophe has deprived hundreds of their lives, brought sorrow to many a hearth, and thrown us upon the mercy of the winds and waves. We have still life left, let us not give up all manliness and sink to the brute. We have all our thoughts about us, and should face death, which must, sooner or later, overtake us, with the spirit that becomes us as christian men. When that hour arrives I will lay down my life without a murmur, and I will risk it now for the safety of any one of you, but I will never stand by and see another's sacrificed that we may drink his blood and eat his flesh!" With such words as these did he quiet them, and reconcile them to await the issue. The day wore away again, without the sight of a vessel to cheer their drooping spirits.

On Sunday morning it commenced raining, with a stiff breeze from the northeast, which soon increased to a severe gale. Every effort was made to catch some of the falling rain in the piece of canvass which they had taken from the mast, but the sea ran so high that the little they did catch was nearly as salt as the water of the ocean. Still the rain cooled them, and, in their situation, was refreshing and grateful.

On Monday morning they saw four vessels. They raised on a pole a piece of the flag that was attached to the mast, and waved it, but in vain. The vessels were too far off, and hope was nearly lost, as they watched them, one after another, pass from their sight. They had now been without food or water for four days and nights; their tongues were dry in their mouths—their flesh burnt and blistered by the sun, and their brains fevered, and many of them began to exhibit the peculiar madness attendant on starvation. They could not sleep either, as the raft was almost always under water, and it required continual watchfulness to keep themselves from being washed over by the sea. Major Heath tells us that never for one moment did he lose his consciousness, and we hear

from others, that his cheerful spirit and encouraging conversation kept alive the hope of safety in the breast of others, and banished despair from their minds.

On Tuesday morning, a vessel hove in sight, and her track seemed to lie much nearer them, than those they had seen the day before. They again waved their flag and raised their feeble voices. Still the vessel kept on her track, which now appeared to carry her away from them. "She is gone," said one of the crew, a poor fellow who had been dreadfully scalded, and he laid himself down on one of the boxes, as he said, "to die!"—Capt. Pearson, who had been closely watching the vessel, cried out "she sees us! she is coming towards us!" And so it was. All sails set, and full before the wind, the vessel made for them. The schooner proved to be the Henry Cameron, bound from Philadelphia to Wilmington, N. C. As soon as the captain came within speaking distance, he took his trumpet and cried out, "Be of good cheer, I will save you!" It was the first strange voice that had reached their ears for five days, which were to them as an age.

When the schooner came along side, they all rushed frantically on deck, and it was with some difficulty that the captain could keep them from the water casks. He immediately gave each of them a half pint of water, sweetened with molasses, and repeated it at short intervals. His prudence, doubtless, preserved their lives.

During the morning major Heath and his company had seen another portion of the wreck, with several persons on it, and as soon as the captain of the Henry Cameron was told of it, he sailed in the direction it had been seen and shortly afterwards came in sight. On this wreck which was a part of the promenade deck, were Miss Rebecca Lamar, Mrs. Noah Smith, of Augusta, master Charles Lamar, of Savannah, and Mr. Robert Hutchinson, also of Savannah. The two ladies were much exhausted, and master Lamar was almost dead. Every comfort that the schooner was possessed of was freely bestowed by the captain, and major Heath, on behalf of those who were saved with him, has asked us to return, thus publicly, to him the thanks, the deep and heartfelt thanks of the beings whom he rescued from a condition of such misery and peril, that the heart sickens at the contemplation of it. Mr. Hutchinson had lost in this disaster his wife and child. His wife was the daughter of Mr. Elliott, formerly in the United States senate from Georgia.

When the promenade deck separated from the hull, many persons took refuge on this portion of it. Among them was Mr. G. B. Lamar, of Savannah, and two children, the rev. Mr. Woart and lady of Florida, and a child of Mr. Hutchinson, and the 2d mate of the Pulaski. On Saturday morning, finding that there was no other hope of safety, the mate proposed to take the boat which they had secured, being the 2d deck boat—and with five of the most able of those on the raft to endeavor to reach the shore, and to send out some vessel to cruise for them. This being assented to, the mate, with Mr. Lamar and four others, took their departure, and on Wednesday morning they reached New River Inlet in safety. The passengers remaining on the raft, with the exception of the four mentioned as taken off by the John Cameron, died from exhaustion,—among them was the rev. Mr. Woart and lady, whose christian resignation to their fate excited the admiration of all around them. They expired within a few minutes of each other. Seven persons were reported to have died on Monday.—The body of Mr. Parkman of Savannah floated to the raft, and was recognised by his friends.

It was ascertained at Wilmington on Wednesday morning that eight other persons from the wreck had reached New River Inlet, but their names, with two exceptions, are unknown.

The passengers who escaped were almost without exception in the clothes in which they were sleeping, and suffered very severely from the blistering effects of the sun, and the chilly wind of the night. They were entirely destitute of water or food of any kind. Those who were last saved were most of them in a dreadful state of ulceration and debility.

The passengers were every where received with the most unbounded sympathy and kindness; and the Wilmington and Raleigh rail road company, the Portsmouth and Roanoke rail road company, and Baltimore and Norfolk steam packet company, tendered to them in a most liberal manner a conveyance in their cars and boats to the various points of their destination.

The cause of the disaster was obviously the neglect of the second engineer in permitting the water to boil off, or to blow off in the starboard boiler, and then letting in a full supply of water in the heated copper. One of the hands saved had, a few

moments before the explosion, examined the steam gauge and found it fluctuating rapidly from 26 to 29 inches. Another had just left the engine room when he heard the shrill whistling sound of high pressure steam as the engineer tried the water cock; in a few seconds the explosion took place. Capt. Dubois was seen asleep in the wheel house ten minutes before the explosion. Capt. Pearson, the second captain, was blown out of his birth into the sea, and was also Chicken the first engineer. They both regained the bow of the boat.

The following is a recapitulation of the number saved at different times:

In the two boats,	16
On the two rafts	30
In the boat with Mr. G. B. Lamar,	5
On other fragments,	8
	59

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

June 22. Mr. Norvell rose and said that, in consequence of remarks made in the senate, in relation to the moneys collected for a monument proposed to be erected to the memory of Washington in this District, he had been requested to present a memorial on the subject from the managers of the Washington monument association. The memorial was designed to correct the errors into which one or two of the senators had fallen in regard to it. It was accompanied by a statement of the receipts, expenses, and investments of the moneys, with a list of the names of the managers and officers. He desired the papers to be read and printed.

Mr. Morris made, and subsequently withdrew, a motion to return the memorial to those who sent it. The memorial was partly read, when Mr. King interposed, and objected to the further reading, as the language of the memorial, he thought was not sufficiently respectful. Mr. Preston said a few words, understood to be rather in favor of going through with the reading. Mr. King moved to lay the memorial on the table, but withdrew the motion at the request of

Mr. Norvell, who said he hoped that his friend from Alabama would, for a moment, withdraw his motion to lay the memorial on the table. This paper proceeded from as respectable a body of gentlemen as any in the country; and he did think that, as they considered themselves to have been injuriously assailed on this floor, they should have an opportunity to be heard. It was true that they had used strong language; but this, under the circumstances, was natural. Let the memorial be read, and then the senate might take what course they thought proper, as regarded the further disposition of it. By the statement of moneys collected, it appeared that the society had received only between 27,000 and 28,000 dollars, of which they had invested upwards of \$27,000, principally, he believed, in Pennsylvania state stocks. Between four and five hundred remained uninvested. Except what had been allowed to collectors in the different states, as commissions for money obtained from subscribers by them, very little had been expended, as the statement would show. He was authorized to say, too, that the books, with the names of all the contributors to the monument, are in the hands of the treasurer of the association, open to the inspection of all. These were facts which, in justice to these respectable citizens, ought to be known to the senate and to the public, after what had passed here on the subject.

Mr. Sevier was understood to say that the society had a sufficient opportunity to defend themselves in the newspapers. He therefore moved to lay the memorial on the table.

A number of bills were reported.

Mr. Grundy, from the committee on the judiciary reported the bill referred to them, changing the time of holding the United States circuit court for the district of Tennessee; which bill was, by consent, considered, and ordered to be engrossed for a third reading.

Mr. Ruggles, from the committee on patents, reported the bill referred to them, providing for the trial of inventions to prevent explosions of steam-boilers, with the amendment of the house thereto, allowing the examiners \$8 per day, instead of \$300 in all.

The senate, on recommendation of the committee, disagreed to this amendment of the house, and the bill was sent back to the house as it originally passed the senate.

The senate took up and agreed to the resolution fixing, after this week, the daily assembling of the senate at 11 o'clock A. M. instead of 12 M.

The senate took under consideration the amendments of the house to the bill making appropriations for certain roads in Wisconsin.

On motion of Mr. Tipton accompanied by a few explanatory remarks, the senate disagreed to the amendments of the house, and the bill was sent back as it originally passed the senate.

A number of private bills were considered and ordered to a third reading, among which was one for the relief of James Waller. It caused a long discussion on the point whether the United States would pay for the improvements made on land sold a second time by the United States. The senate decided to refund the money with interest, but not to pay for the improvements, which of course, must be lost, if not paid for by the first purchaser of the land.

The following bills were also considered, and ordered to a third reading:

The house bill confirming the act of the legislative council of Florida, chartering the Florida rail-road and steam navigation company.

The bill for the benefit of the Alabama, Florida, and Georgia rail-road company.

The bill to authorize the payment of invalid pensioners in certain cases.

The bill to transfer to the citizens of Concordia, Ia., the interest of the United States in a certain tract of land.

The senate then adjourned till 11 o'clock on Monday.

June 25. The Vice President presented a communication from the secretary of war, with a report from the commissioner on Indian affairs, in pursuance of a senate resolution of the 13th instant, containing information as to the steps which have been taken by the executive for exchanging land southwest of the river Missouri for land owned by the Pottawatomie and other Indians. Laid on the table, and ordered to be printed.

Also, from the treasury department, in pursuance of a senate resolution, detailed statements, in part, of the accounts of such collectors, receivers, and disbursers of the public money as have been reported defaulters to congress at its present session, of the amounts of the deficits respectively, of the credits claimed by such alleged defaulters, with suitable explanation why those credits were not allowed, &c.; the remainder of the statements to be made out and sent to the senate as soon as practicable. Laid on the table, and ordered to be printed, with 2,000 extra copies, on motion of Mr. Young, and after some conversation by Mr. Y. and Mr. Morris.

After the presentation of a number of petitions, several reports were received; among them was one from the committee on commerce, presented by Mr. Nicholas, authorising vessels bound to the ports of Mexico, and excluded from them by blockade, to enter and secure their cargoes in the ports of the United States. Read, and ordered to a second reading.

Mr. Clay rose for the purpose of calling the attention of the senate to a resolution offered by Mr. Hubbard and agreed to by the senate some days ago, requiring that the original papers on private claims should not be withdrawn from the files of the senate, but allowing copies of them to be procured by the claimants on paying such compensation as is allowed for similar services in the state department of the government. Mr. C. argued that the portion of the resolution authorising pay for copies of the papers was unconstitutional, inasmuch as it was in the nature of a tax, which the senate had not the constitutional power to originate, and much less to lay, without the concurrence of the other house. Mr. C. therefore moved to rescind that portion of the resolution, including also that part which allowed copies to be obtained by the claimants.

After some conversation by Messrs. Hubbard, Clay, of Kentucky, Davis, King, Sevier, and Bayard, the motion of Mr. Clay, of Kentucky, as above, was carried in the affirmative: Yeas 20, Nays 19.

Mr. Sevier now moved to rescind the whole resolution, thus leaving the subject of withdrawing papers on private claims wholly in the discretion of the senate, as it was before the adoption of the resolution.

After some further conversation by Messrs. Hubbard, Morris, Norvell, Merrick, Bayard, and Knight, this motion was negatived as follows:

YEAS—Messrs. Allen, Clay, of Kentucky, Crittenden, Merrick, Norvell, Robinson, Ruggles, Sevier, Southard, Swift, Tallmadge, Young—12.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Alabama, Clayton, Davis, Fulton, Grundy, Hubbard, King, Knight, Linn, Lumpkin, Lyon, Mouton, Pierce, Prentiss, Preston, Roane, Robbins, Smith, of Indiana, Spence, Wall, Webster, Williams, Wright—26.

So the resolution remains in force, as modified by Mr. Clay's motion, simply requiring that the

original papers on private claims should remain in possession of the senate.

Mr. Bayard, from the committee for the District of Columbia, reported the bill referred to them, providing for certain lunatics within the District of Columbia, with an amendment, which was read, extending the benefits of the bill to the case of lunatics resident within the District.

The resolution of the other house, fixing on the 9th of July next as the day for terminating the present session of congress, was received from the house, and taken up.

Mr. Buchanan having, at the suggestion of Mr. Wright and Mr. Clay, of Alabama, waived his desire for immediate action of the resolution on account of the absence of some senators, said he had no wish to take advantage of absent senators, but he was anxious that the question of adjournment should be decided as soon as possible. The other house had decided that they could adjourn on the 9th of July. Congress had now been in session nearly seven months, and Mr. B. was against perpetual parliaments. The house had now fixed on a day of adjournment, and on that very day when the senate should also fix on a day, the house would immediately go to business in earnest; but till that time neither they nor the senate would go seriously to work. But Mr. B. was willing the resolution should lie one day, giving notice that he should call it up to-morrow at the earliest hour, and with that understanding the resolution was allowed to lie on the table.

Mr. Ruggles from the committee on patents, was understood to make a report unfavorable to the passage of the international copyright bill; which report was laid on the table, and ordered to be printed.

A number of private bills, heretofore entitled to a third reading, were passed, and several other bills considered and ordered to a third reading; among them were the following:

The bill to authorize the issuing of patents to the last bona fide transferee of reservations under the Creek treaty or March, 1832. [Amended and discussed by Messrs. Clay, of Alabama, Young and White.]

The bill to authorize the inhabitants of township 8 N. range 32 W. Arkansas, to enter land in lieu of the 16th section.

The bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers.

The bill to grant to the Cherokee country, Ala., the tract of land on which the seat of justice for said country is located.

The bill to confirm certain land claims in the Washington district, in Louisiana.

The senate, after an executive session, adjourned.

June 26. Mr. Webster gave notice that he should, to-morrow, move to take up the bill introduced by him, in regard to the use of banks as depositories of the public money and the reception of notes of banks issuing notes of a denomination less than five dollars.

On motion of Mr. Buchanan, the senate took up the resolution of the other house, fixing on the 9th of July next to terminate the present session of congress.

Mr. Benton objected to any action on this subject at this time. He noticed several important bills that were yet to be acted on, and especially the army bill, the fate of which he was unwilling to risk by binding congress to adjourn on a certain day. Mr. B. moved to lay the resolution on the table and called for the yeas and nays, which were ordered.

Mr. Grundy said he was among the foremost of those who objected to the senate's fixing on a day of adjournment, which he viewed as an improper measure for the reason that, though they knew very well that they could despatch their own business in the time proposed, they could not tell what time the house would require. But now that the house had determined in what time they could perform their duty to the public, and had all their important measures already before them, and they, on deliberation, had said that they could act on every thing which the public interest required by the day on which they had fixed, Mr. G. did not know by what rule the senate could say that in this the house had decided improperly, and Mr. G. would therefore vote for the resolution.

Mr. Buchanan said he was glad that the senator from Missouri had called for the yeas and nays, and Mr. B. would cheerfully record his vote against laying the resolution on the table, not that he or the senator cared any thing about the yeas and nays in respect to their own votes. Mr. B. believed that if his friend from Alabama (Mr. King) had prosecuted the resolution of adjournment offered by him, and a day had been fixed on for adjournment, congress would at that time have been as near ready to adjourn as they would be on the 9th of July, or the

9th August, if they decided on no fixed day. They never would set to work in earnest to do the business of the country till they knew the day that was to terminate the session. It was like putting off preparation for death; and in this hot weather any plea would satisfy overworked men for putting off preparation for adjournment till the very day was known and determined. Let congress now fix on the 9th of July, and they would by that time have all the business done which they were disposed to do.

Mr. B. would be as sorry as any man, whether interested in the bill or not, if the army bill should not pass. But would the senate tell the house, who, by a vote of two to one, had fixed the adjournment on the 9th of July, that they the senate, thought proper to give them longer time than the house itself had deemed necessary, and that the senate, therefore, would not fix on the day proposed? Would the senate thus, in effect, tell the house that they did not know in what time they could accomplish their own business, and the senate therefore would determine for them, because the house would otherwise fail of their duty, and neglect the army bill? Mr. B. hoped the resolution would be agreed to at once, and congress would then go to work and accomplish all the business that required to be done.

Mr. Benton said the senator's theory was contradicted by the existing state of facts. He insisted that the senate had so far exerted themselves that for two months they had been under an easy sail, and that the house had for some time been laboring day and night to the full limit of their strength, so that, in his own knowledge, the health of several individuals had been broken down. It was, therefore, vain to expect that their work would be accelerated by fixing on the day of adjournment. The army bill had repeatedly passed the senate and failed in the other house, and Mr. B. was against running that risk again. He was for holding the question of adjournment open at least till Monday next.

Mr. Buchanan still insisted that if a day were fixed, congress would not spend so much time in debate, and would on that account hasten their business. He noticed that, with six weeks vacation, congress had now been in session ever since the first of September; and unless they were cautious, they were in a way to convert themselves into a rump parliament, and sit forever. He insisted that if the business could not be done in the time proposed, it would not be done at all, and it was better to leave it undone, than to set so bad a precedent as that of further protracting the session.

The question was now put on laying the resolution on the table, and decided in the negative as follows:

YEAS—Messrs. Allen, Benton, Linn, Lyon, Norvell, Sevier, Tipton, Wright—8.

NAYS—Messrs. Bayard, Buchanan, Calhoun, Clay, of Ala., Clay, of Ky., Clayton, Crittenden, Cuthbert, Davis, Grundy, Hubbard, King, Knight, Lumpkin, McKean, Merrick, Morris, Mouton, Niles, Pierce, Prentiss, Preston, Roane, Robbins, Robinson, Ruggles, Smith, of Conn., Smith, of Ind., Southard, Spence, Strange, Swift, Tallmadge, Trotter, Wall, Webster, White, Williams, Young—39.

The resolution was then agreed to without a division; so that the 9th of July is fixed as the day of adjournment.

Mr. Grundy, from the committee on the judiciary, reported the bill referred to them, granting additional compensation to Joseph K. Averill, as a witness, the committee recommending that the bill be indefinitely postponed.

Messrs. Smith of Connecticut, Norvell, Morris, Hubbard, Williams, Crittenden, and Merrick, reported a variety of private bills from committees, referred to them.

On motion of Mr. Roane, the committee for the District of Columbia were discharged from the further consideration of the petition of the trustees of Columbia College.

Mr. Benton, from the committee on military affairs, reported a bill to continue in force the act providing indemnity for horses and other property lost in the military service of the United States. Read, and ordered to a second reading.

Mr. Southard offered a resolution, which lies over one day, calling on the secretary of the navy for a copy of the naval general order issued in relation to the exploring expedition, and for information on a great variety of particulars, past, present, and prospective, in regard to that expedition.

Mr. Niles presented the petition of the heirs of Silas Dean. Referred.

Mr. Young, on leave, introduced a bill to prevent defalcations by collectors, receivers, and disbursers of the public revenue. Read twice, and referred.

Mr. Buchanan by consent, introduced the following, which was read, passed to a second reading and ordered to be printed:

A bill supplementary to the act entitled "An act to establish the treasury department."

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the safe keeping of the public money shall continue to be entrusted to the treasurer of the United States, under the provisions of the act entitled "An act to establish the treasury department," approved on the second day of September, one thousand seven hundred and eighty-nine: And the said treasurer, in performing this duty, is hereby authorized and required, under the direction of the secretary of the treasury, to order the collectors and receivers of the public money, at least once in sixty days, and as much often as in his judgment the safe keeping of the same may render necessary, to make special deposits, in gold and silver, of the balances then on hand, to the credit of the said treasurer, in such banks of the different states and territories, and of the District of Columbia, as he may select, and under such rules, regulations, and restrictions as the said treasurer, under the direction of the secretary of the treasury, may deem best calculated to secure the safe keeping of the said special deposits, and to render him, at all times, acquainted with the condition of the said banks: And the said secretary of the treasury shall report to congress, within one week after the commencement of their next session, the names of the banks which shall have been thus selected; and the rules, regulations, and restrictions, under which they shall have accepted the said special deposits; and the compensation, if any, for which they shall respectively, have agreed to perform this service.

SEC. 2. *And be it further enacted,* That it shall not be lawful for the treasurer of the United States to authorize or direct the collectors or receivers of the public money to place, either on general or special deposit, with any bank, such bank notes as they may be permitted to receive in payment of the public dues, under the provisions of the resolution relative to the more effectual collection of the public revenue, approved on the thirtieth day of April, one thousand eight hundred and sixteen; but the balances of such notes remaining on hand, after satisfying the drafts which may be drawn by the said treasurer upon the said collectors and receivers, and presented to them, before the end of the several periods at which they shall be directed to make special deposits, under the first section of this act, and for the payment of which the holders thereof may bona fide elect to receive bank notes, shall by the said collectors and receivers be converted into specie, which shall be placed on special deposit, at the times and in the manner prescribed by this act: *Provided,* That no notes or bills of any bank shall be received in payment of any debt due to the United States, or shall be disbursed by any officer or agent of the same, which shall after the first day of October next, issue, re-issue, or pay out any note or bill of any description whatsoever, of a less denomination than five dollars, or which shall, after the first day of October, one thousand eight hundred and forty-one, issue, re-issue, or pay out any such note or bill of a less denomination than ten dollars.

SEC. 3. *And be it further enacted,* That the first twelve sections of the act entitled, "An act to regulate the deposits of the public money," approved on the twenty-third day of June, one thousand eight hundred and thirty-six, be, and the same are hereby, repealed, except so far as to enable the treasury department to collect any debts which may be due or owing from the late deposit banks.

A number of bills ordered to a third reading yesterday were to-day read a third time and passed.

The bill for the relief of the heirs of James Taylor was considered and ordered to be engrossed for a third reading.

The bill for the relief Pierre Menard and others was taken up, discussed at length by Messrs. Bayard, Crittenden, Niles, Roane, Prentiss, Knight, Norvell, Clay, of Ky., White, Young, and Calhoun.

[The claim connected with this bill was understood to be for money advanced by the original claimants for the support of Clark's expedition against Vincennes and Kaskaskias, in the time of the revolutionary war.]

A motion of Mr. Wright to strike out the interest, (\$30,000 on a principal of \$10,000; the claim having been originally disallowed by Virginia, but admitted in 1834,) was decided in the negative by a majority of eight or ten votes.

The bill still remaining up, with a view to further amendment,

The senate, by consent, held an executive session, and then adjourned.

June 27. The Vice President presented a communication from the navy department, understood to be in compliance with the resolution offered by Mr. Southard, calling for information in detail relative to the exploring expedition. Laid on the table, and ordered to be printed.

On motion of Mr. Tallmadge, the committee on naval affairs were discharged from the further consideration of the petitions of — Montgomery and Samuel Meade.

Mr. Tallmadge, from the committee on naval affairs, reported bills for the relief of Loammi Baldwin and of Samuel Warner, which were severally read and ordered to a second reading.

Mr. Williams and Mr. Hubbard reported several private bills from committees, referred to them.

The bills for the relief of Pierre Menard and others, and of the heirs of James Taylor, were severally read a third time and passed.

On motion of Mr. Webster, the senate proceeded to consider the bill introduced by him, further providing for the collection and keeping of the public revenue.

Mr. Webster explained and advocated the bill at some length, confining himself, however, to topics immediately connected with the bill.

Mr. Buchanan moved to amend the bill by substituting for it the bill introduced by him yesterday, and he proceeded at large to advocate the substitute, and to oppose the original bill as introduced by Mr. Webster.

Mr. Strange, after a few remarks, expressing doubt as to the expediency of each and either of the measures, moved to lay the subject on the table, with the understanding that it should be called up to-morrow or next day.

The bill and substitute were accordingly laid on the table.

The bill to revive the act to enable claimants to land in Missouri and Arkansas to institute proceedings to try the validity of their claims, was discussed at much length by Messrs. Sevier, Benton, Linn, Hubbard, Moulton, White, Clay, of Ala., Southard, Davis and Bayard, amended, on motion of Messrs. Sevier and Benton, laid temporarily on the table, and ordered to be printed with the amendments.

The senate took up the bill to divide the state of Delaware into two collection districts.

Mr. Bayard offered a substitute for the bill, making New Castle a port of entry, with a deputy collector.

The subject was discussed at much length by Messrs. Bayard, Clayton, Buchanan, Niles, Hubbard.

The substitute was lost: Ayes 7, noes not counted, and the bill, as it was, was ordered to be engrossed for a third reading.

The senate then adjourned.

June 28. On motion of Mr. Fulton, from the committee on public lands, Charles Gordon was authorized to make certain additions to the maps of the public lands.

The bill to divide the state of Delaware into two collection districts, was read a third time, and passed.

On motion of Mr. Tipton, the senate resolved to insist in the non-concurrence with the amendments of the house to the bill making appropriations for certain roads in Wisconsin; and to ask the house to consent to a committee of conference on the subject.

On motion of Mr. Nicholas, the bill authorizing vessels bound to ports in Mexico, and excluded by blockade, to enter and secure their vessels and cargoes in ports of the United States, was considered, and ordered to be engrossed for a third reading.

On motion of Mr. Wright, the bill supplementary to the act to establish branch mints of the United States, was considered and ordered to be engrossed for a third reading.

The resolution from the other house for the appointment of a joint committee of the two houses of congress to take into consideration, and report, at the next session of congress, on the expediency of so taking the next census of the United States as to enable the commissioners to make the most thorough collection of statistical details in relation to the agriculture, commerce, and manufactures of the country, was taken up, and, after a few remarks from Messrs. Benton, Hubbard, and Davis, was temporarily laid on the table, with a view to an inquiry whether it ought not to be more specific.

Mr. King, from the committee on commerce, reported the joint resolution referred to them, to authorize the president of the United States to cause certain surveys to be made, with a substitute, which was agreed to by the senate; and the resolution, so amended, was ordered to be engrossed for a third reading.

On motion of Mr. Strange the senate resumed the consideration of the bill introduced by Mr. Web-

ster, making further provisions for the collection of the public revenue.

The question being on Mr. Buchanan's substitute for the bill, which substitute requires that at least once in sixty days special deposits of the public money in specie be made in banks selected by the secretary of the treasury; that the notes of such banks as, after the first of October next, should issue notes of less denomination than five dollars, or less than ten after October, 1841, shall not be received; and that the first twelve sections of the deposit act of 1836 be no longer in force—

Mr. Calhoun addressed the senate in opposition both to the bill and the substitute, but expressing a preference for the bill, and urging an unyielding and unbending perseverance in the efforts to carry the sub-treasury.

Mr. Buchanan replied in favor of his substitute, and also in favor of perseverance in the sub-treasury; but urging that, in the mean time, minor measures were not to be abandoned or neglected.

Mr. Clay, of Kentucky, and Mr. Calhoun entered into a debate of considerable length, touching at times on various collateral topics. Mr. Clay advocating the passage of the bill.

Mr. Strange spoke at length in favor of the substitute, and in opposition to the bill.

On motion of Mr. Webster, the bill was laid on the table till to-morrow.

The bill to purchase (for \$10,000) the right to use, in the public service, Dr. Boyd Reilly's vapor bath was considered, and rejected on the question of its engrossment: Yeas 15, noes 20.

The bill for the relief of the representatives of captain William Williams, of N. C., deceased, was discussed at length, and laid on the table. Ayes 22, noes not counted.

The bill for the relief of the heirs of lieutenant col. John Cropper was discussed at length by Messrs. White, Prentiss, Roane, Rives, Hubbard and Pierce; and on the question of engrossment the bill was rejected. Yeas 11, noes 26.

The bill to repeal, in part the act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes, was taken up, explained and advocated by Mr. Grundy, and ordered to be engrossed for a third reading.

The bill to create a new land district in Mississippi was considered, and ordered to be engrossed for a third reading.

The senate adjourned, after an executive session.

HOUSE OF REPRESENTATIVES.

Friday, June 22, (evening session.) Mr. Hunter, of Virginia, resumed the floor, and continued and concluded his speech in support of the sub-treasury bill.

He was followed by Mr. Kennedy, of Maryland, who took the other side, and spoke till near 6 o'clock, when he gave way for a motion to rise, and the committee rose.

On motion of Mr. Cushman, the house took up the senate's bill providing for experiments to test the strength of steamboat boilers, and receded from its disagreement to certain amendments proposed thereto by the Senate. [The bill therefore now only wants the president's signature to become a law.]

On motion of Mr. Thomas, the house next took up the bill for greater security on board of vessels propelled by steam. Several amendments proposed by the senate were concurred in; one of them proposed to strike out the clause requiring a fire-engine and suction hose to be kept in every boat over 200 tons burden. Mr. Fillmore opposed this; stated the necessity of such fire-engines, especially on the lakes and at sea, and moved an amendment to accomplish that object. The amendment was agreed to. Mr. Petrikin opposed the whole section. Mr. Fillmore defended it, and referred to the testimony of captains on Lake Erie respecting the value and necessity of such securities against fire. Mr. E. Whittlesy earnestly advocated the provision, dwelt on the horrors of a conflagration at sea, and the number of lives continually exposed on the northern lakes. He suggested to Mr. F. the modification of his amendment, by requiring iron instead of rope for moving the tiller. Mr. Petrikin urged his objection to the section; he preferred leaving the captains to their responsibility; prosecute them in case of accident, and let them guard against it as they pleased. Mr. Grennell insisted on the importance of having iron rods or chains substituted for tiller-ropes, referring to the loss of the Ben Sherrod from having had her tiller-ropes burnt, so that she could not be run on shore. He moved an amendment to that effect. This was agreed to; and the question being on striking out the entire section,

Mr. Thomas objected to all details being inserted in the bill. These accuties were some of them

very costly, and the smaller boats could not afford the expense. The boats should be classified; without this, the provision would operate partially. He opposed the section on this ground. But the house refused to strike out the section as modified.

Mr. Childs moved an amendment providing that in case of the destruction of life, the owners shall pay a fine of \$5,000.

Mr. Bronson moved as a substitute for this a provision of fine and imprisonment for racing, and if death ensue in the case, the owner or master shall be considered as guilty of manslaughter. He explained and earnestly urged the importance and necessity of such a provision, as going to the root of the evil.

Mr. Hoffman thought explosions seldom arose from racing, but more frequently after stoppages, when the steam was not let off. In races the engineer was always on the alert and examining the steam; but in most fatal cases the destruction arose from neglect. He opposed the amendment, as it would never be proved before a jury that a race had taken place, or which boat was in fault.

Mr. Pope deprecated the practice of racing, but despaired of ever effectually preventing it. He should, however, vote for the amendment, as it might possibly do good. He had but little hope from the law at any rate; for if the risk of the captain and engineer's own lives would not make them cautious, no legislation was likely to effect it.

Mr. Bronson further supported his amendment, insisting that racing against time was as much racing as when another boat was alongside, and it was these trials of speed which induced the captains to hold on their steam, &c. Mr. Hoffman replied, deprecating that any instance could be found where a boat was destroyed in a race. As to racing against time, the amendment made no provision against it. Time crawled with some, trotted with others, and galloped with others; it would be hard to punish so severely racing against a thing so uncertain. The amendment was rejected.

Mr. Chapman proposed an amendment providing a fine of \$5,000 in case of loss of life from an explosion within 15 minutes from leaving a wharf. This amendment was rejected, and the amendment moved by Mr. Childs was agreed to. Mr. Ayer moved an amendment requiring a certificate from the engineer of his competency, after an examination by a board appointed for that purpose, under a penalty of — dollars. Mr. Evans moved a substitute providing for the appointment of a board of examiners, the certificate to be by them given, and imposing a fine on the owner of \$500 a month for employing an engineer without such certificate. Some explanations took place between Messrs. Ayer and Evans. Mr. Biddle deprecated too much legislation, and objected to the amendment as imperfect; it provided no pay for the board of examiners. He feared it would operate oppressively and become odious.

Mr. Petrikia moved the previous question, but withdrew it for Mr. Campbell, of South Carolina, on promise of renewal. He thought it might be better to limit the speed of boats to so many miles an hour, but pressed the constitutional objection which had been urged when the bill was in committee. The interposition of the federal courts was not a sufficient argument in favor of a law in itself unconstitutional. The general government could have no jurisdiction over steamboats moving within a state. The same doctrine would give the government jurisdiction over every wagon on every road in every state in the union, and the government was already a consolidation. He was anxious to vote for the bill, the voice of humanity called loudly for some legislation to guard the lives of our citizens from the recklessness of persons intrusted with the command of our steamboats. He renewed the motion for the previous question.

Mr. Robertson and Mr. Toucey urged that the demand for the previous question should be withdrawn. An adjournment was moved, and lost, 52 to 70. The previous question was not seconded: Ayes 53, noes 57. No quorum having voted, an adjournment was again moved and carried: Ayes 74, noes 53. So the house adjourned.

Saturday, June 23. Mr. Lincoln, on leave, from the committee on the public buildings, reported the following:

Resolved, That the president of the United States be requested to inform this house whether, in resuming the work upon the new treasury building, it is intended that any portions of the walls, at the northern and southern extremities, are to be removed, or are to be extended and connected at the north with the walls of the building occupied by the state department; or whether the latter building is to be taken down, or such alterations made therein as materially to change its exterior or interior structure; and, if so, in what manner and at what cost;

and that he be requested to lay before the house a definite and descriptive plan of the elevation and dimensions of the treasury building, as the same, on his approval, is to be prosecuted to its completion, with an estimate of the whole cost of the building, including any alterations which, in connexion therewith, are to be made in the building of the state department, and in the grading of the contiguous street, and the construction of the necessary walls and culverts to protect the foundation of the building, and render the approach thereto and the occupation thereof appropriate and convenient.

Mr. L. asked the present consideration of this resolution.

Mr. Keim objected, because he was opposed to renewing the old controversy on the treasury building at this late period of the session, and also because it might have the effect of again throwing the workmen out of employment who had been re-engaged. Mr. Lincoln moved a suspension of the rules. Mr. Williams, of North Carolina, called for the yeas and nays; but Mr. Keim, on hearing the resolution read again, remarked that, as it was merely a call for information, he would withdraw his objection; whereupon, the resolution was agreed to.

Mr. Carter made an ineffectual attempt to make the bills extending the pension system to western warriors the special order for Thursday next.

Mr. Adams proceeded in his remarks on the report of the committee on foreign affairs in relation to the annexation of Texas, and was referring to the right of slaves to petition, and the proceedings in the house last congress upon his tendering a petition of that character, stating that he should have no hesitation in presenting a petition from a slave, if his memorial was properly couched, and on a proper subject, or something to this effect. Mr. A. was proceeding in this line of remark, when the Speaker called him to order, saying that the remarks were irrelevant to the subject under consideration. Mr. Adams said he was putting an extreme case, by way of illustration, which was in order. The Speaker again reminded Mr. A. that he was out of order. Mr. Legare rose, and said he felt compelled to call the gentleman from Massachusetts to order; and cries of order were heard in various parts of the house. Mr. Adams called upon the speaker to reduce the disorderly words to writing, and appealed from the decision of the chair. The Speaker said the chair could not be called upon to reduce remarks made out of order to writing. It had never been known, either by any rule, or by parliamentary usage; and if such a course could be sustained, it would continually bring the chair into conflict with members, and would render it impossible for the house to proceed with its business.

Several members referred to the twenty-third rule of the house, which requires that disorderly words shall be reduced to writing.

The Speaker said he was perfectly aware of that rule, and it applied to cases where one member called another to order for disorderly or personal remarks, and not to the speaker when he called a member to order for irrelevant remarks, for the rule says the speaker shall call members to order, and makes it imperatively his duty.

Mr. Adams called for the reading of the rule by which the speaker called him to order, and refused to reduce the objectionable remarks to writing.

The Speaker read the rule requiring that a member "shall confine himself to the question under debate," and said he had called the gentleman from Massachusetts to order for irrelevancy in debate. As he was about to put the question on the appeal from the decision of the chair, Mr. Adams again insisted upon having the words reduced to writing.

Cries of "order!" "order!"

The Speaker directed Mr. Adams to take his seat.

Mr. Adams continued to hold the floor, and persisted in demanding that the words should be reduced to writing, and said he would then appeal, but he would not appeal from the decision in the form in which the speaker had put it.

The Speaker then put the question upon the appeal; and the decision of the chair was sustained, as follows:

YEAS—Messrs. J. W. Allen, Anderson, Andrews, Atherton, Ayer, Banks, Beatty, Birdsall, Boon, Brodhead, Bronson, Buchanan, Cambreleng, J. Campbell, Casey, Chapman, Cheatham, Clowney, Connor, Craig, Cray, Crockett, Cushman, Davee, Deberry, DeGraff, Dennis, Dismock, Edwards, Elmore, Farrington, Fairfield, Fry, Glascock, Grant, Gray, Hale, Hamer, Harrison, Hawkins, Haynes, Holsey, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, T. B. Jackson, Jenifer, J. Johnson, N. Jones, J. W. Jones, Keim, Klingensmith, Legare, Leadbetter, Lewis, Logan, Loomis, Lyon, Mallory, Martin, Maury, Maxwell, McKay,

Robert McClellan, A. McClellan, McClure, Meneff, Miller, Montgomery, Moore, Morgan, S. W. Morris, Noble, Parker, Parris, Paynter, Pearce, Pennybacker, Petrikia, Phelps, Pickens, Plumer, Potter, Pratt, J. H. Prentiss, Randolph, Reily, Rencher, Rives, Rumsey, C. Shepard, Shields, Shepler, Snyder, Southgate, Stuart, Stratton, Taliaferro, Taylor, Titus, Toucey, Turney, Vail, Vanderveer, J. White, T. T. Whittlesey, S. Williams, J. W. Williams, Word, Worthington, Yell, Yorke—115.

NAYS—Messrs. Adams, Borden, Biggs, W. B. Calhoun, Carter, Corwin, Cranston, Cushing, Darlington, Davies, Evans, Everett, Ewing, R. Fletcher, Fillmore, Goode, Grennell, Halsted, Hastings, Henry, Lincoln, S. Mason, McKennan, Mitchell, Naylor, Ogle, Patterson, Peck, Potts, Reed, Ridgway, Robinson, Slade, Stanly, Tillinghast, Elisha Whittlesey—36.

So the decision of the chair was sustained by the house, and Mr. Adams thus declared to be out of order.

Mr. Boon then called for the orders of the day.

Mr. Williams, of Kentucky, on whose motion the resolution to fix the day of adjournment was postponed till Friday next, said that, at the request of a number of gentlemen, whom he was willing to accommodate, he would move a reconsideration of that vote. From the proceedings on the steamboat bill last night, even under the melancholy disasters that had recently occurred, it seemed they could get no vote on any subject, and, therefore, he thought the sooner the session was brought to a close the better. He then made the motion indicated, and asked its consideration at this time; to which no objection was made.

Mr. Calhoun, of Massachusetts, asked for the yeas and nays; which were ordered.

Mr. Cushing and Mr. Titus severally made objections, but it was decided to be too late, though the chair suggested the entertaining of the objections; but objection was made to it, and, after some conversation, Mr. Hopkins moved to lay the motion on the table; on which, at the call of Mr. Williams, the yeas and nays being ordered, they were: Yeas 64, nays 139. So the house refused to lay the subject on the table; and the question recurring on the motion to reconsider, it prevailed: Yeas 142, nays 61.

The question then recurring back on the original motion, to postpone till Friday, Mr. Cushman moved to postpone it till Thursday next. The Chair ruled that the first motion took precedence. Mr. Williams then withdrew the original motion; and remarked that believing the general sense of the house was in favor of the 9th of July, though he himself preferred an earlier day, and as the resolution, as modified yesterday, proposed that day, he demanded the previous question, which was seconded without a division, and the main question being ordered thereon, Mr. Davee asked for the yeas and nays, which being ordered, were: Yeas 145, nays 69. So the resolution was agreed to.

Mr. McKay asked leave to submit a resolution fixing a day for the consideration of the army bill; but it was objected to.

Mr. Harlan also made an appeal to the house to devote a short time to the steamboat bill; but that was also objected to.

On motion of Mr. Cambreleng, the house again went into committee of the whole on the state of the union, (Mr. Connor in the chair,) on the treasury bill.

Mr. Kennedy continued his remarks in opposition to the bill until the house, according to order, took its daily recess.

EVENING SESSION.

The chairman took the chair at the usual hour. Having remained in the chair for some time, and no quorum appearing, Mr. Williams, of North Carolina, moved that the committee rise. This motion was rejected—14 to 15.

Having found itself without a quorum, the committee rose, and reported that fact to the house.

Mr. Cambreleng and Mr. Thomas were averse to taking a call of the house. A quorum had but rarely appeared at this hour, after recess, during this debate, and they hoped the house would consent to go into committee of the whole on the state of the union informally.

Mr. Calhoun, of Massachusetts, thought the practice of leaving the house without a quorum ought to be broken up, and, after some further conversation, the house again resolved into committee of the whole, and Mr. Kennedy resumed and concluded his remarks in opposition to the bill.

Mr. Toucey then moved that the committee rise, for the purpose of permitting him to move to take up the steamboat bill. The motion did not prevail. Mr. T. then went on in support of the sub-treasury bill, at some length. He had not proceeded far,

when he gave way to Mr. Hopkins, who made an ineffectual motion that the committee rise.

Mr. Toucey made some yet further progress, when he gave way to Mr. Robertson, who made the same motion, but with no better success, and Mr. Toucey proceeded, and was followed by Mr. Thompson, who warmly opposed the bill, and argued in favor of a special deposit system.

Mr. Jenifer took the floor, and moved that the committee rise. Lost.

Mr. Potter stated a few reasons why, having been instructed to vote against the bill by the house of representatives of his state, he should nevertheless vote for it. Before he had concluded, Mr. Parris moved that the committee rise: Yeas 63, nays 79. So the committee refused to rise.

Mr. Potter proceeded a few moments longer, when he gave way at the request of Mr. Duncan, who moved that the committee rise: Ayes 63, noes 70. So the committee again refused to rise; and Mr. Potter again proceeded with his remarks; and soon after another motion was made to rise: Ayes 74, noes 84; and Mr. P. again went on. When he had concluded his remarks, Mr. Rhett moved that the committee rise: Ayes 85, noes 84. So the committee determined to rise.

Mr. Bronson moved that the house adjourn.

Mr. Hoffman demanded the yeas and nays. Ordered. The motion was withdrawn at the request of Mr. Thomas, who, in the name of the select committee to investigate the manner in which the public printing had been done, asked leave to move that that committee have power to send for persons and papers. Objections being made, Mr. Naylor moved that the house adjourn; but withdrew the motion at the request of Mr. Thomas, who moved to suspend the rules, in order to enable him to make the motion he had indicated.

Pending this proposition, Mr. R. Garland moved an adjournment, and on that motion demanded the yeas and nays, which were ordered. And the house, by a vote of 102 yeas to 72 nays, decided to adjourn.

Monday, June 25. Mr. Adams wished to make some inquiry as to the correctness of the journal in relation to the point of order made on Saturday, during his own remarks by the speaker. The journal did not declare in what particular it was that he (Mr. Adams) had been out of order. The decision, therefore, could from no precedent in future, inasmuch as it was indefinite and vague.

The Speaker said that the entry on the journal was made in accordance with all former precedents.

Mr. Adams said that he must submit in that case, as he had done in others. There was one other thing he wished to mention. The speaker had heretofore asked leave of the house for the member to proceed.

The Speaker explained that the recent change of the rules of the house had altered that order of the house.

Mr. Adams then claimed the floor, and anticipated that objection might be made to his proceeding, having been declared out of order, and he having actually proceeded one minute after that declaration on Saturday.

The Chair recognized the right of Mr. Adams to proceed when the question should come up.

The Chair being about to call the states, in their order, for resolutions, Mr. Petrikin rose, and asked for the reconsideration of the vote of the house fixing on the 9th as the day of adjournment. He also moved that the rules be suspended to enable him to offer that motion. Mr. Lewis Williams asked a call of the house. Ordered.

One hundred and sixty-nine members answered on the first call of the roll. It was then called a second time for the absentees on the first call, and one hundred and eighty-nine members were found to be present.

The call was then dispensed with, on motion of Mr. Cushman. Mr. Sherrod Williams hoped the house would suspend the rules, and then lay the motion to reconsider on the table.

The question of suspending the rules for the purpose of reconsideration, as moved by Mr. Petrikin, recurring, and the yeas and nays having been ordered thereon, the house decided the question (requiring two-thirds) in the affirmative—142 to 52. And the question recurring upon reconsideration, Mr. Sherrod Williams demanded the previous question, which was seconded, and the main question was then ordered to be put. Mr. Naylor demanded the yeas and nays—ordered; and the house decided not to reconsider by a vote of 64 yeas to 135 nays.

This being the day set apart for the presentation of resolutions, the following were presented in order.

Mr. Cushman submitted the following, which was disagreed to by the house:

Resolved, That the house bill "to define the number, compensation, and duties of officers of the

customs," and house bill "making appropriations for building light-houses, light-boats, beacon lights, buoys, and making surveys for 1838," be made the special order of the day for Thursday, the 28th day of June instant.

On motion of Mr. Fletcher, of Massachusetts, *Resolved*, That the committee on commerce be instructed to inquire into the necessity of amending the laws to prevent frauds on the revenue in the entry of goods at the custom-house.

On motion of Mr. Briggs,

Resolved, That the committee on patents be instructed to inquire into the expediency of altering the laws in relation to appeals from the decisions of the commissioner on patents.

Mr. Randolph submitted the following, which was disagreed to by the house:

Resolved, That the committee on public lands be instructed to inquire into the expediency of granting a township of land to each of the two colleges in the state of New Jersey.

Mr. Ingham submitted the following, which was disagreed to by the house:

Resolved, That Friday next, from and after the hour of 10 o'clock in the morning, be assigned for the consideration, in preference to any other business, of such bills as have been, or may be, reported by the committee on naval affairs.

On motion of Mr. Mercer,

Resolved, That the committee on roads and canals be instructed to inquire into the expediency of causing a survey to be made of the river Potomac from the navy yard, on the eastern branch, in the District of Columbia, to the mouth of said river, with a view to the removal of the obstructions in the navigation thereof by vessels of great draught; and that the survey made under the direction of the department of war of James river, in Virginia, with a view to the improvement of the navigation thereof, be committed to the said committee, with an instruction to inquire into the expediency of making appropriation therefor.

On motion of Mr. L. Williams,

Resolved, That the secretary of war be directed to lay before this house the correspondence between that department and major-general Winfield Scott in relation to the removal of the Cherokee Indians west of the Mississippi, which had not been already been communicated.

On motion of Mr. Rencher,

Resolved, That the secretary of the treasury be directed to lay before this house a statement showing the amount of expenditure, exclusive of public debt, for each year from 1824 to 1838.

On motion of Mr. Legare,

Resolved; (the senate concurring herein,) That a joint committee be raised to take into consideration, and report at the next session of congress, the expediency of so taking the next census as to enable and require the commissioners to be appointed for that purpose to make as complete a collection as possible of statistical details in relation to the agriculture, commerce, and manufactures of the country, and all its other resources and productive powers.

On motion of Mr. Harlan,

Resolved, That the committee on Indian affairs inquire into the expediency of providing, by law, the compensation to be allowed to all persons engaged as commissioners for making Indian treaties, as agents for superintending the removal of Indians, and for other services performed under the direction of the secretary of war, in the Indian bureau, not already provided for by law.

On motion of Mr. Underwood,

Resolved, That the secretary of the treasury be directed to inform this house what kind of funds were furnished pension agents in the state of Arkansas, with which to pay the claims of pensioners; distinguished between the amounts furnished in specie and bank notes, and where bank notes were furnished; stating the different banks, as far as practicable, which issued the notes so furnished and the amounts on each bank.

Mr. Adams offered the following resolution, and asked for its consideration:

Resolved, That the president of the United States be requested to cause to be transmitted to this house the newspaper presented to the secretary of state of the United States by the late envoy extraordinary and minister plenipotentiary of the republic of Texas, with his note of the 12th of September, 1837, or a copy of the report of the house of representatives of the state of Mississippi, to which the said minister invites the attention of the secretary of state, and alleged, in the said note of the Texian minister, to be contained in the said newspaper.

Objection being made by Mr. Beatty, Mr. Adams moved to suspend the rules, to enable him to move to consider the resolution, and asked for the yeas and nays; which were ordered—35 to 120; and the resolution was again read.

Mr. Adams asked that a passage from the message of the president of the United States, on the subject-matter of the resolution, be read.

A single member objected, and the chair decided that it could not be done.

The house then decided not to suspend the rules for this purpose, (the question requiring a vote of two-thirds to carry,) by the following vote—Yeas 84, nays 108.

Mr. Robertson offered the following resolution:

Resolved, That the president of the United States be requested to communicate to this house, on the first day of the next session, all the information not heretofore communicated, now in possession of the executive, or may be procured before that time, touching undue attempts or practices, if any, since the 29th May, 1830, to keep down the price of the public lands, or prevent purchasers or entries thereof, at public or private sale by force, threats, or fraud, and the measure taken since the date aforesaid to prevent, defeat, or punish such fraudulent practices, and illegal entries upon the public lands.

Resolved, That the secretary of the treasury prepare and lay before this house, on the first day of the next session, a statement of all grants and donations of public lands, or of the proceeds of sales thereof, to the states, by the United States, distinguishing the amount made to each, and the purposes and considerations upon which made; and accompanying the said statement with an estimate of the amount to which each state would be entitled of similar grants and donations, according to the proportions specified in the several deeds of cession from the several states to the United States.

Secondly. A statement of the whole quantity of public land now surveyed, and an estimate of the quantity unsurveyed.—distinguishing each, and where situated; and accompanying the same with separate plans for dividing the said lands, and the proceeds of sales thereof, among the states, in the proportions aforesaid, on such conditions as to the time and manner of division and sale, graduation, reduction of price, and reservation of title in the United States, and final disposition, as may be best calculated to effect the objects of this resolution, in conformity with the original compacts entered into between the several states and the United States relating to the said lands.

Thirdly. A plan for re-organizing the land system on such principles as will best secure the public against loss from illegal entries, frauds, &c. pointing out the defects or advantages of the present system, more particularly in reference to pre-emption and sales at public auction; and in general suggesting such alterations as experience may have shown to be necessary.

Mr. Robertson asked for the suspension of the rules, in order to enable him to move to consider these resolutions at the present time, and asked the yeas and nays, which were ordered; and the house refused to suspend the rules, by a vote of 104 yeas to 70 nays. And, on motion of Mr. Calhoun, of Massachusetts, the resolutions were ordered to be printed.

Mr. McKay offered the following resolution, which he asked to have considered at this time.

Resolved, That the select committee appointed on the memorial of F. P. Blair be authorized to send for persons and papers.

Mr. Harlan thought this too late a period of the session to give a committee power to send for persons and papers, for the purpose of white-washing the editor of the Globe. He objected to the consideration of the resolution at this time.

Mr. Duncan moved to suspend the rules, in order to enable the house to consider the resolution. Mr. Gisscock demanded the yeas and nays, which were ordered; and the house decided to suspend the rules (requiring a vote of two-thirds) by a vote of 121 yeas and 51 nays.

The house therefore agreed to consider the resolution.

Mr. Dromgoole said that if the mover would so modify the resolution as to state to the house what witnesses were intended to be examined, he would go for it. He could not, unless this was done.

Mr. Harlan moved to discharge the select committee from the further consideration of the subject. There was not now time at this session to go into the proposed investigation. Other and more important business, to a very great amount, was upon the table waiting for consideration; and it was a preposterous proposition that the house should now spend its time in white-washing Mr. Blair, so as to give the Globe establishment an opportunity of again obtaining the public printing. He then moved so to amend the resolution as to discharge the committee from the further consideration of the subject.

Mr. Thomas said that the proposed inquiries are not, by the resolution already referred to the chair.

little, restricted to an inquiry into the manner in which the editor of the Globe has done the public printing, but all others who have done it. He also stated the views of the committee in asking to be clothed with this power.

Mr. Boon was not surprised to see the objection to this investigation coming from the quarter of the house it did. He thought there was nothing in the objection as to the period of the session. He hoped, when the question should be taken, it would be by yeas and nays.

Mr. Bynum spoke with earnestness and zeal in support of the character of the editor of the Globe and of that paper, and contended that a wish to slacken the character of both was the motive of gentlemen opposing this resolution, far more than a desire to white-wash them was the motive of those who advocated it.

Mr. Harlan sent to the chair the following modification of his amendment:

"And that the said committee be instructed further to inquire and report to this house how and to whom the patronage of the government has been paid for printing and for the publication of the laws of the United States; what editors of newspapers have been deprived of the publication of the laws, and the reasons therefor, and the correspondence relating to that subject; and to inquire into all abuses, if any, which have arisen under the existing laws and regulations upon the subject of the public printing and the publication of the laws; and, to this end, that the committee have leave to sit during the recess of congress."

Mr. Stanly moved the following amendment to the amendment, which Mr. Harlan accepted as a further modification of his amendment:

"And that said committee be further instructed to inquire by what authority a large number of extra Globes were folded with the messages which were ordered by members in the early part of the session, without their knowledge and consent, and thus transmitted at the public expense; and that they also inquire under what arrangement the editor of the Globe had the exclusive printing of said message, and was thus enabled to practise such device."

Mr. Duncan went at length into a support of the resolution, and against the proposed amendments, and concluded his remarks by moving the previous question. Mr. Mitchell moved to lay the whole subject on the table. The yeas and nays being ordered, this motion was rejected by a vote of yeas 47, nays 129. On seconding the call for the previous question: Ayes 84, noes 81. So there was a second. On ordering the main question, (the yeas and nays being ordered:) Yeas 93, nays 92. So the main question was ordered then to be put, and the resolution was then agreed to.

Before the call for the resolutions was completed, Mr. Briggs moved to suspend the rules, and to make an order to take up the sub-treasury bill immediately after recess. The motion prevailed.

The call for resolutions was then continued until the hour of recess.

Mr. Bell expressed the hope that there would be a common understanding that the sub-treasury bill be taken out of committee of the whole to-night.

And then the house took the usual recess.

EVENING SESSION.

The sub-treasury bill being again under consideration in committee of the whole, Mr. Rhett, of South Carolina, who had the floor, addressed the committee for about two hours in support of the bill, and especially in reply to Mr. Prentiss. He went a good deal into the question of what was a constitutional currency, denying that bank notes were in any sense money; defended the consistency of his own course, as being founded on principle; and then went into a vindication of nullification and the nullifiers; gloried in being the descendant of the British regicides and the rebels of the revolution, and concluded by expressing his approbation of the bill as being in accordance with the political principles of the Jefferson school. He considered the question as being substantially between the sub-treasury and a bank of the United States, but would prefer the latter, if this could not be carried, to a combination of state banks.

As soon as Mr. Rhett took his seat, the question was loudly demanded from all quarters.

It was accordingly taken by tellers, when the vote stood, in favor of striking out the enacting clause of the bill 92, against it 86.

So the committee agreed to strike out the enacting clause.

The committee then rose, and reported the bill, with Mr. Garland's amendment, viz. to strike out the enacting clause.

Mr. Sherrod Williams immediately moved the previous question; whereupon, Mr. Wise moved a call of the house. This motion prevailing, the roll

was then called, when it appeared that about fifty members were absent. [The question had been taken in committee of the whole much earlier in the day than had been generally expected.] The roll having been gone through, absentees were called, and the doors of the house were closed. Excuses were then received, and a number still remaining absent, it was ordered that the clerk make out a written list of their names, and that the officers of the house wait upon them and request their attendance. A good deal of confusion prevailed. Motions were made to suspend the call; to admit members who were waiting at the doors; to call over the absentees again, &c. A number of members were admitted, when Mr. Sherrod Williams moved to dispense with further proceedings in the call.

On this motion Mr. Lewis demanded the yeas and nays. Mr. Williams withdrew the motion. Mr. Childs renewed it. The yeas and nays were ordered, and, being taken, resulted as follows: yeas 117, nays 104. So the call was suspended, and the doors were thrown open. [All the members were now in attendance, save Mr. Smith, of Maine, absent on leave, and Mr. Bruyn and Mr. Jackson, who were excused.]

The previous question having been moved, as we stated, by Mr. Sherrod Williams, Mr. Campbell, of South Carolina, asked him to withdraw the motion. He observed that, on so important a measure as this, the object ought to be truth, not victory. The bill contained two distinct subjects, and he wished—the Chair said all debate was now out of order.

Mr. Williams said he should be glad to accommodate the gentleman from South Carolina by withdrawing the motion; but, if he should do so, the gentleman would gain nothing by it, since the question would instantly recur on concurring with the committee of the whole in their reported amendment, viz: to strike out the enacting clause of the bill.

The Chair then proceeded to ascertain whether the demand for the previous question was seconded, when the yeas being 126, the noes not counted. So there was a second.

The previous question being now put, Messrs. Foster and Bronson demanded the yeas and nays; but the house refused to order them. The previous question was carried. And the main question being on the engrossment of the bill, and ordering it to its third reading, Mr. Reed demanded the yeas and nays, which were ordered; and, being taken, stood as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Birnie, Bicknell, Birdsall, Boon, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Chaney, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, D-Graff, Dringgoole, Duncan, Elmore, Farrington, Fairfield, F. Fletcher, Fry, Gallup, Glascock, Grant, Gray, Griffin, Haley, Hammond, Hamer, Harrison, Hawkins, Hynes, Holsey, Holt, Howard, Hubley, W. H. Hunter, R. M. T. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, Robert McClellan, Abraham McClellan, McClure, Miller, Montgomery, Moore, Morgan, S. W. Morris, Murray, Noble, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Petriken, Phelps, Pickens, Plumer, Potter, Pratt, J. H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheffer, Shepler, Snyder, Spencer, Taylor, Thomas, Titus, Toucey, Towns, Turney, Vail, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—111.

NAYS—Messrs. Adams, Alexander, Heman Allen, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, J. Calhoun, W. B. Campbell, J. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Coffin, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, R. Fletcher, Fillmore, Foster, James Garland, Rice Garland, Goode, James Graham, Wm. Graham, Grantland, Graves, Grennell, Hall, Halsted, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, Jennifer, H. Johnson, W. C. Johnson, Kennedy, Kilgore, Legare, Lincoln, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, May, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, M. Morris, C. Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robinson, Rumsey, Russell, Sergeant, A. H. Shepherd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stone, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, Vanderveer, A. S. White, J. White, E. Whittlesey,

L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Word, Yorke—125.

So the house refused to order the bill to its third reading, thereby, in effect, rejecting the bill.

Mr. Foster made a motion to reconsider this vote; but before any vote on that motion,

The house adjourned.

Tuesday, June 26. Mr. Adams was entitled to the floor on the unfinished business of yesterday morning; but yielded it at the request of the following gentlemen:

Mr. Stone, who obtained leave to offer the following, which was agreed to:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of increasing the pay of the volunteers or draughted militia-men who are now, or may hereafter be called into the service of the United States. Also those who are or may hereafter be employed by the general government for the purpose of removing the Cherokees out of the states of Georgia, North Carolina, Tennessee, and Alabama, and settling them west of the Mississippi, as well as those volunteers who have just returned home from Florida, or who may hereafter be received into the service of the United States for either of the foregoing purposes.

Mr. Johnson, of Louisiana, who, by leave, offered the following, which was agreed to:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the fees allowed by law to the clerks, marshals, and district attorneys of the United States courts for the state of Louisiana, so as to correspond with the fees allowed for similar services in the state courts of said state.

Mr. Chapman, of Alabama, who obtained the printing of certain amendments to senate bill entitled "An act providing for the reduction and graduation of the price of the public lands."

Mr. Robertson asked to offer the following:

Resolved by the senate and house of representatives of the United States of America in congress assembled, That the secretary of the treasury be directed to take such measures as he may deem necessary—

First. To cause, as soon as may be, all payments of public dues of every description, and without discrimination, to be made hereafter in the current coin of the United States, or treasury notes, or the notes of banks situated in the state, territory, or district, wherein such dues are receivable, and whose notes are payable, and paid on demand, in such current coin.

Second. To cause all public money, as early as practicable after it shall be received, to be placed in state banks, preferring always, where such can be had, those which are depositories of the state, territory, or district, wherein situated, on condition that they will agree for reasonable compensation, not exceeding one-eighth of one per cent. to receive the same on deposit, not to be used by them as a basis, or fund for discount, or otherwise, nor mingled with other funds; to keep and render accounts, give receipts, or certificates, permit inspections and examinations, make payments and transfers, and give collateral security for the safe-keeping thereof in such manner as may be required by the secretary of the treasury, or by the laws of the United States; provided that nothing herein contained shall be construed to compel such transfers at the expense of the banks, nor to authorize transfers in any case, except where the public service, or the safety of the funds, may render them necessary.

Third. To cause all notes of banks remaining on deposit, at the end of every two months, to be converted into the legal coin of the United States, and to be continued, or replaced in deposit aforesaid, and to be drawn for and used, so far as the public convenience or necessities will admit, in preference to all subsequently accruing revenue.

Mr. Robertson said that the grounds which induced him to submit the resolution, were these:

It substantially destroys all connexion, pecuniary and political, between the government and the banks. It secures an inflexible adherence to the specie standard, and as near an approach to an exclusive metallic currency as is desirable, or practicable, without a total interdict of every other kind of currency.

It secures the public as far as possible against losses incident to the continued custody of public money by collectors.

It guards against excessive issues by the banks whose notes are made receivable, by requiring that the notes paid on account of public dues shall be actually converted, at short intervals, into specie, and prohibiting discounts on public deposits.

It avoids the inconvenience and injury that might result from hoarding specie, by requiring the specie to be first disbursed; and it checks all

transfers of public money, except when the public service, or the safety of the funds, renders them necessary.

Mr. *Petrukin* said he was against letting in through the window that which could not enter by the door; he therefore objected to the offering of the resolution.

Mr. *Robertson* moved a suspension of the rules, and demanded the yeas and nays. They were ordered, and, being taken, resulted, yeas 70, nays 123. So leave was refused.

Mr. *Garland*, who had not been in the house when the yeas and nays were calling, asked to be permitted to record his vote, which would have been in the affirmative; but leave was refused.

A similar request was made by Mr. *Dromgoole*, who would have voted in the negative; but this also was refused.

Mr. *Adams* then resumed his speech on the subject of the annexation of Texas, and continued to occupy the floor till the expiration of the morning hour.

Mr. *Foster*, of New York, now rose and asked to submit a motion for the re-consideration of the vote of yesterday by which the sub-treasury bill was rejected.

After some conversation, leave was granted.

Mr. *Foster* remarked that he did not rise for the purpose of inflicting a speech upon the house in relation to the subject which had so long occupied the time and attention of both houses of congress, because he had no doubt that each member had fully formed his opinion on the whole subject, and because the time of the house was too precious to be wasted by further discussion. He desired merely to state the objects which he had in view in making the motion to reconsider, so that his vote, already given against the engrossment, and the one which he was about to give, might not be the subject of misconception; and even this he would not now do, had an opportunity for explanation occurred yesterday. He would say that the vote which he yesterday gave was a deliberate one; and he desired to be understood that his motion to reconsider was not made in consequence of any change of his opinion, but simply that he might have an opportunity now (and which the previous question yesterday prevented) to move an amendment to the bill, to make it conform substantially to the provisions of the bill upon the same subject which passed the senate some months since. Such an amendment would make the bill acceptable to him. But even though such an amendment should not be adopted, it was still important that the vote should be reconsidered, in order that some other measure for the collection, safe-keeping, and disbursement of the public revenue might be adopted.

Mr. *Briggs* now moved to lay the motion to reconsider on the table, but withdrew it at the request of Mr. *Mallory*, of Virginia, who promised to renew it. Mr. *M.* wished the floor only to explain the vote he had given against the bill. He was, personally, heartily in its favor; but the opinion of his constituents had been intimated to him in forms which he deemed equivalent to instructions; and he had therefore voted as they desired. He expressed a hope, however, of being able to persuade them to entertain better views, and that he should hereafter have an opportunity of voting for such a bill. He renewed the motion to lay on the table.

Mr. *Wise* asked Mr. *Briggs* to consent to Mr. *Mallory's* withdrawing the motion; to which, after some remarks from Mr. *Mason*, of Ohio, he assented. The motion to lay on the table having been withdrawn,

Mr. *Sherrod Williams* moved the previous question. Mr. *Slade* moved a call of the house; which was ordered. The house was called, and afterward the absentees; when it appeared that 231 members were present. Further proceedings in the call were then dispensed with. Mr. *Thomas*, of Maryland, asked Mr. *Williams* to withdraw his motion for the previous question, promising to renew it. Mr. *Williams* on that condition assented.

Mr. *Thomas* said he wished to explain his position. He should vote against the reconsideration, although he approved of the bill. It was now near the close of the session; the sense of the house had been clearly expressed; and he had seen enough to satisfy him that this bill, under no circumstances, could become a law. The house was divided into two parties—the friends and the opposition of the administration. Of the former, 111 had voted for the bill; and about the same number had voted against laying on the table the senate's bill for the same general object. Yet that bill had been laid on the table, twelve of the friends of the administration in that case voting with the opposition. The same thing had taken place now; and he saw nothing to convince him that the senate's bill could succeed much better than this. With or without what

was called the specie clause, the bill could not become a law. A decided majority of the house, we all know, is hostile also to the special deposit plan. Under these circumstances, it was useless to reconsider. The only course left was to appeal to the great body of the American people, who would pass upon the acts of their representatives, and whose will must decide the question. He renewed the motion for the previous question.

The previous question was seconded, put, and carried; and the main question on reconsideration was then decided by yeas and nays as follows:

YEAS.—Messrs. Boon, Bronson, J. Campbell, Chaney, Davee, Fairfield, Foster, Gallup, Grant, Gray, Hawkins, Keim, Kemble, A. McClellan, Miller, Montgomery, Morgan, Parker, Parmenter, Snyder, Taylor—21.

NAYS.—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Andrews, Atherton, Aycrigh, Banks, Beatty, Beirne, Bell, Bicknell, Biddle, Birdsall, Bond, Borden, Bouldin, Briggs, Bruyn, Buchanan, Bynum, Wm. B. Calhoun, J. Calhoun, Cambreleng, Wm. B. Campbell, Carter, Casey, Chambers, Cheatham, Childs, Clark, Cleveland, Coffin, Coles, Connor, Corwin, Craig, Cranston, Crockett, Curtis, Cushing, Cushman, Darlington, Dawson, Davies, Deberry, De Graff, Dennis, Dromgoole, Duncan, Dunn, Edwards, Elmore, Evans, Everett, Ewing, Farrington, Richard Fletcher, Isaac Fletcher, Fillmore, Fry, James Garland, Rice Garland, Glascock, Goode, J. Graham, Wm. Graham Grantland, Graves, Grennell, Griffin, Haley, Hall, Halstead, Hammond, Hamer, Harlan, Harrison, Harper, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Holt, Howard, Hubley, R. M. T. Hunter, Ingham, T. B. Jackson, Jenifer, H. Johnson, J. Johnson, Wm. C. Johnson, J. W. Jones, Kennedy, Kilgore, Klingensmith, Legare, Leadbetter, Lewis, Lincoln, Logan, Lyon, Marvin, J. M. Mason, Samson Mason, Martin, Maury, May, Maxwell, R. McClellan, McClure, McKennan, Meneese, Mercer, Milligan, Mitchell, Moore, M. Morris, S. W. Morris, C. Morris, Naylor, Noble, Noyes, Ogle, Owens, Parris, Patterson, Paynter, Pearce, Peck, Peinybacker, Petrikin, Phelps, Phillips, Pickens, Plumer, Pope, Potts, Potter, Pratt, J. H. Prentiss, S. S. Prentiss, Rariden, Randolph, Reed, Reily, Rencher, Rhett, Richardson, Ridgway, Rives, Robertson, Robinson, Rumsey, Russell, Sawyer, Sergeant, Sheffer, A. H. Shepperd, C. Shepard, Shields, Shepler, Sibley, Slade, Southgate, Spencer, Stanly, Stuart, Stone, Stratton, Taliaferro, Thomas, Thompson, Tillinghast, Titus, Toland, Toucey, Towns, Turney, Underwood, Vail, Vanderveer, Wagener, Webster, Weeks, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. W. Williams, J. L. Williams, C. H. Williams, Wise, Word, Worthington, Yell, Yorke—202.

So the house refused to reconsider.

Mr. *Bouldin* said that he had been waiting for several days, with the most perfect confidence in the justice of the house, for a favorable moment, when he should find himself and the house in a good humor, to make a motion to the house to pay the time they had taken from him, which was devoted to the business of the District of Columbia. They had given him but half a day, and had taken half that from him, and he had no doubt that, at some suitable period, they would return to him that time. Short as it was, he would ask no more; but would only ask for the balance of the evening after the recess for the District business.

He did not suppose it would take the whole evening. There were but few bills or matters of any kind relating to the District, and he had no idea that they would take up much of the time of the house. He would not occupy half the evening, unless other gentlemen compelled him. He said he would accept any other time that might be more agreeable to the house, if any gentleman would name it. He moved a suspension of the rules to make that motion.

The motion of Mr. *B.* was decided in the negative.

Mr. *Kennedy* called up his resolution for the employment of the banks under certain conditions, as depositories of the public moneys, and moved that its consideration be made the order of the day for 12 o'clock to-morrow.

The yeas and nays were demanded on this motion; and, being taken, stood as follows: Yeas 94, nays 110. So the motion was rejected.

The *Speaker* laid before the house a communication from the secretary of the treasury, in answer to the resolution of the house of the 11th instant, requiring a report from the secretaries of state, war, navy, and treasury, of what architectural plans and drawings have been prepared under the order, and for the use, of their departments, respectively, since the 4th July, 1836, in relation to the light-houses.

Mr. *Sergeant* made an effort to go into committee on the harbor bill, but without success.

The senate's amendments to several bills were read and agreed to.

Several senate bills were read, and referred.

The *Chair* now proclaimed the orders of the day, when immediately many members rose, pressing the bills in which they felt a peculiar interest.

Mr. *Sergeant* moved to go into committee of the whole on the state of the union; which motion prevailed, and the house went into committee accordingly. (Mr. *Potter*, of Pennsylvania, in the chair.) Mr. *Harrison* pressed for the army bill.

Mr. *Sergeant* moved that the committee take up the harbor improvement bill.

Mr. *Shields* moved a bill, (not heard.)

The question being put, the committee decided (ayes 88, noes 69) to take up the army bill.

The bill was read through at the clerk's table.

Mr. *McKay* moved to lay aside the bill until to-morrow, to allow time for another meeting of the military committee, to decide on certain amendments rendered proper by the altered state of the frontier; but, after a desultory conversation, in which Mr. *Cambreleng* and Mr. *Yell* participated, he withdrew the motion.

The amendments proposed by the military committee were then read.

Mr. *Bell* moved to lay the bill aside for the present.

Mr. *Bronson* moved that the committee rise. He wanted to know what the amendments might be which the military committee should agree to recommend.

Mr. *Bell* hoped the bill would be laid aside, and another taken up.

The question was taken on rising, and lost, ayes 38.

Mr. *Mercer* suggested that three regiments of infantry be authorized in lieu of the 2d regiment of dragoons, as they would be proportionably more serviceable for the national defence, and yet cost no more than the single regiment of dragoons.

Mr. *Kemble* moved an amendment to the amendment of the military committee; and Mr. *Bronson* had another read, which could not now be offered.

When, after some remarks of Mr. *Grennell*, in favor of having the bill laid aside, and in defence of the military committee from some pretty severe remarks of Mr. *Yell*, the morning session expired.

EVENING SESSION.

Mr. *McKay* proceeded (at half past 3 o'clock P. M.) in support of the amendments pending to the army bill when the house took a recess. He had proceeded but a little way, when Mr. *Thompson* interrupted him, and suggested that there should be a call of the house, there evidently being no quorum present.

The *Chairman*, ascertaining this fact, vacated the chair, and reported it to the house.

Mr. *Thompson* moved a call of the house, and expressed the hope that the attendance of members would be coerced. The yeas and nays, being asked on this motion, were ordered, and the house decided that there should be a call thereof, by a vote of 86 to 24. (It was now 10 minutes past 4 o'clock.) Before the call was completed, a motion was made, and prevailed, to suspend further proceedings on the same; and, a quorum appearing, the house again went into committee of the whole, and resumed the consideration of the army bill, Mr. *McKay* resuming and going on with his remarks.

Mr. *Kemble* followed in some interesting statements as to the expediency of increasing the northern and eastern defences of the country. His remarks will be hereafter given. He was followed by Mr. *Bronson*, who, to give time to the military committee to prepare and propose amendments which they intend to suggest to the bill, moved that the committee rise, which motion prevailed.

A mass of bills from the senate were put under way by a first and second reading, and appropriate references. Before they were all thus disposed of, Mr. *Evans* moved an adjournment of the house, (it being quarter before 7 o'clock,) on which the votes were: Ayes 78, noes 49. So the house adjourned.

Wednesday, June 27. Mr. *Howard* offered the following resolution, which was agreed to:

Resolved, That the commissioner of public buildings be directed to ascertain the plan, cost, and advantages of the mode proposed for ventilating the new parliament house in London, and report the same to this house at the next session of congress, together with his opinion of its applicability to the hall of the house of representatives.

The unfinished business being the Texas question, and Mr. *Adams* having the floor upon that question, Mr. *Gray* moved that the rules of the house be suspended in order to enable him to offer a motion with regard to the disposition of a bill

from the senate. Mr. *Rives* hoped that the motion would be modified so as to enable all reports of committees to be received. Mr. *Gray* accepted that modification.

Mr. *Adams*, who had yielded the floor, remonstrated against this change of Mr. *Gray's* motion. He had been very much disposed to accommodate members who had business before the house, and who had uniformly given way whenever he had been desired to do so. Mr. *Gray* then withdrew the modification, and offered his original motion, to refer the senate bill for the relief of Richard T. Banks, of the state of Arkansas, to the committee on Indian affairs. Mr. *Harlan*, on account of whose objection the motion to suspend had been offered, withdrew his objection, and the motion of Mr. *Gray* prevailed. Mr. *Craig* then proposed that the committees be called for reports. Mr. *Adams* said that he was willing to yield the floor for that purpose, but without conceding it entirely. If the object was to deprive him of the opportunity of finishing his remarks upon the annexation of Texas, he could not consent to it. Mr. *Craig* disavowed any such wish. Mr. *Adams* then yielded the floor, and the house proceeded to receive and dispose of reports of committees. A large number were presented and disposed of, among which were the following:

Mr. *Cushing*, from the committee on foreign affairs, reported, without amendment, senate bill for the settlement of the claim of the executrix of Richard W. Meade.

Mr. *Mercer*, from the committee on roads and canals, reported a bill for the completion of the Cumberland road east of the state of Ohio; which bill was accompanied by a resolution that the report of the committee on roads and the canals, at the second session of last congress, on the construction of a bridge across the Ohio river, at Wheeling, accompanied by the communication of the secretary of war of the 2d inst. on the same subject, along with a reduced map of the plan of the bridge, be printed under the direction of the engineer corps; and that one hundred extra copies thereof be printed and placed at his disposal for the use of that corps.

This resolution was concurred in by the house.

Mr. *Mercer*, from the same committee, reported the following resolution; which was agreed to:

Resolved, That the committee be discharged from the further consideration of the report of the secretary of war to the house of representatives of the survey from the southern debauch of the Disinal Swamp canal to Winyaw bay, in South Carolina, and that the said report be printed.

Mr. *Mercer* also made a report upon the subject of a canal around the Muscle Shoals of the river Tennessee.

On motion of Mr. *Ewing*,

Resolved, That the usual number of the following named parts of the report of the secretary of war, presented to the house on the 22d instant, in relation to pensioners, pension agents, and payment of pensions, be, with the resolution of inquiry of 26th March, calling for the same, printed for this house, viz:

The names of pensioners who have died or been dropped from the rolls since August, 1834.

Names of pensioners who have been added to the roll of each agency since August, 1834.

Statement No. 1. Showing the aggregate number of each denomination of pensioners payable at the several agencies; the aggregate amount of money required to make payment, and the names of agents and dates of appointment.

2d. A letter from the secretary of the treasury, and the note of the committee, declining to print the statement therein alluded to.

3d. A report of the third auditor, showing the unexpended balances of public money in the hands of agents.

Mr. *Mercer* from the committee on roads and canals, reported a bill to authorize the construction of a road through the lands of the United States at Harper's Ferry.

Mr. *Pearce*, from the select committee to which was referred the petition of Thomas Coyle, relative to his newly invented "American cement," reported in favor of an appropriation of \$150, by an amendment to the bill making appropriations for repairs, &c. to the public buildings and grounds, for the purpose of testing the said cement.

Mr. *Holl*, from the select committee, reported a joint resolution for the erection of a monument to the memory of captain Nathan Hale.

Mr. *J. W. Jones*, from the committee of ways and means, reported a bill for the relief of the owners, officers, and crew of the armed brig *Warrior*.

Mr. *Sergeant*, from the committee of ways and means reported against the petition of citizens of

New Hampshire, for an appropriation for the opening of the channel of the Cocheco branch of the Piscataqua river leading into the harbor of Dover.

Mr. *Shields*, from the committee on public lands, reported against the resolution of the house of 19th February last, relative to the lands for the officers and soldiers of the Virginia state line of the revolution.

Mr. *Lincoln*, from the committee on public lands, reported against the petition of the inhabitants of Ohio, for a donation of land for the endowment of the Sylvania Academy.

Mr. *Montgomery*, from the same committee, reported against the petition of citizens of Hampshire, Virginia, for relief from the oppression of the postmaster general and his contractors.

Mr. *Chapman*, from the committee on the public lands, reported, without amendment, senate bill for the relief of the Alabama, Florida, and Georgia railroad company.

Also, with amendments, senate bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting preemption rights, which was approved on the 19th June, 1834; the consideration of which bill was postponed till to-morrow.

Mr. *Yell*, from the same committee, reported, without amendment, senate bill to authorize the location of the pre-emption certificates, given by the register of the land office at Batesville, in Arkansas, under the act of the 26th May, 1824, on any of the public lands for sale in the state of Arkansas.

Mr. *Harlan* reported, with amendments, senate bill to confirm certain entries of public lands permitted to be made by the registers and receivers of land districts, under the belief that the tracts had been offered at public sale; the said amendments were ordered to be engrossed, and the bill read a third time to-morrow.

Mr. *Harlan*, from the committee on private land claims, reported, with amendments, senate bill to confirm certain purchases of the public lands, under the act of the 19th June, 1834.

Mr. *Bell*, from the committee on Indian affairs, reported, with amendments, senate bill, entitled an act supplementary to an act entitled an act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Cherokee Indians.

On motion of Mr. *Thomas*,

Resolved, That the resolution of the house, adopted on the 28th of May ultimo, "requiring" the judiciary committee to report on certain resolutions and petitions, be, and the same is hereby, rescinded.

Mr. *Thomas*, from the committee on the judiciary, reported a bill fixing the times and places of holding the district courts for the northern district of New York.

Mr. *Lincoln*, from the committee on public buildings, reported the following resolution:

Resolved, That the committee on public buildings, under the direction, and upon a plan to be previously approved by the speaker, cause the hall of the house of representatives to be altered during the recess of Congress, by changing the position of the speaker's chair and clerk's table to the opposite side of the hall, and reversing the location of the desks of the members, elevating and conforming the floor to such order of arrangement, so as, in the general design, to restore the arrangement of the chair and seats of the members to the state in which they existed previous to the alteration authorized by the house of representatives in the first session of the 22d congress, and that the expense be paid out of the contingent fund of the house.

Mr. *Cambreleg* thought the chair of the speaker ought to be at the opposite end of the hall, where it used to be. He also expressed the opinion that the floor should be level. As to hearing, he found no such great difficulty on this score.

Mr. *Sergeant* disagreed with some of these views. He was of opinion that a change like that recommended by the committee should take place.

Mr. *Harlan* moved the previous question; which was seconded, put, and the main question ordered, on the adoption of the resolution. And the resolution was adopted.

On motion of Mr. *Adams*, the bills before the house on the subject of the remission of duties on the importation of iron for iron steamboats were made the special order for one hour after recess, on Saturday next.

Mr. *Ingham* asked leave to move that next Monday be specially devoted to the consideration of bills reported from the committee on naval affairs. Mr. *Cambreleg* said that there were several important appropriation bills yet to be acted on. He hoped there would be no special orders. Mr. *Ingham* in-

sisting, Mr. *Petrik* entered an objection to the request for leave; and Mr. *Ingham*, stating the great importance of the business which he wished to have considered, moved a suspension of the rules. The motion to suspend was lost—79 to 48.

Mr. *Tillinghast* asked and obtained leave to present the petition of Benjamin Wright, of Foster, Rhode Island, praying compensation for loss by depreciation of paper money; which was received, and referred to the committee on revolutionary claims. Mr. *Adams* and Mr. *Lyon* also had leave to offer certain petitions.

Mr. *Thomas*, from the committee on the judiciary, moved to be discharged from the further consideration of the resolution directing the said committee to inquire into the causes of the failure of the last term of the circuit court of the United States for the state of Louisiana; and into the conduct of the United States district judge for said state, for attempting to remove the clerk of the circuit and district courts without cause, on the ground that there was not sufficient time before the close of the session to obtain testimony with respect to the subjects of inquiry; and the committee was discharged accordingly.

The army bill was then resumed, in committee of the whole, and it was defended at length by Mr. *Bronson*, of New York.

EVENING SESSION.

The senate's bill for increasing the military establishment, being the unfinished business in committee of the whole—

Mr. *Bronson* resumed and concluded his remarks in support of the bill.

The question being on the first amendment proposed by the committee on military affairs, Mr. *Fillmore* made an inquiry as to the reason why new companies of artillery were proposed to be formed instead of retaining the present number of companies, and increasing the number of men? Mr. *McKay* explained. Mr. *Harrison* objected to the provisions in the committee's amendment as being utterly inefficient to meet the wants of the country; and so strongly was he opposed to the adoption of the amendment, that, to prevent it, he should avail himself of there being no quorum present to move for the rising of the committee. Mr. *Mason* dissuaded him from this course, as the vote in committee was not final. A quorum would soon be in attendance. Mr. *Harrison* then made some further remarks to show how insufficient the proposed force was for the protection of the western frontier.

The question being taken on the amendment reported by the military committee, (the general effect of which is to reduce the quantum of additional force proposed by the senate,) the said amendments were agreed to.

Mr. *McKay* now moved a second amendment, proposing the organization of an additional regiment of infantry. Mr. *Harrison* moved to amend the amendment by adding also a regiment of riflemen. He made some remarks on the efficiency of such a corps, and especially on its adaptation to Indian warfare. He referred, as an illustration, to the service performed during the revolution by Morgan's riflemen, and during the last war by Forsyth's rifle corps. Mr. *McKay* admitted the correctness of this statement, but opposed the amendment because the bill already contained a provision empowering the president, at his discretion, to convert one regiment of infantry, or of artillery, into a regiment of riflemen. Mr. *Harrison* thought that provision did not meet the necessity of the case. Corps of that description would be unskilled in the use of the rifle, and unpractised in the duty of a rifle corps. He was opposed to lodging too much discretionary power in the executive, as being dangerous and pernicious. Mr. *Crary* inquired whether there were any rifle companies or light infantry at present in the army? Mr. *McKay* replying in the negative, Mr. *Crary* supported the amendment proposed by Mr. *Harrison* as necessary and proper. Mr. *Grennell* replied and supported the position taken by Mr. *McKay* in opposition to the amendment, as rendered unnecessary by the provisions of the bill.

Mr. *W. Thompson* expressed his willingness to vote for such an increase of the army as he deemed necessary for the protection of the western frontier. He was opposed to any increase of officers, save in the ordnance department. He advocated the employment of riflemen and mounted rangers as the best troops to contend with Indians; and explained his plan for augmenting the rank and file, so as to give, in all, an increase of 2,500 men. He was opposed to having a general-in-chief residing at Washington, but would have the army in two divisions, a major general at the head of each, and these accountable immediately to the war department and the president.

Mr. *Pope* approved this plan, and thought it would unite the votes of the house. He was in favor of

establishing a line of posts on the western frontier, but did not think any additional regiment was necessary for the northern boundary of the union. He was for relying, in an emergency, on the militia and volunteer corps. Mr. Bronson explained. He had not wished troops on the northern frontier to defend the inhabitants against the British. Mr. Wise inquired whether they were to protect the British against our own people? Mr. Bronson replied in the negative; but only to keep up the national police, and enforce the observance of pacific conduct toward our neighbors.

Mr. Pope gave a number of statements to show the efficiency of militia and volunteers, as the best troops to fight the Indians. He commented with some severity on the expense and indulgence of our modern troops, in contrast with those who had settled the wilderness; in the use of umbrellas, porter, champagne, &c. In former times, each man found his own musket or rifle, his ammunition, horse, &c. He was opposed to increasing a standing army, and ridiculed the employment of European tactics against Indians.

Mr. Mercer reminded the house that the amendments suggested by Mr. Thompson were not now before the house, but only the proposition of Mr. Harrison for a rifle regiment. He approved of the raising of such a corps as highly efficient in the defence of a frontier exposed to the attacks of Indians. He suggested the propriety of a line of posts, at 65, or 75, or 100 miles' distance from each other, with stockades and blockhouses, to which the women and children might flee for protection in case of hostilities on the frontier; and the employment of mounted men, with videttes to give the alarm and convey the intelligence of any inroad, &c.

As to the northern frontier, the excesses there were not to be repressed by an armed force, but by the moral force of the character of the commander. It was easy, he argued, to convert troops, once well drilled as infantry, either into riflemen or light infantry, by a few days' discipline, &c.

Mr. Reed thought that the necessary garrisons for the frontier might all be spared, in time of peace, from the forts on the seaboard, and let their place be supplied by a few skillful artificers, who would keep the arms and fortifications in order. He was for the smallest practicable increase of a standing army in time of peace. Mr. Williams, of North Carolina, suggested a doubt whether the vote by which the first amendment of the military committee had been adopted could be regarded as a decision by the committee, no quorum having then been present.

This objection was overruled by the Chair, as no count had been taken, nor any objection made at the time, and so *non constat* but there was a quorum.

Mr. McKay further explained. The amendment moved by him by instruction of a majority of the military committee was no favorite of his. He should prefer raising the existing companies to eighty men each, and giving the president discretionary power to increase them, when necessary, to one hundred. [Mr. Wise now took the floor in a general speech (to be fully reported hereafter) against the whole bill, which he denounced as an executive measure, dangerous to the liberty, and akin to the increase of the Prætorian bands by Augustus and Tiberius.]

Mr. Yell, of Arkansas, followed in a speech of considerable length, in which he insisted on the necessity of an increase of the army to meet the dangers to our western population, which had been created by the act of the government itself, in removing so great a body of Indians, and congregating them on the borders of Arkansas and Missouri. He gave reasons why he did not go for the whole increase proposed by the senate's bill, although such might be the wish of his people; he trusted to convince them that a smaller force would be adequate. But, unless this were to be given, he hoped all garrisons would be removed, and the western people left to defend themselves.

Mr. Jenifer was strongly in favor of increasing the army so far as might be necessary to protect our citizens against the threatened dangers of an Indian war; but was for leaving the disposition of the force, and the whole regulation of the plan of defence to the appropriate department.

Mr. Bell, after expressing his belief that it would be impracticable to dispose of the bill without one more day's discussion in committee, moved that the committee rise. Mr. McKay remonstrated; but the motion prevailed: Ayes 64, noes 58. So the committee rose and reported progress; and then the house adjourned.

Thursday, June 23. After making some correction of the journal, Mr. Adams, who was entitled to the floor, yielded it to accommodate Mr. Tolland, who offered a resolution to amend the standing joint rules of proceeding by adding thereto the following:

That, after six days from the commencement of a second or subsequent session (except the final session) of any congress, all bills and joint resolutions which shall have passed in one house, and which remain undetermined in the other, shall be resumed and acted on as if an adjournment had not taken place.

This motion lies one day.

Mr. Randolph and Mr. Taylor reported certain senate bills.

Mr. Adams then proceeded in support of his amendment to the Texas report, &c. until the expiration of the hour. Mr. Kilgore moved to suspend the rules to call up his resolution to repeal the small-note section of the act of 1836. The yeas and nays were taken on this resolution, and resulted: Yeas 101, nays 81—(not two-thirds.) So the rules were not suspended.

Mr. Rencher obtained leave to offer the following:

Resolved, That the committee of ways and means inquire into the expediency of authorizing a temporary investment of the Smithsonian legacy as soon as it shall be received by the president of the United States.

The resolution was agreed to.

Mr. Calhoun moved a reconsideration of the vote of yesterday adopting the following resolution:

Resolved, That the resolution of the house adopted on the 23th of May ultimo, 'requiring' the judiciary committee to report on certain resolutions and petitions, be, and the same is hereby, rescinded.

The motion for reconsideration lies over.

On motion Mr. Hunter, of Ohio,

Resolved, That the committee on Indian affairs take into consideration the necessity of making an appropriation to defray the expenses of a treaty now pending with the Wyandott Indians, in the state of Ohio.

The house then went into committee of the whole on the state of the union, (Mr. Ingham in the chair,) and resumed the consideration of the senate's bill for increasing the army.

Mr. Bell, who had the floor, addressed the committee on the bill; opposing a large increase of the army, but in favor of increasing it to a small extent. The house took its usual recess at 2 o'clock.

EVENING SESSION

After the recess, the senate bill, proposing to increase to a certain extent the military establishment, was debated at length by Messrs. Bell, Williams, of North Carolina, Grennell, Everett, Evans, Briggs, Harrison, Johnson, of Louisiana, Robertson, Fletcher, of Vermont, and Bronson.

The amendment of Mr. Harrison to the amendment of the committee, viz. "And there shall also be one regiment of riflemen raised to be officered and organized as regiments of infantry herein provided for," was then rejected without a division.

The amendment of the committee on military affairs, to insert the following as section second, was adopted:

"Sec. 2. And be it further enacted, That there shall be raised and organized, under the direction of the president of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act."

Mr. Briggs moved to amend this section by inserting "for the term of two years" after the word "infantry" in the third line. *Lost*.

The following amendments, reported by the military committee, were then acted on and adopted, viz.

"In section two strike out the proviso."

"In section seven, line four, strike out 'four' and insert two."

"In section nine, fourth and fifth lines, for 'quartermaster generals' read 'quartermasters general'; and in the fifth and sixth lines, for 'deputy quartermaster generals' read 'deputy quartermasters general.'"

"In section thirteenth, fifth line, after the word 'majors,' insert 'and by the transfer to and appointment in of; and after 'lieutenants,' insert 'of artillery.'"

"In section fourteenth, line fifteen, after the word 'ordnance,' add 'equal to a company of artillery.'"

"In section fifteen, strike out to 'that,' in the fourth line; and in the fourth line, after 'staff,' insert 'exclusive of general officers;' and at the end of the sentence add this proviso: 'Provided, That, in cases where officers are entitled to and receive double rations, the additional one allowed in this section

shall not be included in the number to be doubled. Strike out the remainder of the section."

The following amendment of the committee was then taken up:

Section sixteen, strike out the whole after the enacting clause, and insert:

"That from and after the passage of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each corporal nine dollars; and to each musician and private soldier, seven dollars."

Mr. Petrikin offered an amendment to the amendment, the effect of which was to compensate soldiers for labor on military roads, &c.

Mr. Cushman offered an amendment to this amendment, which the reporter did not hear. It was adopted.

The amendment was then adopted, as was the following:

"Section 17. The whole to be stricken out."

The 19th section of the bill, providing for a chaplain to each regiment, it was proposed by the committee to strike out.

Mr. Mallory moved so to amend the section as to make it the duty of the chaplain to perform the duties of schoolmaster to the regiment. Adopted.

The question on striking out the whole section was then decided by tellers as follows: Ayes 53, noes 81. So the motion to strike out was lost.

Mr. Randolph proposed to amend this 19th section so as to require that the chaplain be a regular licensed clergyman of some religious denomination. *Lost*. The following amendment of the committee was then adopted:

"Section 20. Strike out all of the word 'that,' in the seventh line; and, also, in the ninth line, strike out 'like,' and add 'now allowed to the professor of mathematics; and the secretary of war may assign to the said professor an assistant, to be taken from the officers of the line or cadets; which assistant professor will receive the pay and emoluments allowed to other assistant professors.'"

Mr. Petrikin moved to strike out the whole section. *Lost*. The following amendments, proposed by the committee, were adopted:

"Section 21. In the fourth line, after the word 'empowered,' add 'by and with the approbation of the secretary of war.'"

"Section 22. In the third line strike out 'the chief engineer.'"

The amendments offered by the committee, adding eleven new sections of modifications in detail of certain army arrangements and regulations, were then adopted.

Some other amendments were offered to different sections of the bill by various members, but were mostly rejected by the committee. Pending a proposition to strike out a section of the bill providing the payment to the paymasters of the army of one per cent. on the amounts disbursed, a motion was made that the committee (quarter before 9 o'clock) rise. Three counts were made by the chairman, and no quorum appeared. The chairman left the chair, and reported this fact to the house.

Mr. Williams, of North Carolina, moved an adjournment. The motion to adjourn was *lost*: Ayes 54, noes 67; and a quorum thus appearing, the chairman resumed his seat in committee of the whole.

Mr. Rices was opposed to striking out the section in question, and Mr. Montgomery was against it, and the amendment then prevailed, and the section was stricken out. The amendments of the committee, as amended, were then adopted.

Mr. Kemble moved several amendments, the effect of which would be to allow to officers of the army the same pay and emoluments (except forage,) as are now allowed to officers of dragoons, &c. &c. Which motion was negatived.

Some other amendments, which the reporter could not gather, were offered, and rejected. Among them was the proposition of Mr. Wise to strike out the 2d, 4th, 5th, 7th, 8th, 9th, 11th, and 13th sections of the bill.

The committee, on motion, then rose, and reported the bill, as amended, to the house.

Mr. Briggs then moved that the bill, as amended, be printed. Ordered.

A message was received from the president of the United States, in answer to the resolution of the 23d instant, in respect to the new treasury building, calling for information as to whether, in resuming the works upon said building, it is intended that any portion of the walls, at their northern and southern extremities, are to be removed, &c.

And then the house adjourned.

NILES' NATIONAL REGISTER.

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[Vol. LIV.—Whole No. 1,397.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

APPOINTMENT. The following appointment is announced in the last number of the "Globe," as having been confirmed by the senate:

Felix Grundy, of Tennessee, to be attorney general of the United States, from the first day of September next.

Mr. Puulding entered upon his duties as secretary of the navy on Monday last.

TREASURY NOTES. The whole amount of treasury notes authorized by the act of 12th of October, 1837, has been issued by the treasurer of the United States, viz: \$10,000,000.

The amount returned to the treasury for duties and lands, and in payment of debts, is about \$6,570,000.

There has been issued up to this day, under the provisions of the act of 21st of May, 1833, \$4,904,014 25.

LEVI WOODBURY,

Secretary of the Treasury.

Treasury Department, July 2, 1838.

MR. THOMAS M. T. MCKENNAN of Pa. has, we regret to learn, declined being a candidate for reelection to congress. We have watched Mr. McK. in his public duties with some care, and bear honorable testimony to the faithful, enlightened and honorable manner in which they have been discharged. Most sincerely do we wish that happiness may attend him in retirement, and that the halls of congress may contain more politicians of his old fashioned, but honorable, character—men who think and act, and regard the interests of the whole country more than their popularity in *Buncombe*! He has at the present session alone, rendered more service than a hundred talking legislators.

VIEW OF WASHINGTON. Mr. Anderson, a promising young artist, has just published a beautiful lithographic view of this city, after an original drawing from his own pencil. All the prominent objects in the city and vicinity are marked with great accuracy, and will enable all who have not seen the metropolis to form a pretty correct idea of its general appearance and the adjacent scenery.

BANKS, CURRENCY, &c. A letter to the editor of the *Baltimore American* contains the following gratifying information:

Philadelphia Exchange, July 6, 1838.

At a meeting of the general committee of the banks of the city and county of Philadelphia, held at the Exchange last evening, it was resolved to recommend to the banks generally, the 1st day of August next as the time to resume specie payments.

It is believed the measure will be generally adopted and carried into effect.

The Bank of Washington, of this city, has issued the following notice, under date of the 5th instant:

With the view of rendering the notes of this institution (which has, since the first of September last, been redeeming all its issues in gold and silver) equivalent to specie throughout the union, it has, in anticipation of the general resumption of specie payments, effected such an arrangement with the Bank of America, in the city of New York, that all notes of this bank, which may be put in circulation will, as expressed on their face, be with certainty paid in specie, on demand, either at that bank or this, at the option of the holder.

The Bank of the Metropolis of this city, has declared a half yearly dividend of four per cent.

The Brandon Bank (Miss.) is handled with great severity by some of the papers of the state, while others are disposed to uphold the managers of the concern to the last point of their career. As a specimen of *accommodating* spirit of the bank, it is mentioned that a merchant of Natchez was offered exchange on the north at one, two, and three years date! The first year to bear no interest, the second six per cent., and the third eight per cent!

New York, July 6. The stock market yesterday opened under the influence of an improved feeling, caused by the intelligence of the signal defeat of Mr. Wright's new sub-treasury bill. The amount of business transacted in stocks, as might be supposed, was not heavy, but the prices of almost every description show a considerable improvement on Tuesday's sales. U. S. bank closed at 119 1-2; dividend off; Delaware and Hudson 84 3-4; Patterson Rail Road 60; Harlem do 68 3-4; and Stoning-

ton Rail Road 52 1-8; an advance of nearly 4 per cent.

The *New York Express* of Saturday last says, "a report is in general circulation in Wall street, that Mr. Biddle will be here in a week or ten days, for the purpose of making arrangements for opening his new bank or branch; and further that bank certificates of the western banks will be received at very favorable rates. Whether the report is well or ill-founded, we cannot say. Now the sub-treasury is defeated, it is a natural supposition that Mr. Biddle will take early steps to carry into effect the establishment of this bank; and any arrangement that can be made by which southern funds can be turned into cash, will produce a most beneficial effect. The public are suffering beyond all account, from the greatest difficulty in negotiating. If the exchanges on the south can be brought down to from 5 to 8 per cent., instead of from 8 to 20, as they now are, it will be more acceptable."

Philadelphia money market. Bicknell's reporter of Tuesday says: "towards the close of last week, our money market was quite animated; though the upward tendency of stocks was not so great as some had anticipated. The change was produced by the defeat of the sub-treasury bill. No movement has, as yet, been made by the Philadelphia banks. They will meet on Thursday evening next, but we learn that they will in all probability wait the adjournment of congress, unwilling to take any decided step until they know the exact position in which the country and the currency will be left by congress. Mr. Woodbury's last circular is still a source of great uneasiness; but the desire is so general to bring about a resumption, that we should not be surprised to see something attempted in the month of August; even should the banks, by such a course, be compelled to adopt a more restrictive policy with regard to discounts, than they deem conducive to the general good."

We understand that several of the western safety fund banks have declined the arrangement entered into by the Auburn committee, and that therefore the notes of some of these banks, if not all of them, may be refused by the associated New York banks. This, however, should it occur, will make no difference, for arrangements have been made by which the notes will continue to be received in New York and Albany upon the same rate (1-2 of 1 per cent.) of discount.

[*Albany Eve. Jour.*]

The state bank of Illinois has declared a dividend of five dollars on each share for the six months ending on the 1st instant, payable to the stockholders registered in New York on the 11th instant, immediately after the resumption of specie payments.

Boston banks. A letter from Boston dated July 1st, states that all the Boston banks and the Bank of Lowell (whose circulation is over two hundred thousand dollars,) have resumed specie payments.

WEST POINT GRADUATES. It is stated in the "Globe" that the West Point graduates of the present year, who have been appointed second lieutenants in the dragoons, and in the 1st, 4th, and 6th regiments of infantry, and to whom short leaves of absence were granted in general orders, No. 18, of the 27th June, have since been ordered to report to Gen. Scott, in the Cherokee country, where their services are necessary to aid in the removal of the Indians to the west.

NEW HAMPSHIRE. The administration party in New Hampshire have nominated John Page, ex-United States senator, for governor.

FROM CENTRAL AMERICA. We learn from Capt. Rederson, of the brig *Patsy B. Blount*, arrived last night from Omoa and Belize, 1st of June, via Nassau, New Providence, that the revolution in Central America continued in the interior. The revolutionary party, consisting of about 600 men, were headed by a young and ignorant mulatto, named Parerra, who with his party were committing depredations of all kinds, and several travellers had been robbed and murdered by them.

The provinces of Costa Rica and Nicaragua had declared their independence, and that of Honduras, it was expected, would also give up its allegiance to the Central American government. G. W. Montgomery, bearer of despatches from the United States

for Guatamala, had arrived safely at that place. By this arrival we are also in possession of the *Nassau N. P. Gazette*, to the 23d ult. but its contents are unimportant. [*Baltimore American.*]

NORTHERN FRONTIER. From the *Rochester Democrat of the 27th inst.* Retreat of the patriots. We learn from Samuel Heron, esq. editor of the *Dundas (U. C.) Gazette*, who came over in the Traveller yesterday morning, that the patriots left the Short Hills on Saturday night, and moved towards the Grand river. This intelligence reached Hamilton on Sunday, and McNabb was immediately ordered out with the 3d Gore regiment, to meet and attack the patriots at Shoat's tavern, about 14 miles from Hamilton, on the Grand river road.

It was supposed by many that the patriots would reach the point before the royalist troops. If they did, they could very easily make good their retreat into the London district, where it was supposed large reinforcements would immediately join them.

Captain Carr, the Indian leader, has gone in among the Grand river Indians, to induce them to hunt out the patriots.

Four regiments, the Beverly, the 3d Gore, the Queen's Own, and the Queen's Rangers, together with two or three companies of regulars, is the force now in pursuit of the patriots.

A letter received by a young gentleman in this city from his mother in Toronto, says that gov. Arthur and his council are now in session at Niagara, and that 13 prisoners are there being tried. If convicted, they will, according to a law passed last winter, be immediately shot.

Steamboat on Lake Erie. In pursuance of instructions from the war department, the steamboat Erie, burden of nearly 150 tons, has been chartered for the service of the United States upon this lake. This boat is to be placed under direction of an officer to be detailed for that service by Major Young, in command of the United States force stationed at this point. She will be sailed by her captain and crew as before.

From the Buffalo, (N. Y.) Commercial of the 30th ult. Navy Island. It is true, as we stated yesterday, that Navy Island was reoccupied, but not by any very blood-thirsty patriots. A small party of them, who wished to enjoy a practical joke at the expense of the royalists, went on the island at the time stated, and fired a few musket shots across upon the main land. The alarm was instantly given, and expresses started off with the information that the island had been reoccupied by a large force.

All being still last evening or this morning, the island was explored, and the patriots were found to have vanished. This, we are assured by gentlemen from Canada, is the true version of the story.

Mr. Cumming, of the Bank of Montreal, has returned to that place, having succeeded in obtaining all the money belonging to that establishment, which was stolen from George Auldjo, esq., at the time the *Sir Robert Peel* was plundered and burned.

The trial of the prisoners charged with the burning and plundering of the Robert Peel, came on before Judge Cushman, at Watertown, on Friday week. That of Anderson, on the charge of arson, which was the first case taken up, was committed to the jury on Tuesday afternoon, and resulted in a verdict of "not guilty"—when the prisoner was remanded to await his trial on another indictment. On Wednesday, Forward, indicted for the same offence, was arraigned; but the trial was postponed, on motion of the prisoner's counsel, as well as those of all concerned in the affair, for the purpose of procuring testimony. "It is expected," says the Watertown Jeffersonian, "that a specialoyer and terminator will be held for the trial of these prisoners—the jail having been cleared of all others at the late term." [*Argus.*]

CANADA FRONTIER—ORDERS NO. 1.
Head Quarters of the Army,
Sackett's Harbor, June 23, 1838.

I. The major general commanding-in-chief, having moved his head quarters to the Canada frontier, the commanding officers of the troops on that line will, besides rendering the usual return to the adjutant general's office at Washington, make re-

turns to general headquarters at Sacketts Harbor, until further orders, and will address the general on matters relating to the state of affairs on the border, as often as any thing important may occur. From all other quarters, general and other officers in command will address their communications to the adjutant general at Washington, as usual.

II. Brigadier general Brady will command on the frontier from Buffalo to the northern extremity of the United States—head quarters, Detroit.

Major Young, of the 3d infantry, on the Niagara frontier—head quarters, Buffalo.

Lieut. colonel Cummings, of the 2d infantry, from Fort Niagara to where the 45th degree of north latitude strikes the St. Lawrence—head quarters, Sacketts Harbor.

Colonel Cutler, of the 4th infantry, from the St. Lawrence, along the boundary line to Lake Champlain—head quarters, Plattsburgh.

Major Churchill, of the 3d artillery, from Lake Champlain, along the frontier of Vermont—head quarters at Swanton, or any other suitable place near the line.

And major Clark, of the 2d infantry, the remainder of the frontier, to the sea coast—head quarters, Houlton.

As the foregoing is but a temporary arrangement, it will not interfere with the one heretofore announced in general orders, assigning officers to the command of military districts.

III. The object of this arrangement of commands is to preserve the peace of the border and to place the troops in positions the most favorable for maintaining the treaty stipulations existing between the United States and Great Britain, and for restraining our own citizens, and others within our jurisdiction, from committing outrages upon the persons and property of her Britanic majesty.

IV. From the respect for the laws hitherto so signally evinced by the citizens of the United States on all occasions, it is apprehended that the border inhabitants of the northern frontier are not generally acquainted with the enactments, the infringement of which would render their conduct penal. The officers in command of districts, as well as of detachments, will, for general information, circulate the copies of the laws of the United States with which they have been furnished, and under which they are authorized to adopt measures for repressing all hostile acts against the subjects of a friendly power, and to preserve inviolate the neutral relations of the United States.

V. The general feels satisfied that the good citizens along the line, knowing the law, will, by their example and advice, endeavor to restrain all ill-advised and unlawful proceedings, and thus be instrumental in maintaining not only the laws and honor of the country, but that peace and harmony so essential to the happiness and prosperity of those settled on the frontiers.

ALEXANDER MACOMB.

By command of the general:

J. N. MACOMB,

Assistant adjutant general.

PROCLAMATION. The following proclamation of gov. Arthur has been issued in consequence of the affray at Short Hills, of which we made mention last week. It will be seen that all persons going to or coming from Canada, are required to give an account of themselves and be provided with passports:

Proclamation. Upper Canada. By his excellency sir George Arthur, knight commander of the royal Hanoverian Guelphic order, lieutenant governor of the province of Upper Canada, major general commanding her majesty's forces therein, &c. &c.

Whereas, on the morning of the 21st of this present month of June, a large body of armed men assembled in the township of Pelham, in the Niagara district, and attacked and plundered a house in that neighborhood, of a large sum of money, and other property, and fired upon and overpowered a small detachment of the embodied militia there stationed:

And whereas information has been received by me, that certain evil-disposed persons, connected with the brigands who have of late molested and disturbed the peace of the Americans and British frontiers, have crossed the Niagara river, and that they lurk and secrete themselves in parts of the district of Niagara, with the knowledge and connivance of some of the disaffected resident inhabitants:

And whereas it is necessary for the peace and security of the district of Niagara, that the ingress and egress of the idle and evil-minded persons should be restrained and prevented, and that the perpetrators of the above outrage, and their abettors, should be brought to condign punishment:

I do therefore strictly order and command all officers, magistrates and others whom it may concern, that no person be permitted to land upon or leave

the shore on the British side of the Niagara river, coming from or going to the United States territory, unless he shall give a full and reasonable account of himself, and show that he is coming or going in the prosecution of his lawful affairs and business, which person shall be furnished with a passport, to secure him from further hindrance or molestation.

And I do hereby earnestly call upon all magistrates, officers, and other loyal subjects of the queen, for their best united exertion in restoring the peace and tranquillity of the province, in the prevention of crime and disorder, and in the apprehension of the guilty; and I assure them of every support and assistance which may be required for these purposes, to the utmost extent of the civil and military powers, which her majesty has been pleased to place in my hands.

Given under my hand and seal at arms, at Toronto, this 22d day of June, in the year of our Lord, 1838, and of her majesty's reign the second.

By command of his excellency:

GEORGE ARTHUR.

C. A. HAGERMAN, att'y. gen'l.

D. CAMERON, secretary.

Later. The Cleveland Herald of the 30th June has the following information:

The following intelligence brought by the Daniel Webster, direct from Detroit, is from such a source that we believe it may be relied on. Rumors of refugee movements, in the vicinity of St. Clair, have been current for some days, and strengthens the probability of this fresh outbreak.

Extract of a letter, dated Detroit, June 29.

Yesterday about 500 refugee patriots crossed over about 40 miles above this, near New Port on the St. Clair river. A party of Canadians and a few Grand river Indians soon after attacked them and were defeated, the refugees maintaining their ground.

Last night the British sent on a reinforcement, as will the refugees to-day. The refugees crossed in a small sloop which was afterwards taken and towed to Detroit, by United States authorities.

The United States troops are on the move. The quarter's flag of gen. Atkinson has been flying for some days on the Detroit Exchange, but I see it has been removed during the night: where to I have not learned.

Flying reports from Detroit say that the British steamboat Thames on which the reinforcement went up, has been taken by the Patriots, and that Mahlen was to be attacked last night.

We see that the Buffalo papers do not credit the above reports. The Buffalo Advertiser says—

We have Detroit papers of Saturday morning, which make no mention of any such difficulties. We have also just conversed with a gentleman who left Detroit on Sunday evening, and passed the Thames, apparently with a pleasure party on board, near Malden.

The story is doubtless made up from whole cloth. There is no question, however, that some attempt of the kind is in contemplation. There are many refugees in the neighborhood of Detroit, and rumors were rife there on Saturday of gatherings near the river Raisin and other places. The U. S. officers are on the alert, and it is to be hoped they will be able to prevent any hostile demonstrations from our side.

The St. Clair buccaneers routed. We learn from the collector of this port, that a schooner in the service of the buccaneers was captured on Thursday, some miles below the country seat of St. Clair. Having understood, from the movements in that vicinity, that an expedition was on foot, the collector immediately started for the scene of operations. A small force embarked on the steamboat Gratiot, and soon got wind of the piratical craft, which, it seems, had been across to the Canada shore, and committed depredations upon the inhabitants. As the Gratiot approached the vessel with a view to compel her to surrender, a brisk firing upon her commenced from the opposite shore. Finding themselves in peril, the crew of the vessel took to the shore, and dispersed themselves through the woods.

The vessel was then taken possession of by the revenue officers. They found two or three Canadian prisoners in the hold, some fifteen barrels of flour which had been plundered, about a dozen of the prisoners we understand, was induced to stand of arms, and other small matters. The vessel was brought to this port to be condemned. One came down, by whom, it is thought, some important testimony may be laid before the grand jury, now in session.

We are advised that most, if not all the crew, were Canadians. This promptness on the part of

the officers and citizens of St. Clair will, it is confidently hoped, crush another of those incipient practical expeditions which have from time to time annoyed our frontier. [Detroit Advertiser.

Lord Durham has issued an ordinance, by virtue of special powers entrusted to him, banishing to the island of Bermuda, Messrs. Wolrid Nelson, Buchette, Viger, Marchessault, Gauvin, Goddin, Des Rivieres, and Masson, now in custody, they having acknowledged themselves guilty of high treason. They are to remain at Bermuda during her majesty's pleasure, subject to such restraint as may be necessary to prevent their return to Canada. A number of others who have absconded, among whom are mentioned Papineau, Robert Nelson, Cole, O'Callaghan, and Rodier, members of the late assembly, are forbidden to return to the provinces, without permission from government, on penalty of conviction for high treason, until the restoration of tranquillity shall render such permission proper.

A proclamation has also been issued, declaring that all proceedings on account of treasonable offences shall cease, except in the cases mentioned in the ordinance. Those persons charged with the murder of major Weir, are deprived the benefit of any indemnity.

CONGRESSIONAL ELECTION. Representatives in congress are to be chosen in fourteen states the present year, and the elections will take place in the following order:

Louisiana, 1st Monday in July.

Illinois, } 1st Monday in August.

Missouri, }

Vermont, 1st Tuesday in September.

Maine, 2d Monday in September.

Georgia, 1st Monday in October.

Arkansas, 1st Monday in October.

South Carolina, 2d Monday in October.

New Jersey, 2d Tuesday in October.

Pennsylvania, 2d Tuesday in October.

Ohio, 2d Tuesday in October.

New York, 1st Monday in November.

Massachusetts, 2d Monday in November.

Delaware, 2d Tuesday in November.

The election in Louisiana commenced July 2d and continued three days. [Boston Atlas.

ANOTHER INDIAN FIGHT. By the steamer Santee, we have just received intelligence of a battle with the Indians, on day before yesterday, within a few miles of Newnansville. Capt. Beal, of the dragoon, with 30 or 40 men, lieut. Howe of the same corps, with 12 men, and capt. Walker, a volunteer, fell in with a body of about 60 men, who gave them a warm salute, Walker was killed and 5 of Beal's company were wounded. Five horses were killed; among them Beal's and Howe's. Several Indians said to be killed.

Gen. Taylor with six companies of men arrived yesterday at Black creek, and we trust he will soon teach the savages better manners than to crowd themselves thus into civilized society. [Jacksonville Courier.

FROM JAMAICA. Kingston papers to the 6th ult., has been received at the New York Exchange Reading Rooms containing some interesting intelligence respecting the apprentice system.

On the 5th ult. the council and house of assembly met in special session, and were addressed by the governor to the following effect:

That he had called them together at an unusual season, to take into consideration the state of the island under the laws for the government of the laboring population; that the subject was strongly agitated throughout the British empire and in parliament, where the honorable efforts of ministers were barely sufficient to maintain the existing law, as an obligation of national faith; that excitement also existed among the apprentices, but that they had rested in sober and quiet hope, relying on the generosity of the colonial legislature for the boon that has been granted to their class in other colonies; and that it was his duty to recommend the early and equal abolition of apprenticeship for all classes.

He was commanded to inform them, however, that no question of farther compensation would be entertained by her majesty's ministers; but he entertained them to consider the impracticability of carrying on coercive labor, with any hope of successful agriculture.

After a short but animated debate in the house, the governor's address was referred to a committee of seven.

MAINE. The hon. John S. Fairfield, a member of congress from Maine, has been nominated by the democratic convention of that state as a candidate for governor.

SPEECH OF MR. BOND, OF OHIO.

Upon the resolution to correct abuses in the public expenditures, and to separate the government from the press. Delivered in the house of representatives, April, 1838.

Mr. BOND said he rejoiced that the attention of the house and of the country was again invited to the subject of retrenchment and reform. He was aware that these terms had become somewhat hackneyed, and he almost feared that their frequent repetition here had rendered them trite and unmeaning. They had been used, as was well known, with great effect, to put down one administration and elevate another. That end being attained, they seemed to have performed their office, so far at least as the party now in power are concerned. All must admit that we have had no practical retrenchment or reform.

Mr. B. said he wished gentlemen now in power to admit that they had amused, if not deceived, the people of this country with a mere "fancy sketch." If they would not make this concession, then he called upon them to specify any retrenchment or reform which they had accomplished. But, sir, if they fail in this, as I think they must, then I demand their reasons for not carrying out their great and salutary system of reform, for which they stood solemnly pledged before the country.

I am unwilling to believe that the terms retrenchment and reform have lost their just and virtuous sense. The people of this country will determine whether the necessity for such measures had passed away with the simple elevation of certain men to power.

You, Mr. Speaker, must be well aware that something more than this was promised. You professed, sir, I mean the party with which you are associated, to be moved by the purest and most sacred regard for the welfare of the people. We find recorded here, and in the senate, a solemn pledge to carry into effect a systematic reform, if you should be placed in power. This was done, sir, in March, 1833, and you have held undisturbed possession ever since. During that time, not going on ten years, what part of your pledge has been redeemed?

I desire to conduct this discussion fairly, and with entire accuracy as to facts. I wish so to state them, too, that all may form a just opinion in relation to the sincerity and good faith of those whose conduct may be brought under review.

Was it really true, sir, that the expenditures of the government were unnecessarily large? Had the president too much power, and was there a necessity for restraining it? Was the patronage of the government so enormous as to require checks to be placed on it? Was this patronage used for political ends, especially the patronage of the press? Was it true that the freedom of the press and the security of our liberty demanded that the printing patronage should be withdrawn from the several departments, and the state department in particular?

All these inquiries are suggested by the declarations and avowals of the present dominant party when they sought for elevation. But lest gentlemen may have forgotten the precise charges made against Mr. Adams' administration, I beg leave to read from certain documents of this house and of the senate, in which these facts and complaints, with the promised reforms, are duly recorded.

The first, in point of time, is a report made to the senate in 1826, by a select committee, (of which Mr. Benton was chairman,) "to which was referred a proposition to inquire into the expediency of reducing the patronage of the executive government of the United States." In this document Mr. Benton reports:

"That, after mature deliberation, the committee are of opinion that it is expedient to diminish or to regulate by law the executive patronage of the federal government, whenever the same can be done consistently with the provisions of the constitution, and without impairing the proper efficiency of the government. Acting under this conviction, they have reviewed as carefully as time and other engagements would permit them to do, the degree and amount of patronage now exercised by the president, and have arrived at the conclusion that the same may and ought to be diminished by law."

For this purpose that committee then reported six bills; one of them proposed to regulate the publication of the laws and of public advertisements; another had this imposing title—"a bill to secure in office the faithful collectors and disbursers of the revenue, and to displace defaulters." But, besides its alluring title, that bill also contained the following provision:

"That in all nominations made by the president to the senate to fill vacancies occasioned by the exercise of the president's power to remove from office, the fact of the removal shall be stated to the senate at the same time the nomination is made, with a statement of the reasons for which such officer may have been removed."

The other four bills also looked to the restraint or reduction of the president's power and patronage. It is unnecessary now to read them. The report proceeds: "The committee do not doubt but that there are many other branches of executive patronage, in addition to those which are comprehended in the provisions of these bills, which might be advantageously regulated by law. Far from thinking that they have exhausted the subject, they believe that they have only opened it, and that nothing more can be done at this time than to lay the foundation of a system, to be followed up and completed hereafter."

Mr. BOND said that, notwithstanding a series of years had elapsed, and Mr. Benton and his friends had full power, the people had looked in vain for a superstructure on this "foundation of a system of reform," which this famous report proposed to have laid. That same committee, too, assert and claim for the senate "the control over appointments to office," and say they "believe that they will be acting in the spirit of the constitution in laboring to multiply the guards and to strengthen the barriers against the possible abuse of power." This is necessary, they say, where laws "are executed by civil and military officers, by armies and navies, by courts of justice, and by the collection and disbursement of revenue, with all its train of salaries, jobs, and contracts; and where, in this aspect of the reality, we behold the working of patronage, and discover the reason why so many stand ready, in any country and in all ages, to flock to the standard of power, wheresoever and by whomsoever it may be raised." The number of office holders is spoken of as large and still rapidly increasing, and the report proceeds: "Each person employed will have a circle of greater or less diameter, of which he is the centre and soul—a circle composed of friends and relations, and of individuals employed by himself on public or on private account. By way of illustrating the great number of office-holders and their combined power, Mr. Benton then turns to the "Blue Book of the republic," which he also calls "a growing little volume," and says it "corresponds with the Red Book of monarchies."

Mr. Speaker, this Blue Book is indeed a "growing little volume," but it has grown more rapidly in the nine years of this government, administered under the advice of Mr. Benton and his friends, than it did in double that time, before they came into power. I present now, sir, for your inspection, the Blue Book for 1828, and that for the last year, 1837. It is plain that the last is nearly or quite double the size of the former; and if the contents of the two are compared, the number of office holders, their salaries and compensation, the various divisions and subdivisions of every department, it will be seen that, under this boasted system of retrenchment and reform, nothing has been curtailed, but, on the contrary, a great increase in the number of office holders, with increased salaries. To this, too, is to be added a most alarming addition in all the public expenditures of the country, greatly exceeding in amount the expenses of that administration which was charged as wasteful! And if this state of things is not checked in time, we may yet realize that this Blue Book not only "corresponds with," but has actually become, the "Red Book of a monarchy," in this our boasted republic!

Mr. Benton, in his report, exhibits a list, taken from the Blue Book of 1825, of all the officers, with their salaries, at the custom-house in the city of New York. The number thus given is one hundred and seventy-four, and the aggregate amount of their compensation is stated \$119,620 39. He then exclaims—

"A formidable list, indeed!—formidable in numbers, and still more so from the vast amount of money in their hands. The action of such a body of men, supposing them to be animated by one spirit, must be tremendous in an election; and that they will be so animated is a proposition too plain to need demonstration. Power over a man's support has always been held and admitted to be power over his will. The president has 'power' over the 'support' of all these officers, and they again have power over the support of debtor merchants to the amount of ten millions of dollars per annum, and over the daily support of an immense number of individuals, professional, mechanical, and day-laboring, to whom they can and will extend or deny a valuable private as well as public patronage, according to the part they shall act in state as well as in federal elections."

And to all this, the report still adds the naval and military establishment, the judiciary, the post office, and presses, with what it calls the "unknown and unknowable list of jobbers and contractors; and the still more inscrutable list of expectants who are waiting for 'dead men's shoes,' and willing in the mean while to do any thing that the living men wish." Having thus glowingly described the state of patronage, and the subservient league and unprincipled devotion of the office-holders, Mr. Benton then says:

"The power of patronage, unless checked by the vigorous interposition of congress, must go on increasing, until federal influence in many parts of this confederation will predominate in elections as completely as British influence predominates in the elections of Scotland and Ireland, in rotten borough towns, and in the great naval stations of Portsmouth and Plymouth."

We are also told by Mr. Benton that "the whole of this great power will centre in the president," and the report then warns the country in these impressive terms:

"The king of England is the 'fountain of honor,' the president of the United States is the source of patronage. He presides over the entire system of federal appointments, jobs, and contracts; he has 'power' over the 'support' of the individuals who administer the system. He makes and unmakes them. He chooses from the circle of his friends and supporters, and may dismiss them, and upon all the principles of human action, will dismiss them, as often as they disappoint his expectations. His spirit will animate their actions in all the elections to state and federal offices. There may be exceptions, but the truth of a general rule is proved by the exception. The intended check and control of the senate, without new constitutional or statutory provisions, will cease to operate. Patronage will penetrate this body, subdue its capacity of resistance, chain it to the car of power, and enable the president to rule as easily and

much more securely with than without the nominal check of the senate!" "We must look forward to the time when the nomination of the president can carry any man through the senate, and his recommendation can carry any measure through the two houses of congress; when the principle of public action will be open and avowed—the president wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for. What will this be but the government of one man? and what is the government of one man but a monarchy?"

Mr. BOND said he hoped the house would pardon him for reading from this report these passages, which so happily illustrate the growth and power of patronage. They were referred to for the purpose of sustaining the allegation which he had made, that the present dominant party professed to entertain serious fears for the perpetuity or security of our institutions and liberty, if this public patronage was not checked or restrained by some statutory remedies, which they submitted for consideration, and promised to adopt, at some convenient season, if placed in power. Well, sir, they succeeded, and got the administration of our government into their own hands: and what has the country realized? Why, the number of custom-house officers at New York has grown from 174 to 414! and the compensation is increased from \$119,620 39 to \$409,669 32! But, besides their stated compensation, it appears that in the year 1836 the various subordinate officers of the New York custom-house were allowed among them upwards of \$53,000! And the collector at Philadelphia, during the same year, received, beyond his salary, upwards of \$3,000; the same officer in Boston upwards of \$2,300; and many others very considerable sums, which I will not take time to specify.

We thus realize the inordinate and dangerous increase in this branch of patronage, foretold by the report. What has been done to limit and restrain this patronage? Where is the statutory remedy, the bill which was reported for that purpose? Sir, it has had quiet repose, and has never been heard of since the success of "the party." The moment power was obtained, the admission made in the report, that the senate had control over appointments is denied in practice; and the right asserted by the committee, to call on the president for his reasons in case of a removal from office, is now scoffed at and contemned by Mr. Benton, Mr. Van Buren, and the whole party who made or approved that report! Mr. Van Buren was one of the committee by whom that report was made; and yet he and his party openly violate and disregard every principle it urged! He now holds the "power" over the "support" of these trained bands of office-holders at New York and throughout the country. "He makes and unmakes them;" and "his spirit will animate their actions in all elections." Almost the first notice we have of the appointment of Jesse Hoyt to the collector's office in New York is the announcement of his official presence and activity in the charter election of that city. We hear of him by day and by night, heading his cohort of 414 office-holders, with the 1,030 expectants; and leading them to the charge! Mr. Van Buren told us, in the report, that "the action of such a body of men, supposing them to be animated by one spirit, must be tremendous in an election;" and that they would be so animated, he said, was "a proposition too plain to need demonstration." But I suppose, he wishes us to believe that in his hands all this power and patronage will be harmless! The case of the New York collector furnishes my answer to this: and, if another illustration is needed, I refer you, Mr. Speaker, to the appointment of Mr. Wolf to the collector's office in Philadelphia. That gentleman, you know, sir, after holding the honorable place of governor of Pennsylvania, proudly called the keystone state, was reduced here for a paltry clerkship. We heard recently, that he was dissatisfied in the contrast between the place given him and that provided for his political rival, (Mr. Muhlenberg.) Governor Wolf, it was said, had resolved to withdraw, and gave some indication of hostility to the president. At this juncture the power of patronage is invoked—the collector at Philadelphia is made to take the clerkship at Washington, and governor Wolf's opposition is quieted in the collector's office, thus vacated. In an instant a new allegiance is sworn, and governor Wolf initiates himself in his new office, by heading a call for a political meeting in the city of his official duties! Who does not see the peculiar features of the suggestion before quoted from the report of Mr. Van Buren and others of the select committee—"The President wants my vote, and I want his patronage; I will vote as he wishes, and he will give me the office I wish for."

Mr. Speaker, I will now add a remark or two, and pass from this report. The committee who made it consisted of Mr. Benton, Mr. Macon, Mr. Van Buren, Mr. White, Mr. Findlay, Mr. Dickerson, Mr. Holmes, Mr. Hayne, and Mr. Richard M. Johnson, all at the time the zealous friends of general Jackson, except, perhaps, Mr. Holmes. They urged the impropriety of appointing members of congress to office, and the expediency of providing against it. From the moment they came into power their report and professions are forgotten, and in four years they appoint more members of congress to office than had been done in all the previous history of the government. They also told the country, in that report, that the press, the post office, the armed force, and the appointing power, were the most dangerous portions of the federal executive patronage. And they professed to have found a remedy for these dangers in certain bills which they submitted.

They there tell us, too, that all this power is in the hands of the president, and that *he is not in the hands of the people*. Indeed, they say, "the president may, and, in the current of human affairs, will be against the people," and the conclusion of the whole is, "the safety of the people is the 'supreme law,' and to ensure that safety these arbiters of human fate (the press, the post office, the armed force, and the appointing power) must change position, and take post on the side of the people." Mr. Speaker, we have found it true, indeed, that the president is not in the hands of the people, and that he will even turn against them! Look, sir, at Mr. Van Buren's December message, and see the opprobrium which he casts upon the people of his own state for daring to exercise their elective franchise contrary to his will! Notwithstanding his professions, and the pledged faith of his report, he violently retains the control of these "arbiters of human fate," and will not suffer them "to change position and take post on the side of the people!"

Mr. Bond said he would next call the attention of gentlemen to what had passed in this house on the subject of retrenchment and reform; and he regretted to find such marvellous discrepancy between the "sayings and doings" of "the party," on that subject. The journals of the house show that in February, 1823, a select committee was appointed to consider and report on this whole matter: the gentlemen appointed were Mr. Hamilton, Mr. Ingham, Mr. River, Mr. Wickliffe, Mr. Cambreleng, Mr. Sergeant, and Mr. Everett; all friends of general Jackson, save the two last. They were charged to inquire into the whole machinery of the government; with a view to reduce its expenses and patronage, and to correct all abuses. They engaged in and devoted themselves to this task; their report, I mean the report of the four avowed reformers, professed to the country that the public expenditures at home and abroad were unnecessarily great; that every thing was done on too grand a scale; that each department had too many clerks and spent too much money; that this was also the case in congress, whose sessions were needlessly prolonged; and, by way of correcting this latter evil, they recommended that "the compensation of members, during the first session of each congress, be reduced to \$2 per day, from and after the first Monday in April, if congress should sit beyond that day."

Mr. Bond said he would not read the report to the house, but he hoped this notice of it might aid in recalling it to public recollection, whereby it would be seen how much had been proposed and how little had been done. Here, too, it will be found, that in concert with their co-laborers in the senate, the house reformers describe most graphically the extent and power of patronage, and for all their discovered abuses they suggest remedies. But, Mr. Speaker, great as this work was represented to be, the gentleman from New York (Mr. Cambreleng) and his friends told the country in this report that they had made only a beginning, what in hunters' phrase is called a mere "priming." They then inform us that nothing more in the way of reform could be done by them, until the people should drive from the citadel of power those who then held it, and place it under the control of these zealous reformers. This was done. This specious report, like its twin-sister of the senate, was trumpeted aloud by its friends; and at public expense, under the order of the house, many thousand copies of it were scattered throughout the country. The people read, and, honestly believing it, took the alarm, and placed these reformers in power.

And now, Mr. Speaker, after your undisturbed possession for nine years, what has been done? Have you reduced any expenditure, corrected any abuse, or provided any restraint on the power of patronage? No, sir, no. But, on the contrary, your party in power have made all public expenditures greater than before; you have practised the very abuses of power of which you complained, and have not provided any restraint on executive patronage! We have thus a practical illustration of the abuse of the identical power of which your friends, when sounding the alarm, gave only a theoretic description.

Mr. B. said the resolution now under consideration still looked to reform, and especially to the correction of the abuse of power in regard to the public printing. The gentleman who offers it, (Mr. Hopkins,) though acting with the administration generally, is not blind to the abuses which may be committed. He is still demanding reform from principle, and is not satisfied that abuses have been corrected by a simple change of men. I am surprised, Mr. Speaker, to find his resolution opposed by the administration. The gentleman from New Hampshire, (Mr. Cushman,) resists it on most extraordinary grounds. He admits abuses, but says it is impracticable to correct them, and therefore useless to pass the resolution. Is it possible that such an objection can be openly avowed and sustained here? The gentleman says it is the usage of party to dispose of this patronage in its own way, and that he never heard of any complaint against Mr. Adams' administration for so doing. Here, sir, is another open avowal of the doctrine, "that the spoils belong to the victors."

[Mr. Cushman here explained, and observed he had not said the spoils belong to the victors.]

Mr. Bond admitted that the gentleman had not used those identical words, but this was the doctrine of the party with which he acted, and a distinguished member of that party, now the governor of New York, (Mr. Marcy,) had, when a member of the senate of the United States, openly used those terms, and justified this usage of party. The friends of the adminis-

tration uniformly practised under this precept, whatever may be their theory. I do not wish to do the gentleman from New Hampshire any injustice, and will read from his remarks as published, and he will then have an opportunity of correcting them, if erroneously printed. The gentleman is reported as having said:

"It was well known, that since the establishment of the government, the dominant party, whichever it might be, had invariably employed what has been called, if you please, partisan printers and partisan editors. But why should they not do so? So long as the opposition had the predominance, they used to supply their own partisan printers, and no complaint was made about it; and why should any complaint arise now? He saw no reason for it."

Here, then, I think, sir, a position is taken and terms used in effect the same, and tending directly to the doctrine that the "spoils belong to the victors." But can it be possible that the gentleman thinks he is correct and sustained by the facts, when he says that no complaint was made against Mr. Adams' administration on account of the exercise of the printing patronage? Has he forgotten that Isaac Hill, the present governor of his own state, was the editor and publisher of a newspaper called "the New Hampshire Patriot," and that the discontinuance of the publication of the laws in that paper was considered so outrageous a persecution for opinion's sake, that it may almost be said to have given him his subsequent political elevation and consequence? The discontinuance of Isaac Hill as printer of the laws was occasioned, too, by his publishing a libel on the lady of the president, without the least semblance of truth, and so grossly indecent that Mr. Randolph, though a zealous opposer of Mr. Adams, said it ought not even to be read on this floor. The occasion, however, was seized, to bring the subject of public printing under discussion in this house, and Mr. Saunders, of North Carolina, introduced a resolution calling upon the secretary of state to report what changes had been made in the newspapers printing the laws, together with his reasons for such changes. A long and spirited debate followed; and as gentlemen seem to have such imperfect recollection of the events of that day, some little reference may perhaps be usefully made to what was said in that debate. It will be observed that the resolution of Mr. Saunders, and those who supported it, required reasons to be given for a removal from office. Since they came into power, however, that doctrine has been denied and repudiated.

Mr. Bond said he proposed to prove by this debate that the present administration came into power declaring that the printing patronage of the government was inordinate and dangerous; that it ought to be restrained and regulated by law; and, in fine, promising, if elevated, to withdraw its exercise from the executive hands. The mover of that resolution (Mr. Saunders) said:

"I trust I shall not be accused of getting up this call for purposes of effect, nor be told this is a small business." "He was not to be told that the pecuniary amount involved in this matter was too small to influence the editors of this country." "The total sum thus distributed could not amount to less than between twenty and thirty thousand dollars." "There were eighty-two papers employed in publishing the laws;" "it was not of the expense that he complained, but of the purpose by which it was controlled." "It was thus calculated to operate, and did actually operate, so far as it went, to control the freedom of the press, and to enlist, throughout the country, that powerful instrument in behalf of the views of the state department. In this respect, it was much more effectual and much more dangerous than the far-famed alien and sedition laws."

Mr. Saunders concluded by saying that it was his "intention to take this power from the state department and place it elsewhere." A member from Tennessee, (Mr. Houston,) afterwards governor of that state, and now the president of Texas, sustained Mr. Saunders' resolution, and denied the right of the secretary of state to change the publication of the laws for opinion's sake. He alleged that the practice of that department "had been to allow an individual who might be personally opposed to the views and opinions of the head of the department, if he was honest and capable as a public officer, to retain his place." He asked "if changes had been made in order that the patronage of the government may flow in a particular channel? Such a course would gag the free expression of opinion." He said:

"Patronage is not a thing local and circumscribed. It seeks every little ramification into which it can by any possibility insinuate itself. It is like the progress of a cancer in the human body; it seizes on every vein and artery, one after another, nor stops its progress till the sufferer sinks, and then the knife is too late applied."

Next came Mr. Hamilton, of South Carolina, the chairman of that retrenchment committee to which I have already alluded. That gentleman said:

"These eighty-two presses would be put on the diet of a wholesome regimen, and in the course of a salutary discipline. The sturdy and independent would be turned out to be fed on such offals as they might be able to pick up, until the whole pack should open in full and harmonious cry, in one common note, from the sturdy mastiff that howls at the door of the treasury, to the most strolling turnip that barks on the farthest verge of our frontier."

Mr. Bond said he would not stop to inquire whether we did now realize, in the present official organ, the

Globe, "that sturdy mastiff that howls at the door of the treasury." Mr. Hamilton continued:

"Is it necessary that the executive should have a government press, to be paid for by the people out of the public coffers, to sustain the measures of the administration, whether right or wrong?" "If," said he, "a secretary of state can so apply the patronage of the government as to nourish to venal accord eighty-two presses in our country to praise every thing the administration should do, and subject their proprietors to the punishment of the loss of this patronage if they dare to censure its measures, this forms distinctly a government press, which is more alarming to the liberties of the people than the organization of the whole of gen. Brown's army of six thousand men, formed into a guard of the palace. If eighty-two presses can be made to speak as it were in one voice that all that the government does is excellent, and what all those who are opposed to them say is false and factious, this constant combined and concerted language will soon have a tendency to make those who hear little else believe all this is true."

Mr. Bond hoped the house would pardon him for this long extract. Mr. Hamilton, from whose speech it is taken, was at the time a friend of gen. Jackson, and zealously engaged in elevating him to power. In thus describing the government patronage over the press, that gentleman said he was merely warning the country of dangers which might be realized, if no restraint was imposed on that patronage. General Jackson was elevated, and Mr. Van Buren succeeded him, and is now in power. Instead of eighty-two presses thus employed by the government, they have now considerably upwards of one hundred, and the patronage is held and exercised without any manner of check or restraint. In this, surely, the country was disappointed.

But you, also, Mr. Speaker, took part in that debate, and warned the country of the danger of this patronage, and the necessity of restraining it. I hope, sir, it will not be out of order to draw on your remarks, in aid of my present purpose. The sentiments which you expressed are perfectly just, and must command the approbation of all impartial minds.

I have preferred, sir, sustaining the resolution now under consideration by the arguments and illustrations of the friends of general Jackson, rather than to attempt any new suggestions.

You will remember, Mr. Speaker, that some friend of Mr. Clay, the then secretary of state, intimated that the resolution of Mr. Saunders savored somewhat of the spanish inquisition. At this your indignation was aroused, and you exclaimed:

"Inquisitorial, sir! And has the time arrived in this country when it is deemed inquisitorial respectfully to ask a public officer, who is responsible to the people whose representatives we are, for the public reasons (not the private motives) of his public conduct? I intimated to demand of a public officer to explain and account for his conduct? Is the transatlantic doctrine, that 'the king can do no wrong,' to be introduced here? Though we have no alien and sedition laws, are we to have what is tantamount to them? Are the public functionaries of the government to be wrapped up in the robes of office, and to be held irresponsible to the people or the people's representatives? And are all those who have firmness and independence enough fearlessly to inquire into the conduct of public men, and the manner in which the public money is expended, to be denounced by the partisans and servile adherents of the house that now reigns, as factious opposers? Sir, (you continued, Mr. Speaker,) this power of appointing the public printer is improperly lodged where it is. It is, to say the least of it, subject to abuse, and may be improperly used for the purpose of muzzling and influencing the liberty of the press."

That being the case, you proposed, sir, "to remove his power of appointment from the department of state, and vest it somewhere else, where it would be more safely and properly exercised." The country is aware, Mr. Speaker, that you have continued to be a member of this house ever since you made the remarks just quoted, now more than eleven years. Some expectation was cherished that you would, when in a majority here, practice under these opinions, and remove this printing patronage "from the department of state, and vest it somewhere else, where it would be more safely and properly exercised." I am sorry, sir, that this public expectation has been disappointed. I can only account for it by supposing that your various political engagements and high public station have withdrawn your attention from this important subject. There is some consolation, however, in knowing that you have now an opportunity of redeeming your pledge, and the friends of retrenchment and reform indulge the hope that you will do it.

I hope you, sir, will not think this an "inquisitorial" measure. It is indeed, true that when the representatives of the people, during the last session of congress, attempted to look into the departments of the government, gen. Jackson openly resisted it, and said such a measure was "worse than the Spanish inquisition." More, sir, he, in effect, gave orders that it should not be tolerated. Mr. Speaker, did not your cheek then mantle with honest indignation? and if you had held a seat here, instead of the chair you occupy, would you not have again exclaimed, "is the transatlantic doctrine, that 'the king can do no wrong,' to be introduced here?" Or were you constrained to admit that, under the latest system of reform, "the public functionaries of the government" are now "wrapped up in the robes of

office," and "held irresponsible to the people or the people's representatives?"

Mr. B. said he hoped he had, by this time, furnished some evidence to the house, and to the gentleman from New Hampshire, (Mr. Cushman) in particular, that the exercise of this printing patronage by Mr. Adams' administration, was not only questioned, but openly condemned. The friends of gen. Jackson, so far from pretending that it was impracticable to correct the abuse of this power, pledged themselves to the country, that they could and would, when in a majority provide a remedy. He would submit it to the people to say whether this had been done. Was it not notorious that the extent of the printing patronage had been greatly enlarged under the present dominant party? Is not the number of new-papers in which the laws are printed very considerably increased? Is not the ordinary printing patronage of the several departments far greater than formerly? And, as to the public printing for congress, it had so swollen, under the promised retrenchment, that we were almost induced to believe that the term was used in irony by those from whom the people expected economy.

I now propose, Mr. Speaker, to show what seductive influences this patronage over the press carries with it; and for this purpose, I must again invoke the aid of the Jackson reformers, using their own arguments, and the very language in which they admonished the country of the base uses which would be made of this power. I hope gentlemen will remember the remarks made on this subject, and which I have already given to the house, from the speech of Mr. Hamilton the chairman of the committee on reform. I reserved for the present branch of the argument a peculiarly striking and descriptive passage in the speech of Mr. Houston, before alluded to. He undertakes to describe an honest, independent editor, of good principles, and deserved influence, and then adds, such an editor as this

"May not be disposed to bow or bend his principles for the sake of supporting a particular administration or individual. It may be necessary to certain plans and interests, that such a man as this should be gagged or prostrated. In that case, a very politic course would be to start a new paper some few months before new patronage is to be conferred; to use every exertion to obtain for it a sufficient number of subscribers; to take measures that, at all hazards, the paper be sustained; then to get for its editor some true and trusty fellow—a fellow that will 'go the whole,' who is troubled with no principles on any subject, but who will support a certain interest 'through thick and thin,' who will pursue no course of his own, but will ever be ready to take his cue from a certain quarter. After getting him some one or two hundred subscribers, and using every expedient to make him some character, he must then have the printing of the laws, as a token of the confidence of the government, and then all will be ready for action. Sir, I will not say that such a press is to be established and paid for out of the contingent fund; I am not warranted in such an assertion; but I say that such a new beginner must have patronage, although it be in direct opposition to the interest and wishes of the people."

Thus spoke Mr. Houston in 1827. Let us now pause for a moment, Mr. Speaker, and inquire whether those who know so well the use and abuse of this power, have not proved themselves skilful adepts in its practical application. Let us direct our attention to the official newspaper, *The Globe*, and see if Mr. Houston has not most aptly described "its rise, progress, and present state."

We know, sir, that at the commencement of gen. Jackson's administration, the official newspaper was the *United States Telegraph*, published by Duff Green. Things went on pretty smoothly for a while, and until, as was said, some jealous rivalry sprung up between the then vice president of the United States and the present president, Mr. Van Buren, who was then secretary of state. It was said Green was suspected for cherishing a stronger partiality for the vice president than for the secretary of state. But I do not profess to be familiar with the causes of this family jar. Report said that the *Telegraph* was not discontinued abruptly, as the official organ, but was gradually supplanted by the *Globe*, and its editor, Francis P. Blair, brought here for that purpose from Kentucky. Among the means resorted to for this purpose, as complained of by the *Telegraph*, were orders or requests to various postmasters throughout the country to furnish lists of its subscribers. The *Globe* was then sent to them, chiming to have the special confidence of the party. In this way it was initiated into favor among the subscribers of the *Telegraph*, and in due season the latter paper was wholly abjured. I have no knowledge of all the measures taken "that at all hazards the paper be sustained," and will leave it for others who know Francis P. Blair better than I do, to determine whether the administration, in furnishing an editor for the *Globe*, succeeded in getting a "true and trusty fellow, a fellow that will 'go the whole,' who is troubled with no principles on any subject, but who will support a certain interest 'through thick and thin.'" Thus I know, that the administration fostered and cherished the *Globe* with an immense amount of patronage, and in that way gave it strength and influence. That paper was first published in 1831. The whole amount paid for printing by the executive departments in 1832 and 1833, was \$113,346 21, of which \$17,345 42 were paid to the *Globe*, and the residue to various other printing establishments, editors, and publishers throughout the United States. In 1831 and 1833, the whole amount so paid was \$33,966 50; of which sum, a part, say \$40,

473 16, was paid to the *Globe*, and the residue again divided as before. For the next two years, ending with September, 1837, the several executive departments paid out, for printing, the enormous sum of \$142,904 63. Of this, the *Globe* received \$24,331 27, and the balance was divided and subdivided—the spoil being thus given in due proportions among the whole pack, from "the sturdy mastiff that howls at the door of the treasury," down "to the most starveling turnspit that barks on the farthest verge of our frontier."

But it will be observed that, so far, I have stated the amount of the executive patronage of the press only. In December, 1833, the *Globe* obtained the printing for the house of representatives and for the two years ending on the 30th September, 1837, its editors or publishers were paid, on that account, \$105,914 53. It thus appears that, for the last six years, the *Globe* newspaper has received from the government, as the published documents prove, nearly \$220,000. What it has received indirectly, and from office-holders and expectants, no one can tell. I will not designate each of the innumerable host of editors and printers on whom this patronage has been showered. Many of them have received small sums; others, again, do not quite equal the *Globe* editors; but I will name a few who seem to be among the preferred, and then leave it for their readers to say whether their papers can be supposed to be under the wholesome regimen of treasury diet.

I find that Hill and Barton, of New Hampshire, have received, in about six years, between 7,000 and \$8,000. During the same time, Shadrach Penn, jr., of Kentucky, has been paid about \$10,000, nearly the half of which has been paid within the last two years. During the same time, the firms of True and Green, Chas. G. Green, and Beals and Green, of Boston, have been paid \$27,204 76. In the course of two years, Medary and Manypenny were paid \$2,953 66; Paine and Clark \$3,837 53; Millin and Parry, of Philadelphia, \$1,822 26; Medary, Reynolds and Medary, \$1,534; and Samuel Medary and Brothers, all of Ohio, \$2,002. All these payments were made by the post office department; and, in addition to this printing patronage, some of these parties enjoyed advantageous contracts in the same department, for the supply of "paper and twine," connected with their printing of blanks. These contracts for "blanks, paper, and twine" when examined, as they were by the committees of investigation, disclosed the practice of most reprehensible partiality in the postmaster general for certain political favorites. I have not examined to see if the other departments did not simultaneously bestow a part of their printing patronage on these same individuals. This further fact, however, is disclosed by the printing accounts of these departments: that, for some time past, they have thrown large portions of their patronage into the hands of Langtree and O'Sullivan, of this city, who are publishing a periodical journal, the "*Democratic Review*," which professes to be a literary work, but, at the same time, devotes its columns to the cause and defence of the Administration, with a zeal equalled only by the *Globe*, and, in at least one of its articles recently published, shows as little regard for justice and truth, I think, as that paper does.

The executive patronage of the press was one of the great chapters of reform into which the famous retrenchment report of this house was divided. It is there stated as an alarming fact, that the amount paid for printing and advertising "by the executive departments at the seat of government for the [then] three last years, (1825, 1826, and 1827), and by the general post office, in two years, was \$71,830 51." In the same report, we are also told that the printing for congress, the senate and house included, from March, 1819, to December, 1827, being a period of eight years, amounted to \$271,933 37. These were thought to be extravagant expenditures, and retrenchment demanded and promised.

I beg the house to indulge me a few moments in holding up to their view, and especially to the gentleman from New York, (Mr. Cambreleng,) who was an active member of that committee, a mirror, in which the practical reform may be seen. If the gentleman, or the party, shall find the object a hideous one, I can only say the picture reflected is the work of their own hands.

For the six years ending on 30th September, 1837, the several executive departments, inclusive of the general post office, paid out \$340,116 37 for their printing. In order to get three years, so as to compare it with the term and amount before stated by the committee, let us take half of the \$340,116 37, say \$170,058 18. Deduct the amount stated by the committee

Amount of increase every three years	
by the reformers	\$99,227 67

I also find that, in six years, ending on the 30th day of September, 1837, the printing for congress, (senate and house,) and inclusive of certain land documents, books, and engraving, amounted to \$731,534 62. Let us deduct the amount reported by the committee as paid for the same object in eight years by the administration which was condemned for its extravagance—that was \$271,933 37. That operation will show that the reformers have paid, in the legislative patronage of the press, \$179,701 25 more in six years, than the whig party paid in eight years!

Having thus shown the amount of, and how this patronage is now used by the executive, it will be appro-

priate to see what the friends of general Jackson said would be the consequence of such use. The committee, in their report, speak of the moral mechanism upon which this patronage acts "as a power that seems irresistible," and say they "will not stop to argue what they predicate as an undeniable fact, that, by the employment of the expenditures of the contingent funds of the departments, a government press is to all intents and purposes effectually established, as much so as if there were an annual item in the appropriation bill for the purpose of purchasing the joint and harmonious action of one hundred papers in the uncompromising vindication of those in power, and in the unrelenting abuse of those who are not." And in the debate already referred to, Mr. Hamilton, one of the reformers, in speaking of payment for the services of the press, observed—"When the government becomes the paymaster for these services, the evil is infinitely augmented. For, what are the services which the press under such circumstances is expected to render as a return for the partial kindness of the government? Why, to cover all their approaches to arbitrary power; to defend each measure of misrule and corruption; to find excuses and apologies for every act of imbecility, although the interest and honor of the country may be jeopardized by ignorance, apathy, or neglect; but, above all, to subject those who do not think 'the existing powers' entitled to the confidence of the people to the most unparading calumny and abuse." Mr. Bond said he would appeal to the house and to the country, if we are not now experiencing daily the practical application of what Mr. Hamilton mentioned as a possible state of things. Is not his description of a subsidized press in the hands of the government, so graphically true of the present administration and its press, that it might justly be conjectured that they eat for the picture? Every day's experience shows that all who oppose the present administration are "subjected to the most unparading calumny and abuse." Another of the Jackson reformers in this house, Mr. Floyd, of Virginia, observed in debate here, that "the executive influence in this government was very great, and had been exerted to calumniate members in this house as well as great and wise men out of the house." He said "it had been attempted to cut them off by dark innuendoes," and that "hiring scribblers had been paid directly or indirectly for performing the task."

Mr. Speaker, have we not felt and seen the end result of all this for the last nine years, but more particularly since Mr. Van Buren undertook "the improvement of the press," and a display of its licentious power in the hired columns of the *Globe*? Who has not been disgusted with the coarse and "unparading calumny" from day to day poured out upon members of congress, and of the senate in particular, who happened to think that "the existing powers were not entitled to the confidence of the people?" Who has not seen the attempt in the government press to break down the influence and power of "members of congress," and "to cut them off by hiring scribblers, paid directly or indirectly for performing the task?" Does not the *Globe* constantly charge Mr. Clay, Mr. Webster, Mr. Southard, and other senators, as being paid by and under the influence of the Bank of the United States when engaged in the discharge of their high constitutional duties? And when these foul slanders are howled from the throat of the "sturdy mastiff," at the door of the treasury, do not the whole kennel, "Tray, Blanche, and Sweetheart, little dogs and all," even to the "most starveling turnspit that barks on the farthest verge of our frontier," re-echo the sound? The Jackson reformer, Mr. Floyd, spoke of the slanders on members of congress and on other men elsewhere. Why, sir, we daily experience that and more. The president and his press have gone on from time to time calumniating members of congress and others individually, and at length have got to slandering the people in a body—a kind of wholesale slander business. If a congressional district, in the free exercise of its constitutional right, elect a member who will not "bow and do obeisance to the party," he is at once proclaimed to be the feed attorney of the bank, and the people of the district are stigmatized as "reproved debore."

Here, sir, I desire to read a short paragraph from the president's official newspaper—the *Globe*. It was printed a year since, and then met my eye. I have preserved it for the express purpose of noticing it here, on a suitable occasion; and this is the first appropriate moment I have had to do so. The paragraph in question was written on the occasion of announcing the election of one of the present senators from Ohio, (Mr. Allen,) in doing which, the *Globe* exults at what it was pleased to consider a defeat of Mr. Ewing, a highly distinguished and most valuable member of the senate. I do not propose to dwell on that election; it is foreign to my purpose; but I do verily believe it was achieved against the wishes of a majority of the people of Ohio, and recent events sustain that opinion. And yet, this man, whom the people of Ohio delighted, and, if the signs of the times do not deceive, will again "delight to honor," is, at the moment of his retiring from the senate to the bosom of his family, and to all the private relations of life, held up and stigmatized in the *Globe* as a "bank beneficiary." In the same article, sir, some fifteen senators are opprobriously named and condemned by this government press. The state of Alabama is particularly congratulated on being relieved from the "Calhounery" of Gabriel Moore. But now a new light has suddenly opened which wholly changes the medium through which the *Globe* sees "Calhounery," to use Mr. Blair's own phrase. How long has it been since that

paper stigmatized Mr. Calhoun "as the bank's tool instrument," and said of him "that no man ever nullified the truth with so little remorse!" Now, however, the whole scene is changed, and Mr. Calhoun is almost deified by the very government press which but yesterday had so reviled him! Here, Mr. Speaker, we realize another truth spread before the country in Mr. Benton's report, which, in describing the power of the president over individuals administering the government, says: "He makes and unmakes them." A short time since, this administration and its press stood forth the advocates and friends of the state banks, and, after placing the public money in their custody, urged them to lend it out. Having thus "donauched" and seduced them from the "even tenor of their way," this same administration and press now abuse the banks and the credit system which but yesterday they applauded; and, to justify this abuse, falsehood is substituted for fact. The *Globe* a day or two since stated "that the legislative examination in Ohio" proved "that the directors of the banks there had drawn out more than the whole amount of their real capital." This, sir, is another daring and impudent falsehood of that paper, and furnishes additional evidence of the desperation of this administration and its "government press" in carrying out the sub-treasury system, with all its selfish purposes. The result of the "legislative examination of the banks in Ohio," is fully reported by the auditor of the state, who is a thorough-going disciple of the sub-treasury school. His report is now before me, and I invite its immediate inspection. It is most creditable to the banks of Ohio; shows them to have been prudently managed, and that they will not suffer in comparison with those of any state in the union. But let us look into the auditor's report, and test the truth of the fact stated by the *Globe*. "that the directors of the banks in Ohio had drawn out more than the amount of their real capital." By the auditor's report, it appears that the amount of capital stock actually paid in these banks in December last, was \$11,331,613 96, and the whole amount loaned to directors and stockholders together, at that time, was only \$1,466,174 56. I leave it for others to apply the proper rebuke to the *Globe* for its slander of the banks and the people of Ohio; but, Mr. Speaker, I appeal to you and to this house if a press which is thus basely conducted, should be sustained and cherished by funds from the public treasury?

This same paper took occasion, not long since, to quote from some remarks which I had the honor to make in this house, and to say it had never intimated that the senate was a useless body. Why, sir, the gross calumny heaped by the *Globe* on the majority of the senate, but a short time since, must be familiar to all. I will not offend so far as to read those slanders to the house. The official organ, by its personal abuse of the senators, and repeated calumny of the body, did more than give the intimation alluded to. Did not the *Globe* say of the senate that "its dignity" was "impaired"—"its character for grave consideration gone"—that "its justice" was "doubted," and its power to harm by its most marked censure "contaminated and derided"? Yes, sir, this was the language held by the president's official press towards the American senate, and yet that same press now has the effrontery to deny that it ever intimated that the senate was a useless body.

But, Mr. Speaker, in pursuing the individual slanders of the *Globe*, I have digressed a little from my promise to show that the government press also does a "wholesale slander business," and throws its poisoned shafts at masses of men—yes, sir, at the great body of the people themselves. I beg leave now to read that part of the article from the government press which I before alluded to, announcing the result of the senatorial election then recently held in Ohio. Referring to the district which I have the honor to represent in this body, the president's official organ says:

"The bank held immense power in his [my] district, and exerted its moneyed influence in aid of the federal party, which has stronger hold in that quarter than in any other part of Ohio. It succeeded by a small majority in electing Mr. Bond the collector of its bonds there. He may be looked upon as the representative of *reprieved debtors*."

After the vile slanders which the government press has wantonly heaped upon many of the most eminent and justly distinguished public men of the country, Mr. B. said an humble individual like himself should not complain, but rather feel honored that he was noticed. For himself, personally, he would say nothing; but for his district—his constituents—for the people, who had honored him with their confidence, and made him their representative here, he had much to say. He could not, perhaps, express all the just indignation that he felt. My constituents, (said Mr. Bond,) in every trait of character which can justly ennoble man, are not second to those of any member of this house. With God's mercy, and their own right arm, they have been the builders of their own fortunes. In every sense, they are virtuous, intelligent, and independent freemen—"who know their rights, and, knowing, dare maintain them." They love their country, and revere its constitution; but they have never yet "bowed the knee to Baal;" and because they will not, the editor of this vile press, bloated and swollen with government patronage, stigmatizes them as "reprieved debtors." Mr. Speaker, should this "hired scribbler," Francis P. Blair, ever venture into that district, I do not believe that the people, whom he has thus basely slandered, would consent to defile their hands by touching him; but they would cast upon him a scornful and withering look of honest and just indignation, which would give to his visage a more

cadaverous aspect than it even now has. But who is this man who thus impudently arrays himself against the people? Why, sir, he is himself a "reprieved debtor" of the very bank which he is every day reviling. Do gentlemen require proof? The files of this house furnish it. A paper reported or filed by one of the committees of this house shows that this same Francis P. Blair, who was brought here from Frankfort, in the state of Kentucky, owed the Bank of the United States the sum of \$20,744 36. It is true that only a part of this sum was his own debt; nevertheless, on his own account, and as security for others, he was debtor to that bank, on the 30th day of November, 1830, for the whole amount of the sum which I have mentioned. Did he pay it? No, sir. Does he yet owe it? No, sir. How was he discharged? He compromised, if the terms on which he was released are justly entitled to be called a compromise. What were those terms? Why he held a clerk's fee bill, amounting to \$37 42, and a note on a gentleman by the name of Gratz for \$240, say, together, \$277 42, which he gave up to the bank, and was released from \$20,744 36! Now, sir, I think Francis P. Blair may justly be called a "reprieved debtor."

Such a settlement proves that Blair was utterly insolvent at the close of the year 1830. If his insolvency was occasioned by misfortune, he should be pitied rather than condemned on that account. Of the circumstances of his failure I am ignorant. I refer to his insolvency for what I esteem a perfectly just purpose in this debate. We find him brought to Washington in 1831, and employed as the publisher or editor of the *Globe*, which is made the government press. We soon see streams of patronage flowing in upon him from all the executive departments. The extent and character of this patronage I have before alluded to. In a brief space of time we see him living and entertaining expensively, and going all the rounds of the court society at Washington. If Mr. Blair had no connexion with this government patronage, he might do all this, and no man would be justified in alluding to or commenting on it. It is the high prerogative of every freeman to do with his own as he pleases. But, Mr. Speaker, the sudden change in the fortunes of Mr. Blair, connected as he is with executive patronage, his single leap from insolvency to wealth, impel me to inquire if "there is not something rotten in Denmark?" Upon the whole, sir, I think his case most strongly illustrates the necessity of passing the resolution now under consideration, and, if possible, making a total separation of the newspaper press from the government.

At all events, if this shall be found impracticable, we can at least destroy the pot system of exclusive favoritism, by inviting competition, and giving the contract "to the lowest bidder," as the reforming report of the gentleman from New York (Mr. Cambreleng) and his friends induced the people to believe would be done. When the retrenchment resolutions, which produced the famous report already mentioned, were under consideration, the friends of the then administration denied the existence of any abuse, but invited investigation, and the resolutions passed almost unanimously. Now, however, when the reformers are in power, and an investigation is proposed, they admit the existence of the evils referred to in the resolution, but resist the inquiry, because, as they allege, the abuse cannot be corrected!

The gentleman from New Hampshire (Mr. Cushman) may deem this end impracticable. I do not. I would rather follow the example of the gallant colonel Miller, (of the gentleman's own state,) who, when ordered on a perilous service on the Niagara frontier, during the war of 1812, did not say it was impracticable, but said "I'll try, sir," to the commanding general. He did try, and he succeeded. The achievement not only rendered essential service at this crisis, but honored his country's arms, and elevated his own fame!

In the attempt which the resolution under consideration proposes, no danger awaits us, but a great civil triumph may be obtained by it. I invite the gentleman from New Hampshire to adopt the words of his gallant statesman, and, instead of thinking it "impracticable," let him say "I'll try."

But, sir, we have been greatly disappointed in the failure of this promised reform in many other respects besides that which regarded the public printing and the executive patronage of the press. And, to establish this, I will state briefly a few items, contrasting the *practice* with the *practice* of the reformers. Imitating the example found in the report already alluded to, I may be best understood by a division of the subject into a few prominent heads. But, in the language of that report, I am "far from thinking I shall now exhaust the subject;" I shall "have only opened it." I pretend to nothing more "at this time than to lay the foundation of a system, to be followed up and completed hereafter" by the people.

The prolonged sessions of congress formed a conspicuous chapter in the book of reform. The committee denounced the usage as "one of the most serious evils attending the national legislation of the country;" and, by way of correcting it, recommended "that the compensation of the members, during the first session of each congress, be reduced to two dollars per day from and after the first Monday in April, if congress should sit beyond that time. This was the precept; now for the practice. The sessions of congress, so far from being shortened, have been prolonged, no remedy applied, and the people of the country ought to know that the gentleman from New York, (Mr. Cambreleng,) so early as March, 1830, when an attempt was made to carry into effect the remedy proposed in the report of

the committee of which he was a member, by reducing the pay of members, did himself actually resist and vote against the measure.

The report alleged that abuses had "taken place from the various and arbitrary manner in which members estimated their mileage." This abuse was ascertained to have been practised by the reformers themselves; and they have continued the practice without any restraint. I will give you, sir, an illustration, which may not be thought inappropriate. In the days of promised reform, the two senators from the state of Missouri differed in politics; one of them, the great reformer, Mr. Benton; the other, Mr. Barton, who thought the promised reform was a mere humbug. The first session of the twentieth congress commenced the 3d of December, 1827, and ended on the 26th of May, 1828. These gentlemen severally attended the whole session; their per diem allowance was 1,400 dollars each, being 175 days, at 8 dollars per day; but for mileage, reckoning 8 dollars for every twenty miles, Mr. Barton charged \$939 20, whilst Mr. Benton charged \$1,344 66. Mr. Barton charged his mileage by the great rail route, over land; but Mr. Benton, who was sailing out and condemning all abuses, counted his miles by all the crooks and turns and tortuous windings of the Mississippi and Ohio rivers? Mr. Barton was left at home because he did not believe in the propriety of professing one thing and practising another; and Mr. Benton was retained to correct abuses and carry out the great principles of his report on executive patronage. Ten years have intervened since the session of congress just referred to; the report sleeps undisturbed, and, in the mean time, Mr. Benton continues to count his miles every year by the way of the river, which has given him upwards of 4,000 dollars more than Mr. Barton felt authorized to charge under the same law.

Another precept. The committee reported that "the privilege of newspapers to the members ought to be abrogated;" and "that the practice too often indulged in by the house of voting to themselves copies of books," ought to be discontinued. The privilege and practice continue and without restraint.

Precept. The contingent expenses of this house were reported to be extravagant. During the year 1828, the last of Mr. Adams' administration, they amounted to 80,000 dollars.

Practice. During the year 1836, the last year of the Jackson reform administration, this item was 200,000 dollars! And, during the year 1837, being the first year of the "successor," who promised to "tread in the footsteps of his illustrious predecessor," these expenses are 210,000 dollars! This must be the "magician's way" of working the rule of reduction—it was certainly unknown to old Thomas Dilworth.

Precept. The committee, of which, I again repeat, the gentleman from New York (Mr. Cambreleng) was a member, reported that they had obtained information by which they were satisfied "that by a judicious system of reform, instituted by the executive officers themselves, at least one-third of the (then) present number of clerks in the departments might be reduced with safety to the public interest."

Practice. The number of clerks has not been reduced in any one of the departments, but, on the contrary, there has been a considerable increase. I will prove it. The state department, in the year 1828, included the patent office, and the whole number of clerks was sixteen; the salary and compensation of the secretary and all his clerks and messengers, amounted to 27,750 dollars.

The whole number of clerks now employed in the state department and the patent office is forty. The joint salaries and compensation amount to \$56,515!!!

The patent office, in 1828, was managed by a superintendent, with a salary of 1,500 dollars, and two clerks and a messenger, whose joint compensation was 3,700 dollars. It is now under the charge of one of the reformers; the title of "superintendent" is exchanged for that of "commissioner;" and with the change of title comes the change of salary from 1,500 dollars to 3,000 dollars! The number of clerks is increased from two to twenty-four, and the compensation from 1,800 dollars to 21,000 dollars; and, not content with one messenger, and his old salary of 400 dollars, they provide a salary of 840 dollars for messenger, and then give him an assistant, to whom is also paid 15 dollars per month.

The secretary of the treasury, in the year 1828, employed eight clerks and two messengers. His salary, and the compensation of the clerks and messengers, amounted to 18,600 dollars.

The present secretary of that department (and he was taken from the body of reformers, who made proclamation from the senate chamber) employs fifteen clerks and two messengers. His salary, and their compensation, amount to \$27,100!! A similar result will be found in comparing the present with the former state of the several subdivisions of the treasury department. But, by way of "introducing economy and dispatch in the treasury department," the committee proposed to "simplify the forms of business, and to reorganize its subordinate branches, so as to dispense with one-fourth, if not one-third, of the officers in the treasury." Now, sir, no reorganization of the department has yet been attempted. Instead of reducing, they have increased the number of officers; and the forms of business, under the new mode of simplifying, have become so complicated, that the gentleman from New York, (Mr. Cambreleng,) now chairman of the committee of ways and means, declared here, during the last special session, that, after fifteen years' experience as a member of this house, he found it difficult

tioners add these treasury accounts, and the manner in which the secretary's annual report on the finances is carried!

Next, as to the war department. In 1823, the secretary of war employed a chief clerk, besides seventeen clerks and two messengers. His salary, and their compensation, amounted to \$23,650. The business of Indian affairs was then managed by him also. In 1833, the secretary of that department employs, inclusive of the Indian business, about 40 clerks, besides messengers. The joint salaries and compensation of the whole amount to \$63,810.

In 1823, we hear nothing of a commanding general's office, with its clerk and messenger.

In 1833, the commanding general is allowed a clerk at \$1,200, and a messenger at \$600 per year.

In 1823, the adjutant general's office employed three clerks, whose joint compensation was \$2,950.

In 1833, the adjutant general employs seven clerks and a messenger, whose joint compensation is \$8,225.

In 1823, the paymaster general employed three clerks, whose joint compensation was \$3,900.

In 1833, the salary of the same number of clerks is \$4,290, besides the messenger's salary.

In 1823, I have been unable to discover any allowance for clerks to the quartermaster general.

In 1833, that officer employs in the office at Washington seven clerks, whose joint compensation is \$7,300.

In 1823, the ordnance office employed three clerks, whose joint salary was \$2,950.

In 1833, the ordnance office employs nine clerks, besides a messenger, and their aggregate compensation is \$9,225.

In 1823, the subsistence department employed four clerks, whose joint compensation was \$2,950.

In 1833, the subsistence department employs four clerks, and a messenger, whose joint compensation is \$5,380.

In 1823, the surgeon general was allowed a clerk, at \$1,150 per year.

In 1833, the surgeon general is allowed a clerk, at \$1,266, and a messenger, at \$600 per year.

In 1823, the business of Indian affairs was discharged at the war department, by some one or two of the seventeen clerks which I first mentioned.

In 1833, this Indian business appears to constitute a grand division. We now hear of the "Indian department," with a commissioner, whose salary is \$3,000, a chief clerk, at \$1,600, and eleven clerks, and two messengers, the joint compensation and salaries being \$19,400.

In 1823, there was one superintendent of Indian affairs, who was paid \$1,500 a year, twenty-one Indian agents, twenty-eight sub-agents, and thirty-nine interpreters.

In 1833, we find four "superintendents of Indian affairs," with salaries of \$1,500 each per year; six "superintendents of emigration" with salaries of \$2,000 each per year; ten "Indian agents," with salaries of \$1,500 each per year; fourteen "Indian sub-agents," with salaries of \$750 per year; thirty-three "commissioners and special agents," who are paid from \$5 to \$8 per day, and from \$1,500 to \$3,000 per year; fifteen "conducting and enrolling agents," at \$3, \$4, and \$5 per day; two "conductors of exploring parties," at \$3 and \$5 per day; two "valuing agents," at \$4 each per day; eight "collecting agents," at \$2 50 per day each; two "issuing agents," at \$1 per day each; one "disbursing agent," at \$5 per day; sixteen "assistant agents," at \$3 and \$4 per day, and from \$500 to \$1,200 each per year; thirty-one "interpreters at agencies," at \$300 each per year; fourteen "interpreters in the emigration of Indians," at \$2 50 and \$3 per day each; fifteen "physicians," at salaries varying from \$3, \$5, and \$6 a day, to \$34 per month; eleven "clerks" (other than those in the office at Washington,) at salaries varying from \$3 and \$5 per day to \$40 and \$50 per month, and \$300 and \$1,000 per year; fifty-three "blacksmiths," with salaries varying from \$2 40 to \$6 30 per year; twenty "farmers and assistants," at 2, 3, 5, and \$600 per year; eighteen "teachers," with various salaries, from \$500 to \$300 per year; five "millers," with salaries of \$5 00 and \$6 00; one "surveyor," at \$3 per day; the whole concluding with five "miscellaneous agents," with salaries of \$1 per day, and \$600 per year.

But even this is not all. The commissioner of Indian affairs says the list given by him in the Blue Book is not accurate or complete. He leaves room to add or alter. Here, indeed, is a display of patronage! Ought we not to be astonished to find this state of things, under an administration whose friends professed to be shocked at a multiplication of offices, and re-published, in the report of this house in 1833, the warning of that chief magistrate, who said: "Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behoves us to avail ourselves of every occasion which presents itself for taking off the surcharge." It is appropriate, too, now, to refer gentlemen to the censure which that report cast on the secretary of war in 1823, for paying \$753 for additional clerk hire in the business of Indian affairs.

Mr. B. said he was here tempted to name one or two offices in particular, which seem to have been created for special favorites: one of them under the law authorizing the president to sign land patents by an agent, instead of doing it as heretofore, in person. If he could not find time to do this duty, as Mr. Adams and all his predecessors did, then it would have been better to dispense with the signature altogether, as you have done with that of the commissioner of the general land office.

The president's name now is not even written by his proxy, as it should be, but is written by some clerk in the land office, and the whole service of the proxy or agent consists in his writing his own name! For this he is paid \$1,500 per annum! The place is held by one of the president's sons, and it is an indirect mode of increasing the president's salary. The compensation is too high, under any circumstances. For a service requiring neither skill nor talent, and employing a very small portion of this young gentleman's time, he receives a higher salary than many of the governors and other high officers in the several states do!

Another office specially created is that of the "Smithsonian agent," with a salary of \$3,000 a year, and furnishing a convenient sojourn for a gentleman wishing to visit London. The duties of this place might well have been discharged by ordinary correspondence, but at all events they are such as could justly be required at the hands of our resident minister at London. It cannot be overlooked that Richard Rush was secretary of the treasury, and received the censure and condemnation of the retrenchment committee. And yet Mr. Rush was appointed to the office of the Smithsonian agent. I will leave it for others to apply what the chairman of the committee on retrenchment said at that day, in debate on this floor: "Whenever an office is to be filled, even a zealous, constant, and faithful friend is compelled to yield to a mushroom apostate that may have been purchased but yesterday."

Let us next compare the navy department. Mr. Southard, who was secretary of the navy in 1823, employed in this department seven clerks, besides the chief clerk. The salary of the secretary, and the compensation of the clerks and messengers, amounted to \$17,250. The department has been held for many years, and is still managed by Mr. Dickerson, who was a member of the committee, in the senate, from whom came that famous report on executive patronage, to which I first referred. He employs eight clerks besides the chief clerk; and his salary, with the compensation of his clerks and messengers, amounts to \$18,850. And at this very session, he demands more clerks, and an increase in the salary of some of those he already has. The committee censure Mr. secretary Southard for unnecessary expense in subscription for newspapers for the department. They specify under this head, \$624 43 for three years. It now appears that Mr. secretary Dickerson has expended, for newspapers and fashionable books and literature of the times, in one year, near \$700; and, including similar expenses of the navy board, near \$950.

The committee also condemn the practice of extra clerk hire. We find Mr. Dickerson not only employing three extra clerks, but, what is far more dangerous, paying extra hire to one of the regular clerks in the department, enjoying, at the time, a salary of \$1,760, but to whom is paid, "for extra service as clerk," the further sum of \$429 67, making his salary \$2,189 67. Is not this a ready mode of providing for a favorite?

The committee also specify the sum of \$466 86, as paid by the navy department, in three years, for printing, and condemn it as extravagant.

The Blue Book of 1837 shows the navy department, under the reformer, Mr. Dickerson, to have paid \$9,559 22 for printing in two years!

The committee also reported that a "considerable sum varying from 100 to \$200 was annually expended by the secretary of the navy in the purchase of books for his office, most of them having no appropriate relation to the naval service of the country, such as reviews, magazines, and other periodical publications, and the fashionable literature of the day." This usage was, of course, to be abolished. Has it been? I beg leave to read a few items from Mr. secretary Dickerson's contingent expense account for 1837.

2d volume Repertory of Patent Inventions,	\$8 00
2d do Southern Literary Messenger,	5 00
One-fourth of Audubon's Birds,	165 00
Audubon's Birds,	55 00
No. 1, Indian Biography,	6 00
North American Review,	5 00
No. 4, Indian Biography,	6 00
One No. of American Scenery,	75
	\$250 75

Here is a display of the "fashionable literature" in which Mr. secretary Dickerson indulges himself and his clerks, at the public expense. I wish the gentleman from New York, (Mr. Cambreleng,) who aided in concocting the report from which I have just quoted, would inform us "what appropriate relation" the books and reviews just mentioned have "to the naval service?" But what means the item "one-fourth of Audubon's Birds?" Why, sir, I understand that neither of the four secretaries being "willing to take the responsibility," "as a unit" they agreed to divide it! The cost to the people is the same; it all comes from the "public coffers." And the mode of doing the thing proves that the secretaries felt that its expediency and propriety were questionable. I have read somewhere, perhaps in Sterne's works, an incident which most happily illustrates this transaction. As I recollect the story, the Abbess of Andouillet, and Margaretta, a novice, made a little journey together, in a vehicle drawn by mules. As the evening approached, they were deserted by their muleteer, when ascending a hill. The mules presently became stubborn, and stopped. The travellers were greatly alarmed, and, in their dilemma, the novice said that there were two certain words which, she had been told, would force these animals on the moment they heard them; but then the words were sinful. The

novice was urged, and she gently whispered the words "brouge" and "fouter." The Abbess, in her distress, turned casuist, and said they were only a venial and slight sin, which might be divided; and by taking half, and leaving the rest, or by taking it all, and amicably halving it betwixt yourself and another person, would become diluted into no sin at all! Therefore, my dear daughter, continued the Abbess, I will say *bou*, and thou shalt say *ger*; and thou shalt say *fou*, and I will say *ter*. Accordingly, the Abbess giving the pitch note on *bou*, Margaretta responded *ger*; Margaretta continued with *fou*, and the Abbess drew out *ter*; but still the mules stood. They do not understand us, cried Margaretta; but the devil does, said the Abbess. And, I think, Mr. speaker, that these reforming secretaries will find that they are understood in their patent mode of reform, and, particularly, that the people will not be gulled into the approval of an unauthorized expenditure by dividing its amount among the departments.

By this time, I think it is apparent that the duty devolves on the gentleman from New York, (Mr. Cambreleng,) not only to account for his voting against the measure in regard to the compensation of men, but also why it is that "a judicious system of reform" has not been instituted by his friends; "the executive officers themselves," whereby the country might realize what was promised by the gentleman's report:—"a reduction of one-third of the number of clerks in the several departments, with safety to the public interest."

We will now look to the post office department. The general post office, as it was then called, had the good fortune not only to escape the censure, but to enlist the praise, of that fault-finding era. I leave it for those who were familiar with the motives and political currents of that day, to account for this. The committee said of it:—"The efficiency of this branch of the public service is in a condition highly improved and improving." My first remark on this is, that the post office department passed into the hands of general Jackson in a healthy and efficient state. A few years, under his reform, reduced it to chaos and insolvency. The details of its mismanagement have been long since proved. The evidence is on file here and in the senate, with the reports of the several committees appointed to investigate its abuses. I refer gentlemen to the files, and will not dwell on the various abuses which were designated and established. Their enormity, coupled with the fact of the borrowing money on public account by the postmaster general, without law or authority, alarmed the country. But bad as all this was, and used, as the pecuniary patronage had been, to confer personal benefits on favorites, until the disorder and insolvency of the department became apparent, still the political uses which had been made of the appointing patronage were not disclosed, and now never will be. The present postmaster general, Amos Kendall, tells us in his account of the late destruction of that department by fire, that all the books, papers, and files of the department were saved, except the "files" of the "appointment office," and that these were destroyed!

In the first six years of general Jackson's administration, about 1,300 postmasters were removed from office, and, in most of the cases, without the assignment of any cause. When certain members of the committees of the senate and house, appointed, in 1833-'4, to investigate the abuses of that department, attempted to get at the files and correspondence of this "appointment office," with a view to ascertain and report whether the reasons for these removals were prompted by high and just public considerations, or by mere political expediency, they were denied the right by the head of the department and by the friends of the administration, who composed a majority on one of these committees! Was not this inquiry just? I refer you, sir, to Mr. Benton's famous report and bill providing for the disclosure of reasons in case of removal from office. I refer you, Mr. Speaker, to your own remarks, and to those of your friends, in the debate on Mr. Saunders's resolution, which I have already quoted. But, above all, I refer you to the remarks of the illustrious Madison, unrivalled as he was in the knowledge of the letter and spirit of our constitution and laws, and in purity and honesty of purpose. As early as 1789, in the memorable debate on the power of the executive to remove from office, he not only denied the right to exercise this power capriciously, and without assigning adequate reasons, but he thought it would be such a bold assumption of lawless power, that he thus expressed himself: "I own it as an abuse of power which exceeds my imagination, and of which I can form no rational conception."

But when Mr. Van Buren and Mr. Benton (both of whom were on the committee which reported the bill to prevent the abuse of this patronage of appointment) came into power, they changed their tone, if not their principles. Removals from office immediately followed, and they deny any obligation to assign reasons! Is it not strange, too, nay, is it not mysterious, that, in the conflagration of the post office, the only papers and files destroyed should be those relating to the exercise, if not the abuse, of the power of removal from office—the very papers which the postmaster general refused to suffer the committees of investigation to examine?

I said Mr. Van Buren changed his tone on this subject. I will at once prove it. The journal of the senate shows that he was one of the select committee who reported the bill already referred to. He entered the office of secretary of state with the commencement of general Jackson's administration. One of his first official acts was the removal of a meritorious clerk from

his office in that department, and a *positive refusal to assign any reason for it!* The gentleman removed is now a member of this house, (Mr. Slade, of Vermont,) and the voice of the people has sustained him whom the despotism of executive patronage sought to destroy.

The manner in which this patronage is abused, and the readiness and almost telegraphic despatch with which the wires of party machinery are felt throughout and from the most distant parts of the union, may be imagined after reading this laconic note, written by Mr. Van Buren, soon after entering on the duties of secretary of state, to a gentleman in Louisiana:

Washington, April 30, 1829.

My dear sir: I have the honor of acknowledging the receipt of your letter of the 21st ult. and of informing you that the removals and appointments you recommended were made on the day your letter was received.

"With respect, your friend, &c.

"M. VAN BUREN."

And, so far from being willing to reduce the number of clerks in his department, as the people were induced to believe would be done, Mr. Van Buren, when called on for that purpose, saw the whole affair through a new medium, and replied: "My opinion is, that there can be no reduction in the number of officers employed in the department, (of state,) without detriment to the public interest!" And yet the retrenchment committee, when Mr. Clay was in that department, reported "that they felt satisfied that, had the officer at its head concurred with them in the opinion, they might have presented a plan for not only a gradual reduction of the number of clerks, but for an actual increase in the efficiency of their labors."

But other discrepancies between the profession and practice of these reformers remain to be noticed. It will be found that the report of the gentleman from New York, (Mr. Cambreleng,) and his friends, condemned "the practice introduced by the secretaries of the departments, of sending the reports of their clerks or heads of bureaus, instead of condensing them, and making them substantially their own communication." This practice, if bad, has never been corrected, but is daily indulged in by all the departments, as the answers to the calls and resolutions of this house abundantly show. But a still more remarkable commentary follows. When the department of war passed into the hands of John H. Eaton, a zealous reformer, he, too, was called upon to carry out his retrenchment system, and reduce the number of his clerks, in fulfillment of the public expectation, which he and others had excited. To the surprise of all, he referred the subject to the clerks themselves! and here, sir, is his reply:

"War Department, Jan. 27, 1830.

"Sir: I have the honor to lay before you reports from the several bureaus connected with the war department, on the subject of a resolution of the 5th inst. referred to me by the committee on retrenchment.

Respectfully,

"J. H. EATON."

Charles A. Wickliffe, Esq.

These bureaus, so far from agreeing to part with any of their *escutcheons*, actually asked for an additional supply! Thus ended that farce!

Another precept.—This retrenchment report alleged that our diplomatic relations and foreign intercourse were unnecessarily expensive, and recommended "a fixed appropriation for the contingencies of each mission," "in no case exceeding \$600, (annually,) to cover the expenses of stationery, postage, office, clerk, hire, and all other contingencies whatsoever."

Let us see the practice. Andrew Stevenson, our minister at London, is allowed for these contingencies, including "presents to the menial officers and servants of the court, and others, on his presentation, and at Christmas," \$2,093 56, in the space of about a year! The like expenses of nearly all our other foreign missions are in correspondent ratio.

Profession.—The grade of our foreign ministers was to be reduced in some instances, especially that at Madrid, to a charge, with a salary of \$4,500.

Practice.—A minister plenipotentiary has been kept at Madrid constantly, and John H. Eaton is now there on a salary of \$9,000, having also received his outfit of the same amount. And during the last session of congress an attempt was made to increase the salaries of all our foreign ministers!! Who could have anticipated this from an administration that proclaimed on this floor, (at least one of its most powerful and influential supporters, the late Mr. Randolph, who joined in the cry of retrenchment here proclaimed, and what he said received the full approbation of "the party:")

"So long as members of congress, and not of this house only or chiefly, will bow, and cringe, and duck, and fawn, and get out of the way at a pinching vote, or lend a helping hand, at a pinching vote, to obtain these places, I never will consent to enlarge the salary attached to them. We are told that they live at St. Petersburg and London, and that living there is very expensive. Well, sir, who sent them there? Were they impressed, sir? Were they taken by a press-gang on Tower-hill, knocked down, hand-cuffed, chucked on board a tender, and told that they must take the pay and rations which his majesty was pleased to allow?"

Now I appeal to you, Mr. Speaker, if the moral application of these remarks has not been justly felt "in congress and not in this house only or chiefly," under the retrenchment and reform administration!

Another precept of the reforming report.—The committee thought the mode of "appointing and compensating bearers of despatches liable to strong objections, prone to degenerate into a species of favoritism little short of

a convenient mode of sending favorites abroad to travel for their pleasure, health, or instruction, out of the public coffers."

Practice. The President and his secretary of state, both Jackson-reformers, now take a favorite clerk of the state department, whose salary at the time was at the rate of \$1,760 per year, send him as bearer of despatches to Mexico, and, for about three months' service, pay him \$1,313 58, and suffer him also to draw his clerk's salary for the period of his absence! For this I refer you to the case of Robt. Greenhow, who is the translating clerk of that department; all the facts of the case being stated in the reports of the secretary. He excuses this transaction, by saying that the translations which were required during Mr. Greenhow's absence were made at his expense. It might be well to inquire whether any translations were required during that period, and why also it would not have been quite as well to discontinue the salary for the time, and let the government pay for any translations which were needed. But do we not here distinctly realize what the retrenchment report condemned in these words: "that an actual incumbent is considered to have such a sort of property in the office as to enable him to farm out its duties, and to receive a part of its revenues for doing nothing?"

Another illustration of this "convenient mode of sending favorites abroad," "out of the public coffers," is found in the same list of contingent expenses of foreign intercourse. I allude to the case of Mr. Charles Biddle, who, when nominated by general Jackson for a judgeship in Florida, was rejected by the senate.

After this rejection Mr. Biddle, was despatched by the executive to Central America and New Grenada. What service he rendered we know not; but it appears that for this mission an allowance of \$7,122 95 has been made. Mr. Charles Biddle is the same gentleman who had a controversy with Mr. senator Grundy, in which the devotion of the latter to general Jackson was questioned. We learn by one of the printed documents, occasioned by that dispute, that the senator, for the purpose of proving himself to be what is called a "whole hog Jackson-man," said he "had swallowed the hog not only whole, but wrong end foremost, taking the bristles against the grain; and had gone for all general Jackson's *bob-tail* nominations, even to Charles Biddle."

You may remember, Mr. Speaker, that great fault was found with Mr. Clay for an allowance to John H. Pleasants, who was employed as bearer of despatches, and sat out on his voyage, but, being taken ill, was obliged to abandon it, though he caused his despatches to be safely delivered. In the account, which I am now examining, we find the sum of \$1,522 72, paid by Mr. Forsyth, the secretary of state, to Eleazer Early, sent with despatches for our charge d'affaires at Bogota, but which were never delivered. The sickness of Mr. Pleasants furnished no palliation, in the minds of the reformers, for the payment made to him, though he caused his despatches to be safely delivered. Yet these same gentlemen find ample pretext in the alleged shipwreck of Mr. Early, to pay him \$311 35 for expenses, \$527 37 for clothing, bedding, and books, lost or abandoned by him, and \$714 for one hundred and nineteen days compensation, at \$6 per day, though his despatches were never delivered!!

At this same time, too, Mr. Early appears to have been receiving a salary of \$1,500 a year as librarian of the house of representatives!! It would seem that Mr. secretary Forsyth is not a stranger to this "convenient mode of sending favorites abroad, to travel for their pleasure, health, or instruction, out of the public coffers."

I also find that \$2,515 are charged for contingent expenses of William T. Barry, late minister to Spain. Now, sir, it is well known that Mr. Barry never reached Spain, but died on his way there. He, of course, received the usual salary and outfit; and I am at a loss to know what contingent expenses, incurred by him, could justly be charged to the United States.

There appears, also, to have been paid to John R. Clay, in 1836, \$3,381 41, as "compensation for certain diplomatic services." This gentleman, at that time, held the place of secretary of legation at St. Petersburg, with a salary of \$2,000 a year, and the payment to him of the further sum of \$3,381 41 may be justly questioned.

Other items, indicative of extravagance or favoritism, may be seen in this contingent expense account of foreign missions, but I will not stop to specify them.

It will also be found that, in the days of this "searching operation" and "reform," the standing committees of this house on the expenditures of the several departments attended to their vocation. But, very soon after general Jackson came into power, these committees became so much a matter of mere form that the chairman of one of them declared here, during the last congress, he had never even thought it worth his while to convene his committee, and he appeared quite surprised, or at all events amused, that any inquiry was expected to be made in regard to the expenses of these departments!! This state of things forms a strong contrast with the report made here in April, 1823, by Mr. Blair, of Tennessee, chairman of the committee on public accounts and expenditures in the state department. He, you know, Mr. Speaker, was a Jackson reformer; like the select committee, he found every thing wrong, and promised to correct it. The purchase of books, the employment of a librarian, and many other things, were censured—even the right to purchase a print or likeness of general Washington, to be suspended in the department, was questioned. How stands the matter now? Why, large sums of money are yearly expended for the

library of the state department, and many books purchased, which are certainly unnecessary.

Besides the purchase of books, periodicals, and newspapers, made for this department by its disbursing agent at home, there was expended in London, during last year, for similar objects, nearly \$500. A librarian is employed, at a salary of \$1,540, equal to that paid to the librarian of the great public library of congress. All this, too, sir, under the auspices of gentlemen who said that this part of the expenses of that department was censurable, and ought to be dispensed with, as all the officers of the government could well avail themselves of the public library at the capitol. But, Mr. Speaker, the times changed, and Mr. Van Buren and Mr. Forsyth changed with them. The state department is now laid off into grand divisions. When Mr. Clay had charge of it, the Blue Book exhibited a list of a dozen names, all under the head of clerks. One of these acted as translator for the department, and his salary was \$1,150; another paid out the funds, and was charged with the contingent expense accounts, and he received \$1,150 a year. How soon is all this simplicity and economy forgotten! The Blue Book of last year divides this department into a "diplomatic bureau," a "consular bureau," a "home bureau," a "translator," whose salary is \$1,760, a "disbursing agent," whose salary is \$1,593, a "librarian," whose salary is \$1,540, a "keeper of the archives," whose salary is \$1,540, and gives one man \$960 a year for "packing, filing, arranging, and preserving newspapers and printed documents." This is done by that boasted "democratic party" which affects such holy horror at any appearance of what they call "aristocratic grandeur." If the Turk, whose letters are found in Salmagundi, had seen this display of "bureaus" in the state department, he would have been better justified in his admiration at "the grand and magnificent scale on which these Americans transact their business." But I have yet to add, that those who questioned the right of the state department to purchase a print of the immortal Washington have used the money of the people to buy prints of general Jackson, and now of Martin Van Buren, for almost every room in each of the departments!!

Mr. Speaker, during this "searching operation" and capitious fault-finding, every petty expense of the several departments was looked upon with open censure. I well remember that an item of some few dollars, paid a laborer for destroying the grass which was growing between the bricks of the paved walk leading to the state department, was held up to public view as a piece of aristocratic extravagance. Now, sir, suppose I were to cite to you many similar and equally (if not more) objectionable charges in the present accounts of these departments—such as cash paid for clearing the snow off the pavement, so that Mr. Forsyth need not wet his feet; "\$90 a quarter for labor," "\$54 for sundries," "\$16 for work," without stating what labor or work. It might have been for killing grass, or raising vegetables for the secretary. The term "sundries" may conceal the same things, and the curious might inquire what use was made of the fire-proof paint for which \$73 were paid by the secretary of state. But the money is well laid out, if it will preserve the edifice! And it is to be regretted that the secretary of the treasury and the postmaster general had not made similar purchases in time to save their respective buildings. Penknives and scissors, by the dozen and half dozen, are purchased by the secretary of state, who also pays a clerk to go to Baltimore to collect a draft. An item of \$100 paid by the secretary of the treasury for the transportation of money; but how much money, or from whence, or where transported, we know not. This last charge is a kind of foretaste of the hard-money sub-treasury system, by which, instead of transmitting the funds of the government by means of the cheap, safe, and rapid system of exchange, which prevailed before the banks were "debauched" by Mr. Kendall, the public money is now to be waggoned over the country at great expense and hazard, and always with delay.

The late eminent and virtuous attorney-general William Wirt, did not escape the censure of these indefatigable reformers. He had rendered some professional services, in which the United States were interested, but which were not such as his official station charged upon him. For this service an inconsiderable sum was paid to him, but its propriety was questioned. The salary of the attorney-general was then \$3,500, and he was allowed \$800 for a clerk. How stands the case now? The salary of Mr. Benjamin F. Butler, the present attorney-general, is \$4,000, and in 1834 he was paid \$4,150 for compensation, besides being allowed \$1,300 for a clerk and messenger, and \$500 for the contingent expenses of his office. The same additional allowance and charge, amounting together to \$1,800, is made in 1835. Independent of the increased salary and the enlarged provision for a messenger, whence comes Mr. Butler's right to charge an excess of \$150 19 for compensation, besides \$500 for contingent expenses? In the year 1836 we hear nothing of contingent expenses, but a provision of \$1,407 is made for his clerk and messenger, and for Mr. Butler's compensation that year he received \$4,332, when his salary was only \$4,000. Why was this excess of \$332 paid to him? He appears to have been used as a sort of *Caleb Quitem*. He has been allowed to enjoy the salary of his own office and that of the secretary of war at one and the same time, being at the rate of \$10,000 per year, pursuing too his profession, and receiving its emoluments. No wonder we see in him "the complying law officer of the crown." When did he ever give an opinion contrary to the wish of the president, if he knew what

that was? Let me give an illustration. As the story is told, when the Baltimore railroad was about to be located at its termination in this city, the company consulted Mr. Butler on some point as to this right of way, under their charter. After full deliberation, his professional opinion was obtained in writing. It happened that general Jackson felt some concern about the location of this right of way, and he expressed an opinion on the same point, requiring a termination of the road, which the company did not wish, and which Mr. Butler had advised them they need not adopt. Gen. Jackson was furnished with the opinion of the attorney-general; but, instead of yielding, he endorsed on it, "Mr. Butler has not examined this case with his usual care; let this paper be referred back to him, with a copy of the charter, for his re-examination." In due time, sir, the attorney-general agrees with the president, and gives an opinion in conformity with that which general Jackson had expressed! After this, Mr. Speaker, we need not be surprised at the absurd opinion of Mr. Butler, given as a foundation or justification for general Jackson to pocket the bill repealing the treasury circular, and which had passed both houses of congress almost by acclamation. Nor, indeed, should we be astonished at any opinion of his, unless he should have happened to give one different from what he supposed the president wanted.

I wish now, to make a few comments on the professions and practice of Mr. Amos Kendall, late fourth auditor, and now postmaster general. This gentleman, you know, sir, was an eleventh-hour Jackson man. He, however, was among the first who got office; and immediately after his appointment, a letter of his is published, in which, after holding himself and a few friends up as having been persecuted, he exclaims, "what has Heaven done?" So disposed of events, as to make Barry postmaster general, and myself a more humble auditor? As to Mr. Barry, no matter "what events" made him postmaster general, we know that under his management that department was deranged and rendered insolvent!

But now for this "humble auditor," or, as from his own question, he is sometimes called, "this Heaven-born" Amos. If history does him justice, it will be found that he desired office under Mr. Clay, which, it not being in the power of the latter to provide, Mr. Kendall espoused the cause of general Jackson.

In this letter of Mr. Kendall, he says:

"I feel bound by my obligations to my country, and by the pledges so often repeated by all the principal men of our party, to promote, with all my talents and industry, the reforms which the people demand. I will prove that our declarations have not been hollow pretences. Besides, I hold the interference of federal officers with state politics to be improper in principle."

For the reform under this last paragraph, I refer you to Mr. Kendall's letters and tracts sent to various political meetings and dinners throughout the country, for a few years past, on the eve of state elections.

When Mr. Kendall entered upon the duties of his auditor's office, he caused to be published in the United States Telegraph, the then official organ, a letter, in which he says, "The interest of the country demands that this office shall be filled with men of business, and not with babbling politicians." Sir, the whole letter was the work of a babbling politician, expressly designed for political and demagogic ends, which the writer, in the same breath, said he had quit and left for others! I will read a few passages from it. "In five days I have returned to the post office twenty letters and three pamphlets, enclosed to the fourth auditor, and directed to other persons!" How long after this letter was it before Mr. Kendall, for the purpose of building up the Globe newspaper, and the fortune of his friend Francis P. Blair, (another eleventh-hour Jackson man, whom he had brought from his former residence at Frankfort, Kentucky,) sent under his frank to Kentucky, and perhaps elsewhere, the prospectus of this newspaper?

In that same letter Mr. Kendall also says:

"Upon entering this office, on Monday last, one of the first objects which struck my eye was a pile of newspapers on my table. Among them, I counted sixteen different papers, all of which I was told were subscribed for by the fourth auditor, and paid for out of the treasury."

He sent them back, as he then stated, with a note to each; of which the following is a copy:

Treasury Department,

Fourth Auditor's Office, March 24, 1839.

Sir: Not believing that I am authorized to charge the government with subscriptions to newspapers and other publications, which are not useful to me in the discharge of my official duties; and not perceiving that I can derive any assistance from your journal in settling the accounts of the United States navy, I have to request that you will discontinue sending it to this office. Very respectfully, your obedient servant,

AMOS KENDALL.

Here, Mr. Speaker, is a fine display of the "pride, pomp, and circumstance" of office, if not of official insolence. But yesterday he was himself the editor and publisher of a newspaper; he next appears, in his own language, an "humble auditor." But, sir, does not the letter just read show that he had forgotten his humility, and become puffed up with official consequence?

Why did he not simply tell his brother editors, in brief and respectful language, that he had discontinued the subscription for their paper?

But a further thought is suggested by this letter of Mr. Amos Kendall, and his reason for discontinuing newspaper subscriptions. He is now, sir, postmaster

general. Suppose we look at the statement of the contingent expenses of his office for the last year. Do you think we shall find any subscriptions for newspapers there "paid for out of the treasury?" Listen to a few items:

Southern Literary Messenger,	-	\$10 00
New York Journal of Commerce,	-	10 00
Allegheny Democrat,	-	14 81
Pennsylvanian,	-	8 00
Indian Biography,	-	6 00
Metropolitan Magazine,	-	8 00
Three copies of the Daily Globe!!!	-	30 00
Richmond Enquirer,	-	5 00

Sundry others which I will not stop to name: the whole number being twenty or upwards, and the total of subscription within a small fraction of \$200! He was frightened at a pile of 16 newspapers, but he can now take 20 at a dose! Can it be possible that a man, who came into office declaring, like the Pharisee of old, that "he was not like other men," and would even "tithe, mint, and cummin," begins already to "neglect the weightier matters of the law?" What becomes of his inflated promise "to prove" that his "declarations had not been hollow pretences?" Of what value was his declaration, made in his letter before referred to, and in which he says, "Vain I may be, proud I am, that the president has given me an opportunity to aid him in proving that reform is not an empty sound, and is not to apply merely to a change of men?" Why, sir, I quote as a reply to these questions his own words, in another passage of his own letter: "The world will know him at last, and assign him his true rank."

"Truth is omnipotent, and public justice certain." Among Mr. Kendall's reforms may be mentioned his leading agency in the removal of the public deposits from the Bank of the United States. To effect this, he carried on a system of "bidding and cooing" with the state banks, and, in the language of a certain senator, (Mr. Benton,) "debauched them." "Yes, sir, debauch is the word." I apply it to the government and banks, though the senator thought the people had been debauched, and applied it to them. For this work of "debauch," which proved so serious a curse to the country, this agent was employed thirty-two days, and was paid for this service the sum of \$316 11, being about ten dollars a day for a job which has occasioned much of the embarrassment under which the country now labors. He got \$10 a day for doing this injury to the public—a hard-working laborer finds it difficult to get his dollar a day. But still, Mr. Kendall belongs to the "democratic party," and whilst he received his \$10 a day for that work, he also received the regular salary of his office. This appears to be an established usage of this administration. The case of the attorney-general is already mentioned. The reports from the departments show several other cases, though I will now only add that of the commissioner of Indian affairs, who was for a while acting secretary of war, and during this period drew the salaries of each office, being at the rate of \$9,000 a year.

But, Mr. Speaker, no man better knows all the uses of office than Mr. Kendall. I have read a political tract, written, I think, by Denn Swift, entitled somewhat in this way: "The convenience of a place at court, or a sure mode of providing garments for a whole family." Mr. Kendall appears to understand the "modus operandi" of this matter. The printed list of clerks in his department exhibits his father-in-law and two nephews, with salaries of \$1,000, \$1,200, and \$1,400; and thus we see a family provision of nearly \$10,000 a year, including his own salary. But Mr. Kendall is not the only officer who thus takes care of his own household. If provision of this kind be evidence of "faith," few of them will be found "infidels." The president's son has an office, which I have already mentioned, of \$1,500 a year. The secretary of state's son, until very lately, held the place of district attorney in Alabama. A near relation by marriage of the secretary of the treasury has a comfortable annuity of \$1,400 in the navy department; another holds the appointment of naval officer in Boston, with a salary of \$3,000 per year, besides being president of the Lafayette Bank of that city; and a third is the cashier of the Franklin Bank of that city, which became a special pet under the pet bank system. These gentlemen would all make excellent sub-treasurers!

Mr. Bond said, when the proposition for retrenchment was under consideration here in 1828, the friends of Mr. Adams, by way of proving that he and they desired ever just economy and reform, pointed to his message recommending it. How were they answered? Why, sir, Mr. Ingham, who soon afterwards was made secretary of the treasury, said it was indeed true that the message did recommend it, but he wanted to see more practice and less profession in this matter. There were no specified reforms found in the message; he could only find there one of those formal recommendations, which were as unmeaning, he said, as the words "your humble servant" at the foot of a letter. Mr. Randolph, in the same debate, used this language, on the subject of retrenchment and reform:

"The president did recommend them, in one of those lofty generalities with which all sermons, political or religious, abound; which might be printed in blank, like law process, and filled as occasions might require. But, sir, (said he,) I am for looking at the practices, and not at the precepts of the parson, political or religious."

Mr. Bond said this rule of Mr. Randolph was perfectly just; it was thus shown, too, to be avowed by this administration, and he was willing to judge them by their own rule, and thought to this they ought not to

object. He would leave it to the house and to the people to say whether the "practices" of this administration "had conformed to their precepts."

Was the recommendation in general Jackson's inaugural address one of those "lofty generalities" just spoken of, and defined by Mr. Randolph? The "unit cabinet" must have lost the art of reading, or have "reform" was not quite so "legibly inscribed" as the general imagined. That patronage of the federal government which was said to be brought into conflict with the freedom of state elections has greatly increased, and is still unrestrained, in the same conflict.

The gentleman from Tennessee (Mr. Bell) has for years labored to bring this house to the consideration of a bill to secure the freedom of elections, and thus carry into effect the recommendation of general Jackson's inaugural address. Able as that gentleman is, and untiring as he has been in his efforts, the measure proposed by him has received the frowns instead of the favor of this administration. He and the venerable senator from the same state (Mr. White) were the early and devoted friends of general Jackson, and they still desire to carry into practical effect the principles which they, with general Jackson, professed to be governed by. They feel and know the imminent danger which threatens the country, in the increased strength of the patronage of office. They see, and we all see, that the office-holders are "abroad in the land." For a description of this growing phalanx and its powerful incentive to action, I will draw on high authority. A member of the senate, (Mr. Grundy,) a zealous friend of general Jackson, the evidence of which has been already given in his own words, held this language, when aiming to pull down the administration; "When I see (said he) an office-holder interfering in elections, it has occurred to me that he was thinking of his salary, and is, therefore, an unfit adviser of the people."

Mr. Speaker, that which occurred to Mr. Grundy no doubt of an occurred to you at the same period. The proposition is a very natural one, and I think that recent events have strengthened rather than impaired its truth. But I beg the further indulgence of the house while I read what another distinguished friend of general Jackson said, when debating the subject of retrenchment and reform on this floor. I allude to Mr. Buchanan, now a senator from Pennsylvania, and, with his continued and growing devotion to the party, what he said will certainly be considered "orthodox." I find, by that debate, that he said it was well known

"That when a man is once appointed to office, all the selfish passions of his nature are enlisted for the purpose of retaining it. The office-holders (said he) are the enlisted soldiers of that administration by which they are sustained. Their comfortable existence can depend upon the re-election of their patron. Nor does disappointment long rankle in the hearts of the disappointed. Hope is still left to them; and bearing disappointment with patience they know will present a new claim to office at a future time."

This passage of Mr. Buchanan's speech proves him to have been an observer of men and things, and familiar with the leading principles of human action. He dreaded the consequences of the selfish spirit of the office-holder, and induced the country to believe that gen. Jackson and his friends would provide a suitable restraint upon it. But I fear, sir, the people will be left to conclude that this gentleman is one of those "political parsons" described by Mr. Randolph, whose "practices" do not correspond with his "precepts." It is certain under the favorite administration of the gentleman and his friends, the office-holders have received new life, instead of a check. But I must yet point out another discrepancy between Mr. Buchanan's profession and practice. In the same debate, he reviewed, with censure, several of the foreign missions, that to Russia included; and particularly condemned any practice allowing a minister to "return after one year's absence." His language is: "If such a practice should prevail, our ministers, in violation of the spirit of the existing law, will receive by adding the outfit to the salary, \$13,000, instead of \$9,000, for one year's service." "I am," said he, "against the practice." This, Mr. Speaker, was his precept. But, sir, in a brief space of time, after condemning and saying "I am against the practice," we see him take the bounty, and become one of the "enlisted soldiers" whom he had described, and go on a foreign mission to Russia, where, after staying "a twelve-month and a day," he pockets the "\$18,000, instead of \$9,000 for a year's service," and comes home!

This seems to be an appropriate time to compare the precept and practice of Mr. Randolph, too, who said he "was for looking at the practices, and not the precepts, of the parson, political or religious." In that same debate, Mr. Randolph said he "could not permit any motive connected with the division of the spoil, to mingle with" his exertions. He would not, he said, give up his constituents and the pleasure of his home, "for a clerkship in the war office, or a foreign mission; or even for a department of state." He said, "there had been an improvement in the plan of sending ministers abroad, and bringing them back, when they have finished their business; for," said he, "they are now sent abroad on *eleventh-hour* errands, that they may come back *re-infected*, to pocket their emoluments." Mr. Speaker, the Greeks and Romans both held it to be highly useful, but exceedingly difficult, matter to know one's self. Modern history and our own times, add new force to the truth of that position. I do not at all question the perfect sincerity of Mr. Randolph, when he uttered the sentiments; but great as he may have been,

and said as he proceeded to be, and, no doubt, was, in the motives of human action, after events proved how little he knew of himself. Sir, we soon found Mr. Randolph giving up his constituents, and leaving all the boasted emendations of his district, for a foreign mission to Russia, where, so far as any public advantage resulted from it, he emphatically went on a "sleeveless errand," and "came back *retincta*, to pocket his emoluments." Indeed, this mission to Russia seems to have been specially dedicated by "the party" to short terms of six and twelve months, for the advantage of some of the "enlisted soldiers" described by Mr. Buchanan. In this way, the cost of that mission has been inordinately increased; and it is high time that this drain on the public treasury for private benefit should be checked.

Mr. Bond said it was not to be disguised that many of the politicians who engaged in the debate and strife of the times to which he had alluded, had been surprised, if not disappointed, by events which soon followed. A singular exchange of position has taken place between two of these gentlemen. When the retrenchment resolution was discussed, a friend of the then administration, Mr. Pearce, of Rhode Island, took ground, not in terms, but somewhat similar to that now avowed and professed by the dominant party, "that the spoils belong to the victors." Mr. Wickliffe, a Jackson reformer, denied and condemned such a right. He was appointed a member of the retrenchment and reform committee, and, after Gen. Jackson came into power, Mr. Wickliffe zealously endeavored to carry out the promised reform; but not finding the co-operation he had expected, he abjured "the party." About this time, it happened that the reformers avowed the doctrine "that the spoils belong to the victors," and Mr. Pearce enlisted under their banner.

Sir, has not the country been disappointed? Have not the people been deceived and allured by specious and vain promises? Has not the federal executive patronage been inordinately increased, and is it not still unrestrained? Is not the power over it abused and perverted? Do not the expenses of our general government far transcend in amount all our past history? Why are these things so, and why has not this "plague been stayed," Mr. Speaker, according to your plighted faith? I will tell you why, sir, but I prefer doing so in the language and illustration of one of your own friends, Mr. Buchanan, of the senate to whom I have before referred. In his speech here, to which I have already alluded, and when he was assailing the (then) administration, he thus exclaimed: "The very possession of power has a strong, a natural tendency to corrupt the heart. The lust of dominion grows with its possession; and the man who, in humble life, was pure, and innocent and just, has often been transformed, by the long possession of power, into a monster. In the sacred book, which contains lessons of wisdom for the politician as well as for the christian, we find a happy illustration of the corrupting influence of power upon the human heart. When Hazeel came to consult Elisha whether his master, the King of Syria, would recover from a dangerous illness, the prophet, looking through the vista of futurity, saw the crimes of which the messenger, who stood before him, would be guilty, and he wept. Hazeel asked, 'why weepeth my lord?' The prophet then recounted to him the murders and the cruelties of which he should be guilty towards the children of Israel. Hazeel, in the spirit of virtuous indignation, replied: 'Is thy servant a dog, that he should do this thing?' And Elisha answered, 'The Lord hath shown me that thou shalt be king over Syria.' This man afterwards became king by the murder of his master, and was guilty of enormities, the bare recital of which would make us shudder."

How true, and, alas! how applicable is this sacred illustration to those who invoked its use in elevating themselves to power!

Suppose, Mr. Speaker, that some inspired Elisha had been present when you and Mr. Buchanan, with others, engaged in the debate which has been referred to, and, moved by the sympathetic tear of the prophet, you had asked, "Why weepeth my lord?" how would you have been astonished in being then told what the people of this country have since realized!

Imagine, sir, the inspired one looking through the vista of a few brief years and saying, You will be placed in power, but will greatly increase the amount of all public expenditures. You will use the offices and patronage of the country for private and not for public good. You will create offices for favorites. You will enlarge all executive power. You will deny the right to call for reasons on a removal from office, and in a few years will remove more than 1,500 persons from office for opinion's sake! You will derange and corrupt the post office department, which you now aim to be sound, and you will not reform any of your designated abuses in the other departments. You will appoint more members of congress to office in four years than has been done in all the past history of the government. Your bill for the abolition of the power and patronage over the press will sleep the sleep of death. You will retain "the press, the post office, the armed force, and the appointing power in the hands of the president, and will not suffer them to change position and take post on the side of the people." You now censure a small appropriation to purchase some additional furniture for the president's house, but you will furnish that house in luxurious style for Gen. Jackson, who will be succeeded by Mr. Van Buren; and he, not content with the second-hand furniture of his predecessor, will cast it off and make his entry into that edifice, with one appropriation of \$7,300 for alterations of the house and su-

perintendence of the grounds, and another appropriation of \$20,000 for new furniture; and this, too, in one very year, when your public treasury will be bankrupt. You will increase the expenses of foreign missions and suffer your ministers to return home on such brief service as will show their appointments to have been made for individual gain rather than public good. You will increase the contingent expenses of this house from \$30,000, the present annual amount, to \$210,000. You will add to the like expenses of the senate and to all other public expenditures in the same ratio; and the sum total for the whole civil list and ordinary appropriations of the government, which is now \$12,163,433 will be increased from time to time under your boasted reform, until it shall exceed thirty millions per year!

You now question the right of a department to purchase a print or likeness of the immortal Washington, but will decorate every room in all the departments with portraits of Martin Van Buren. You will, by means of the "office holders," the "enlisted soldiers," as you have just called them, bring the patronage of the general government into conflict with the freedom of elections, and you will resist the bill that shall be brought in to secure the freedom of those elections. You, Mr. Randolph, will go upon what you now call a "sleeveless errand," and, after saluting the emperor of Russia, will make a pleasant sojourn in "old England," and return to your estate in Virginia. You, Mr. Buchanan, will become "an office holder and enlisted soldier," go on the very mission to Russia which you are now censuring, and will pocket the \$18,000 for "a twelve-month and a day's" service. You, (to the gentleman from New York,) Mr. Canby, will oppose a vote against the very measure which you now report and recommend, for reducing the pay of members, as a means of shortening the session of congress. You, Mr. Stevenson, will be made speaker of this house, and appoint its committees, and dispense its rules, with the promise of a foreign mission in your pocket. You, Mr. Benton, will vote to lay on the table the bill which you now report to take the patronage of the press from the government, and your report on executive patronage, with its six accompanying bills so imposingly introduced, will prove to have been but as "sounding brass and tinkling cymbals." You, Mr. Van Buren, who now, as a member of the committee on executive patronage, report a bill requiring reasons to be assigned for removing an incumbent from office, will be made secretary of state, and in due time president, but, from the moment you obtain power, you will forget your bill, and not only violate but refuse to be governed by its principles. You, Mr. Dickerson, also a member of that committee, will be made secretary of the navy; but the department will be so mismanaged under your direction, that it will be truly said of you on the floor of congress, "there is none so poor as to do him reverence." You, Mr. Woodbury, will take first the navy and then the treasury department, and, under your supervision, an attempt to humbug the people with the promise of an exclusive hard money currency will result in the banishment of all specie, a bankrupt treasury, and a circulation of shinplasters and treasury notes.

Imagine, then, Mr. Speaker such a response to have been made at the period of time which I have suggested. What would have been your reply, and what would Mr. Buchanan, who made the scriptural allusion, have said? Methinks I almost see and hear him exclaim, Is thy servant a dog that he should do this thing?

We are told that, notwithstanding the indignation of Hazeel he reached the throne of Syria by murdering the king his master, and soon committed all the enormities foretold by the prophet!

So, I fear that, in despite of the protestations of Amos Kendall, the promised "reform" was "an empty sound," "intended to apply merely to a change of men." But I leave it for this house to judge for the people of this country to judge whether their confidence has been portrayed and their hopes disappointed.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—SENATE.

June 29. Mr. Norvell, from the committee on commerce, reported a bill making appropriations for building light houses, making coast surveys, &c. Read, and ordered to a second reading.

Mr. Wright presented an analysis of the expenditures of the government, particularly for the years 1833-'37, and generally from the commencement of the government to the present time. Laid on the table, and ordered to be printed, with 2,000 extra copies.

Mr. Wright, from the committee on finance, reported a bill to make compensation to certain agents and attorneys under the treaties of indemnity with foreign nations. Read twice by consent, and ordered to be engrossed for a third reading.

A number of petitions were now presented and referred, or otherwise disposed of.

The bills which were yesterday ordered to a third reading were to-day severally read a third time and passed.

On motion of Mr. Bayard, the committee for the District of Columbia were discharged from the further consideration of a petition relating to Pennsylvania avenue.

The senate took up the joint resolution from the other house, instituting a joint committee of inquiry as to the expediency of so taking the next

census as to collect information in detail in regard to the agriculture, commerce, and manufactures of the country.

After a few words in opposition to the resolution by Messrs. *Sevier* and *Lenton*, on motion of Mr. *Sevier*, the resolution was indefinitely postponed.

On motion of Mr. *Preston*, the bill explanatory of the acts providing for the payment of brevet officers was taken up, and made an order for to-morrow.

The senate resumed the consideration of the bill making provision for the further collection of the public revenue. The question being on Mr. Buchanan's substitute for the bill,

Mr. *Webster* addressed the senate at length, chiefly in an examination of the character and bearings of the substitute offered by Mr. Buchanan. Mr. *Buchanan* spoke in reply to Mr. *Webster*, and argued at large in favor of his substitute. Mr. *Tallmadge* spoke against the substitute, and in favor of the bill, presenting it especially in the aspect of a reinstatement of the state bank deposit system. Mr. *Strange*, after a few preliminary remarks, offered the following amendments to the substitute of Mr. *Buchanan*:

1. That the collectors and receivers of the public money should be allowed to make special deposits of bank notes in the banks during the sixty days, at the end of which they were to be converted into specie. Rejected as follows:

YEAS—Messrs. Bayard, Brown, Clay, of Ky., Clayton, Crittenden, Davis, McKean, Merrick, Nicholas, Prentiss, Preston, Rives, Robbins, Ruggles, Southard, Spence, Strange, Swift, Tallmadge, Webster, White—21.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay, of Ala., Cuthbert, Fulton, Grundy, Hubbard, King, Knight, Lumpkin, Lyon, Mouton, Niles, Norvell, Pierce, Roane, Robinson, Sevier, Smith, of Conn., Trotter, Wall, Williams, Wright, Young—26.

2. That the clause of the substitute allowing the public creditor the choice of specie or bank notes be stricken out. Rejected as follows:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Calhoun, Clay, of Ala., Hubbard, Lumpkin, Lyon, McKean, Niles, Norvell, Pierce, Prentiss, Roane, Smith, of Conn., Strange, Trotter, Wall, Webster, Wright, Young—22.

NAYS—Messrs. Buchanan, Clay, of Ky., Clayton, Cuthbert, Davis, Fulton, Grundy, King, Knight, Merrick, Mouton, Nicholas, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Southard, Spence, Swift, Tallmadge, White, Williams—24.

3. That payments of the public creditors should be made by the officers of the government, and not by the banks. Rejected as follows:

YEAS—Messrs. Allen, Buchanan, Calhoun, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Roane, Smith, of Conn., Strange, Trotter, Wall, Webster, White—19.

NAYS—Messrs. Bayard, Benton, Brown, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, Lyon, McKean, Merrick, Norvell, Prentiss, Preston, Rives, Robbins, Robinson, Ruggles, Sevier, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White, Williams, Young—29.

Mr. *Strange* also offered two other amendments, which he subsequently withdrew. Mr. *Niles* spoke decisively on the subject, in favor of the substitute, and of perseverance in the sub-treasury, and offered an amendment, which he afterwards withdrew on the suggestion of Mr. *Buchanan*, affording facilities for getting the money out of the banks.

The question now recurring on Mr. *Buchanan's* amendment, Mr. *Rives* spoke at length in opposition to the substitute. Mr. *Buchanan* spoke chiefly in reply to Mr. *Rives*.

The question being put on Mr. *Buchanan's* substitute, it was agreed to as follows:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Lyon, Mouton, Nicholas, Niles, Pierce, Roane, Robinson, Sevier, Smith, of Connecticut, Strange, Trotter, Wall, Williams, Wright, Young—26.

NAYS—Messrs. Bayard, Calhoun, Clay, of Ky., Clayton, Crittenden, Davis, Grundy, Knight, McKean, Merrick, Norvell, Prentiss, Preston, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—24.

So the substitute became the bill, and was, in its turn, rejected by the following vote, on the question of its engrossment:

YEAS—Messrs. Brown, Buchanan, Clay, of Alabama, Cuthbert, Fulton, Hubbard, King, Lyon, Mouton, Nicholas, Niles, Pierce, Roane, Robinson, Sevier, Strange, Trotter, Wall, Williams, Wright, Young—31.

YAYS—Messrs. Allen, Bayard, Benton, Calhoun, Clay, of Kentucky, Clayton, Crittenden, Davis, Grundy, Knight, Linn, Lumpkin, McKean, Merrick, Norvell, Pettis, Preston, Rives, Robbins, Ruggles, Smith, of Conn., Smith, of Indiana, Southard, Spence, Swift, Tallmadge, Tipton, Webster, White—29.

Mr. *Wright* then gave notice that he should ask leave to-morrow to bring in a bill to modify the last clause of the fifth section of the deposit act of 1836; and then the senate adjourned.

June 30. Mr. *Clay*, of Kentucky, presented the petition of Origin Baeelder, understood to be in behalf of a Peace Society in New York, praying congress to interpose their good offices in the settlement of the present difficulties between Mexico and France, and recommending a proposal of mediation by the United States. Referred, and ordered to be printed.

Also, a petition from an individual, to supply a deficiency in his land. Referred.

Mr. *Clayton* presented the remonstrance of the Washington Navy Yard Bridge Company against the passage of a bill passed by the other house for a free bridge over the Eastern Branch. Referred.

Mr. *Pierce* and Mr. *Williams* reported various bills from committees referred to them.

Mr. *Strange*, on leave, introduced a bill granting to the widow of John A. Cameron (lost in the *Pulaski*) the amount of half a year's salary of her late husband as United States judge for Florida. Read twice, by consent, advocated by Mr. *Strange*, opposed by Mr. *Clay*, of Alabama, and rejected on the question of its third reading: Yeas, Mr. *Strange* and Mr. *Preston*; nays 82.

Mr. *Clay*, of Alabama, on leave, introduced a bill to remove the pension agency, in Alabama, from Decatur to Huntsville. Read twice, by consent, and ordered to a third reading.

Mr. *Wright* asked leave, in pursuance of previous notice, to introduce a bill to modify the last clause of the fifth section of the deposit act of 1836, which prohibits the reception by the government of the notes of such banks as after the passage of that act, after July 4, 1836, issued notes of less denomination than five dollars.

Mr. *Webster* said: A main object of the bill which I introduced into the senate, and which was before us yesterday, was to do the very same thing which the honorable gentleman proposes by that which he now brings forward. I introduced my measure as being necessary, in my opinion, in order to carry into full effect the joint resolution by which we had abolished the specie circular. I desired, and still desire, to take off the disqualifications which now exist on many of the state banks, so that the people of the different states may all enjoy the same privileges and the same facilities. This was my object. If my bill proposed more than a majority of the senate were disposed to grant, it would have been very easy to amend it, and to make it conform to the judgment of that majority. It pleased the senate, however, by a majority of two votes, to overlay my bill, by adopting, as a substitute for it, a bill having entirely different objects in view; that is, the bill for a system of "special deposits," proposed by the gentleman from Pennsylvania. My bill being thus put aside by that gentleman's proposed measure, that measure itself was immediately after rejected by a majority of eight votes. So here was the end of the special deposit system.

Sir, I do not complain of this mode of getting rid of my bill. It is true that gentlemen might have passed it as it was, if they had liked it, or they might have so amended it, till it had suited their opinions, and then passed it; but if they chose to put it aside without acting directly upon it, and to use the bill of the honorable member from Pennsylvania as an instrument for effecting that purpose, they had the power so to do, and nothing remains for me but acquiescence.

The responsibility is theirs. In truth, sir, it is probable enough that the pride of authorship was a little touched. It may be natural, perhaps, that some jealousy should have been felt towards my bill from the quarter in which it originated; and although I think this rather a small sort of jealousy, yet, if its indulgence has given gentlemen any gratification, I do not grudge it to them. They are in a condition not to lose any relish or taste of power which they can conveniently possess. They can not afford to be over-generous. But for my part, sir, I have no jealousy of that kind to gratify. If the gentleman's bill, which he now proposes to introduce, shall be such as shall give substantial and just relief, and fulfil the expectations of the country, I shall support it as cheerfully, certainly, as I should have supported my own bill. If I find it deficient, I shall endeavor to amend it; and if, in these efforts to amend, I should fail, as I probably

may, I shall, at least, have shown what measure I think ought to be adopted; and the difference between me and others, in this respect, will constitute one item in that account, which we have all to settle with our constituents. Notwithstanding this rejection of a measure, which I thought essential to the public convenience, yet, Mr. President, in looking back upon the past, I am not dissatisfied with what we have been able to accomplish. Our duty has been to arrest the current of new and dangerous projects affecting the commerce, business, and currency of the country; and that duty we have performed.

When congress assembled last September, we were in a decided minority in both branches of the legislature. It was a new congress, and a new administration; and it was an administration which had come into power under the propitious auspices of all the favor which could be bestowed upon it, in advance, by that which had preceded it.

Under these circumstances, we received the communication of the ever-memorable message of 9th September—a message which proposed the most important changes in our whole financial and commercial administration, and important changes, too, as I think, in our constitutional duties and relations. We opposed these doctrines, sir, and all the measures founded on them; and some degree of success has attended our efforts. The sub-treasury scheme, in all forms, has been defeated. It has been defeated without the specie clauses in it; it has been defeated with the specie clauses in it; and, finally, we have defeated it, when it came forth, for the last time, wrapped up in the new disguise of a special deposit system. Gentlemen on the other side, while they have acknowledged themselves defeated, have said, nevertheless, that they have fought manfully, fearlessly, and perseveringly. That, sir, is true. They have showed zeal and ability worthy the best cause. But honor to whom honor is due. It is not to efforts made here against the proposed measures of the administration, so much as it is to the decided manifestation and vigorous action of public sentiment in the country that the failure of these measures has been owing. It is mainly the people's own work. The argument has been at the polls. The convincing reasons have been found in the ballot-boxes. The gentleman tells us, however, that the contest is yet to go on; that the great battle is not yet fought. Sir, I am aware of this. I know full well that gentlemen feel that they have staked themselves finally upon these measures; that there is no retreat; and that all which men can do will be done to bring the people to approve this sub-treasury system. I wish the country to understand this fully. I wish it to be convinced of what I said upon the first hearing of the president's message in September, and have said often since, that an entirely new system of politics, so far as concerns commerce and currency, was proposed to us by that message, and that its adoption or rejection was a matter which the people themselves would be called on to consider and decide. I never supposed any thing of less authority, than the popular voice itself could settle this question between us.

But we have done something more, sir, in the course of the session, than to defeat the sub-treasury scheme in all its various shapes. We have abolished the treasury circular of July, 1836; and although we have not as yet been able to derive all the benefit intended from that measure, yet the circular itself—an act of executive power, and, in my opinion, a very improper, injurious, and dangerous act of executive power—has been rescinded, and a prohibition enacted against all such acts in future. And finally, sir, we have done one other good thing, one other excellent thing, a thing for which the whole country will devoutly thank congress. We have adopted one measure which all the people, from Maine to Georgia, and from Georgia to New Orleans, and from New Orleans to the uppermost regions of the Missouri and the Mississippi, will regard as a measure full of mercy and good fruits; that is to say, we have agreed to adjourn. We have agreed to try no more experiments at this time, to bring forward no new projects, to exhibit no more financial contrivances or inventions, but to go home and refer to the people the final decision upon what has been proposed, and what has been resisted. This is exactly what we should do.

Sir, the people have become afraid of congress. They have been under constant alarm from the disposition manifested here for violent change and rash innovations. It is as true, sir, as that you sit in that chair, that thousands of honest men have not been able to sleep at nights, from the fear that they should hear, in the morning, that something had been done in congress, or something proposed, which should make that which is already bad

enough still worse. Our constituents, sir, depend upon it, will be heartily glad to see us. When we disperse and turn our faces towards our respective homes, the people will clap their hands and shout aloud for joy.

In the mean time, sir, if the gentleman's bill shall be such as I think it ought to be, I shall cordially support it; and, indeed, if it be partial and narrow and crippled, as a measure of relief, I shall yet vote for it, if I can get nothing better.

Mr. *Wright* spoke in reply to Mr. *Webster*, and in support of the bill he proposed to introduce, &c.

Mr. *Webster* said: The honorable member, sir, admits that I am right, in saying that the people have become afraid of congress. But he says this fear commenced when the influence of a great money power began to be felt here. Here, sir, is the old cry. All the evils of the country are ascribed to a money power influencing congress. Pray, sir, let us look into this a little. Who are they that this pernicious money power has so much influenced? Are they the gentleman himself and his own friends? He will not admit that. They, as he will contend, are the opponents of this pernicious money power. And yet, sir, he and his friends are, and for a long time have been, in the majority, in both houses of congress. And as the public fear has been, and only could be, from what the majority might do, how does he make it out that this fear was but an apprehension of the disastrous influence of a money power? No, sir. The honorable member is right as to the time in which this fear arose, but he is wrong as to its cause. This fear and apprehension of what the government would do, in regard to the great interests of currency and commerce, began with the removal of the public deposits from their lawful custody. They had their cause and origin in that act; and nearly every thing that has since occurred has but served to keep them alive. And fear and alarm broke out afresh, and reached a new height, when the people saw the message of September, and the measures which were proposed, in pursuance of its recommendations. Schemes, ruthless experiments, and abandonment of all the well tried policy of the government—these are the reasons which have created, and most justly created, deep alarm among the people; and, as they know not when or where these projects are to stop, it will be a relief to them to hear that we have adjourned. As to this cry, now renewed, of a money power influencing congress, I trust the day has gone by for spreading delusion by that means. The people, I think, understand its object.

Sir, as to the matter of authorship, all I need say is, that on the whole subject of rescinding the treasury order, the majority of the committee differed from the majority of the senate. When the subject was before us as an amendment to the sub-treasury bill, a majority of the committee voted against the rescinding order. Yet the action passed. Again, when the subject came up as a distinct measure, the same majority voted against it. Yet it passed, and passed both houses. I brought forward the bill, therefore, as necessary, in my opinion, to complete an object which both houses were in favor of, but which a majority of the committee were not in favor of. If I had waited for them, I should have waited in vain. But, sir, all this is of little importance. It is of no moment where the measure originates. The question is, what is the measure? I hope the honorable member will have leave to bring in his bill. I hope no member of the senate will interpose his objection to its being read a second time to-day. I hope we shall immediately act upon it, and do at once what we are to do on this subject. Since we all agree that the decision of all the great questions which have divided us must now be left to the people, I hope we shall pass a proper measure to complete the object of the joint resolution; and before we have occasion to act again upon any part of the subject, the country will have had an opportunity of manifesting its opinions, and signifying its own wishes.

Leave was then granted, the bill was introduced, read twice by consent, and brought under consideration, as in committee of the whole.

Mr. *Webster*, after some further remarks, offered an amendment, adding a second section, repealing, for the same period, so much more of the deposit act of 1836, as prohibits those banks from being selected as depositories of the public money, which, after July 4, 1836, issued notes of less denomination than five dollars.

Mr. *Strange* spoke in opposition to the bill and amendment, and urged that the friends of the administration should not retreat one step further before the favorite measures of the opposition.

After some further remarks from Mr. *Wright* and Mr. *Webster*, Mr. *Tallmadge* and Mr. *Rives* spoke at length in favor of the amendment.

Mr. *Adams* (from an objection of Mr. *Wright* to the deposit act of 1836) suggested an intention to move an amendment to Mr. *Webster's* amendment, to repeal so much of that deposit act as requires two per cent. interest from the banks on the public money respectively in their possession.

Mr. *Wright*, then moved to amend the amendment by striking out Mr. *Webster's* proposition, and inserting a repeal of the twelve first sections of the deposit act, including all the act except what merely relates to the state deposits.

Mr. *Clay*, of Kentucky, spoke with great earnestness in opposition to this motion, as in effect a repeal of all law on the subject, and an abandonment of the public revenue to the discretion of the executive.

Mr. *Niles* spoke at length in favor of a repeal of the deposit act, and held an amusing conversation with Mr. *Clay* on politico personal topics. Mr. *Benton* said a few words in favor of the proposed repeal.

Messrs. *Sevier*, *Orillenden*, *Tallmadge*, and *Rives*, spoke at much length and with great earnestness against the repeal.

Messrs. *Wright*, *Rives*, and *Tallmadge*, held a conversation of some length, principally on political topics.

After some further remarks by Messrs. *Clay*, of Kentucky, *Young*, *Webster* and *Strange*, the question was put on Mr. *Wright's* amendment, and it was carried in the affirmative by the following vote:

YEAS—Messrs. *Allen*, *Benton*, *Brown*, *Buchanan*, *Clay* of Alabama, *Cuthbert*, *Fulton*, *Hubbard*, *King*, *Linn*, *Lumpkin*, *Lyon*, *Moulton*, *Nicholas*, *Niles*, *Norvell*, *Pierce*, *Roane*, *Robinson*, *Smith*, of Connecticut, *Strange*, *Trotter*, *Wall*, *Williams*, *Wright*, *Young*—26.

NAYS—Messrs. *Bayard*, *Clay*, of Kentucky, *Clayton*, *Crittenden*, *Davis*, *Knight*, *McKean*, *Merrick*, *Prentiss*, *Preston*, *Rives*, *Robbins*, *Ruggles*, *Sevier*, *Smith*, of Indiana, *Southard*, *Spence*, *Swift*, *Tallmadge*, *Webster*, *White*—21.

So the bill was modified so as to repeal the whole of the deposit act of 1836, except as above stated.

In this form the bill was ordered to be engrossed for a third reading without a division, and The senate adjourned.

July 2. The Vice President having on Saturday, given notice to the senate that he should not again take the chair during the present session, (a report of which was then accidentally omitted,) the senate, at the usual hour, was called to order by the secretary, and notified of the necessity of choosing a president *pro tem.* in place of the vice president.

The senate accordingly proceeded to ballot for a president *pro tem.*, when it appeared that 37 votes had been cast; of which Mr. *King* received 30, Mr. *White* 3, and 4 were scattering.

Mr. *King* was then declared duly elected president *pro tem.* of the senate; was led to the chair by Mr. *Knight*, and briefly expressed to the senate his thanks for this additional mark of their respect and confidence, and declared his intention to perform the duties of the appointment to the best of his ability, in especially in endeavoring to prevent unpleasant personal collisions.

Mr. *Culhoun* presented a petition from citizens of Charleston, praying security, by law, against the explosion of steam-boilers. Referred.

On motion of Mr. *Hubbard*, and Mr. *Smith* of Connecticut, committees were discharged from the further consideration of certain private petitions.

Mr. *Clay*, Mr. *Williams* and Mr. *Pierce*, reported various private bills from committees referred to them.

Mr. *Webster*, by unanimous consent, introduced a bill making further provision for the discharge of debtors in certain cases.

Mr. *W.* briefly explained the object of the bill to be, to allow steam vessels, from Europe, bringing a supply of coal for their return voyage to withdraw that coal free of duty. Mr. *W.* urged, in favor of the bill, that a sufficient trial had not yet been made of American coal, for the purpose in question, and that, at all events the general purpose of imposing duties was to lay a tax on foreign articles consumed in this country.

Mr. *Niles* and Mr. *Buchanan* objected to the bill as interfering with the sale of American coal, and as coming up too late in the session on a question which was supposed to be already settled.

On motion of Mr. *Webster*, (on the suggestion of Mr. *Wright*, who expressed some doubt on the subject,) the bill was laid on the table till to-morrow.

Several bills from the house were read twice and referred.

The bill to modify the last clause of the fifth section of the deposit act of 1836, (so as to suspend, or rather to destroy, wholly the force of the prohibition on the reception of the notes of banks issuing notes of less than five dollars till the first of October next, when it is to revive and continue in operation, &c.) and to repeal, finally, the remaining provisions of the first twelve sections of that act, including all that relates to banks and bank notes, was read a third time; and the question being announced by the chair; shall this bill pass?

Mr. *Webster* said there is no time to discuss this measure further—at least I do not feel called upon to pursue the discussion further—but I will ask the indulgence of the senate for a few moments while I explain what the state of things will be, according to my understanding, if this bill shall become a law.

First, then, after the first day of October next, no bank bill, great or small, can be received at the post office, or the land office, or the custom house, if the bank which issued it issues bills less than five dollars.

This will necessarily exclude the paper of nearly all the banks in the northern and eastern states, and several others. All this has been already repeatedly shown.

In the second place, no bill of any bank can be received at the post office, the land office, or the custom-house, which bill is of a less denomination than twenty dollars. This is prescribed by the last treasury circular. Now, sir, what is the plain consequence of this? How are postages, or small postage accounts, to be paid in twenty dollar bills? How are postmasters to pay back the change? If the deputy post officers in the country obey this circular, it will be the occasion of perpetual embarrassment to the selves and to the public.

I have supposed, also, that this would be found very inconvenient in the operations at the land offices. If I have been rightly informed, it is not, in some of the new states, always easy to obtain bills of a denomination of twenty dollars, or upwards. And I have supposed, especially, that the poor people who purchase forty-acre tracts would be put to considerable inconvenience. In the bill, which I introduced into the senate, a section was contained remedying this inconvenience, and allowing smaller bills, if they were the bills of specie-paying banks, to be received. This provision, however, was rejected, together with all others which the bill contained. Having spoken, sir, the other day of my bill's having been overlaid by that of the honorable member from Pennsylvania, or of his being used as an instrument to displace mine, I wish to say that I meant no complaint at all against the manner in which that gentleman brought forward his measure. His course was entirely fair, as he intended to support, and did support, the system which he proposed, throughout. His object, certainly, was to pass his own bill, not to displace mine; yet, my bill being displaced, there was a majority against his.

In the third place, sir, it is evident that the repeal of the deposit act leaves the public moneys in the entire control of the treasury department and the president, in the same manner as this control existed in their hands after the removal of the deposits; and before congress provided any regulation on the subject. By the act of 1793, so much relied on, the treasurer is to receive and keep the moneys of the United States, but the secretary of the treasury is to superintend the collection of revenue; and it was the well-known doctrine and practice of the last administration that all these officers, in the discharge of their duties, are under the immediate direction of the president, and are but his agents and instruments. So that the public moneys are now to be received, kept, and disbursed, as the president may see fit to order.

In the last place, sir, it is quite obvious that the secretary of the treasury, under direction of the president, may, if this bill shall pass, use any state banks he chooses, whether they be specie-paying banks or not; whether they issue small notes or not, or whatever may be their character or condition. He will not be obliged to use banks; but he may use them, and may select them, at his pleasure. We repeal all limitations, we dispense with all securities, and leave the whole matter to the department and to the president. I believe, sir, that the collectors now deposit the public moneys in banks, and have no doubt they will continue to do so. If they shall be called on to pay money to the treasurer, the treasurer will keep that money also in the banks, or some of them. What else can he do with it? While we thus repeal all legal connexion with the banks, guarded as that connexion has been, by many provisions for the security of the public money, we are likely to see a connexion renewed, without legal sanction or authority, with no provisions, whatever,

for security, and to be extended just as far as the executive government may choose. This is the point, then, to which we have now arrived, in the process of separating the concerns of the government from the concerns of the banks, and keeping the money of the people out of the hands of corporations and individuals.

Mr. *Preston* followed and spoke at length in opposition to the bill, as a legislative surrender of all power over the public money into the hands of the executive, and a legal confirmation of that assumption of power made by president Jackson in 1834, and which he then declared was made for an extraordinary and temporary purpose, and which he afterwards urged congress to withdraw from him, and to regulate the subject by law.

A conversation by Messrs. *Preston* and *Strange* followed, chiefly on party political topics.

Mr. *Smith*, of Indiana, said, had this question been under consideration at an earlier period of the session, he would have felt justified in detaining the senate while he gave his views upon it. He was aware, however, that at this period of the session he could render his state and the country greater service by remaining silent, and saving the time he might occupy in discussion, to be employed in useful action, than by any thing he could say on this subject at this period of the session. It was action, and not speeches, that was called for. The session was in the last week, and much important business remained to be transacted, in which his state and the other states of the union were deeply interested; and however much it would have gratified his feelings to have shown the odiousness of a proposition to unite, without control, the purse and the sword in the hands of the executive, he would forego that pleasure, and content himself with asking that the question on the passage of the bill should be taken by yeas and nays, as he desired to have his name recorded against it at every step. The yeas and nays were accordingly ordered.

Mr. *Benton* argued that all the banks had wholly and forever incapacitated themselves from being used as depositories of the public money under the deposit act of 1836, whether that act should be repealed or not.

Mr. *Tallmadge* expressed his surprise that Mr. *Benton*, who, with the rest of the majority of the committee on finance, had very lately reported that all banks which had not issued notes of less than five dollars would, on resumption, be qualified to be selected by the secretary of the treasury as depositories of the public money—that Mr. *B.* should now declare that no banks whatever would be so qualified. Mr. *T.* said he could not comprehend the consistency of the two positions.

Mr. *Culhoun* briefly assigned his reasons why he should reluctantly vote against the bill, the chief of which was understood to be the surrender of power over the public money to the discretion of the executive.

The bill was then passed by the following vote: YEAS—Messrs. *Allen*, *Benton*, *Brown*, *Buchanan*, *Clay*, of Alabama, *Cuthbert*, *Fulton*, *Grandy*, *Hubbard*, *King*, *Linn*, *Lumpkin*, *Lyon*, *Moulton*, *Nicholas*, *Niles*, *Norvell*, *Pierce*, *Roane*, *Robinson*, *Smith*, of Connecticut, *Strange*, *Trotter*, *Wall*, *Williams*, *Wright*, *Young*—27.

NAYS—Messrs. Messrs. *Bayard*, *Calhoun*, *Clay*, of Kentucky, *Clayton*, *Crittenden*, *Davis*, *Knight*, *McKean*, *Merrick*, *Prentiss*, *Preston*, *Rives*, *Robbins*, *Ruggles*, *Smith*, of Indiana, *Southard*, *Spence*, *Swift*, *Tallmadge*, *Tipton*, *Webster*, *White*—22.

The bill to provide for the payment of certain agents and attorneys under the late treaties of indemnity with foreign nations.

And the bill to remove the pension agency in Alabama from Decatur to Huntsville, were also severally read a third time, and passed.

On motion of Mr. *Norvell*, the vote of the senate rejecting the bill to purchase the right to use the medical steam apparatus of Dr. *Boyd Reilly* was reconsidered, and the bill was laid on the table.

The senate bill to increase the army of the United States was received from the house with various amendments, and taken up by the senate.

Mr. *Benton* moved to disagree to the amendments, (which had not been read,) and asked the house for a committee of conference. Mr. *White* and Mr. *Clay*, of Kentucky, objected, that it was not yet known what the amendments were; that some of them might be good, if others were not so, and that, in any case, it was unparliamentary to disagree to amendments without knowing what they were. On motion of Mr. *Hubbard*, the bill and the amendments were referred, and ordered to be printed.

On motion of Mr. *Clayton*, and at the request of the delegate from Florida, the bill making an appropriation for a compilation of the laws of Florida was taken up, (yeas 18, nays not counted,) and ordered to be engrossed for a third reading.

On motion of Mr. Norvell, the bill making appropriations for light-houses, beacons, buoys, coast surveys, &c. for 1833, was taken up, (yeas 23, nays 14.)

A variety of amendments were offered by Mr. Davis, from the committee on commerce, and agreed to; and the bill, as amended, was ordered to be engrossed for a third reading.

On motion of Mr. Wall, the bill to establish a new judicial district in Florida was taken up, briefly explained and advocated by Mr. W., opposed by Mr. Sevier, and, on motion of Mr. S., indefinitely postponed: Yeas 19, nays 16.

On motion of Mr. Lyon, the senate took up the bill to create the office of surveyor general of the public lands for Michigan.

The amendment formerly offered by Mr. Clay, of Alabama, was agreed to, requiring the secretary of the treasury to complete the surveys in the respective land districts with all reasonable despatch, and the surveyors general then to deliver over the field notes, maps, records, &c. in their respective offices, to the secretaries of the respective states where the land is situated, and requiring that the respective land offices should thereafter be discontinued.

Mr. Tipton moved to amend the bill by striking out all except Mr. Clay's amendment, and inserting a simple provision for removing the surveyor general's office at Cincinnati, to St. Joseph's, in Michigan.

This amendment was advocated by Messrs. Tipton and Smith, of Indiana, and opposed by Messrs. Clay, of Alabama, Norvell, and Lyon, and adopted by the following vote:

YEAS—Messrs. Bayard, Clay, of Ky., Clayton Crittenden, Davis, Knight, Lumpkin, Merrick, Niles, Prentiss, Rives, Roane, Ruggles, Sevier, Smith, of Indiana, Strang, Swift, Tipton, White, Williams—20.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Ala., Fulton, Hubbard, King, Lyon, Moulton, Nicholas, Norvell, Pierce, Robinson, Wall, Wright, Young—16.

In this form the bill was ordered to be engrossed for a third reading.

The bill to provide for the defence of the western frontier, (amended by striking out the second section.)

And the bill to continue in force the act providing indemnity for the loss of horses and other property in the military service of the United States, were also severally considered and ordered to be engrossed for a third reading.

The senate then adjourned.

July 3. Mr. Clay, of Kentucky, presented a petition from Daniel Luge, stating that he had made a discovery by which explosions in steamboats might be prevented, and asking congress to pass a law by which his invention might be tested, and to make him proper compensation if his invention should succeed. Referred to the committee on patents.

Mr. Preston presented the petition of the marine corps, praying additional compensation. Referred.

Messrs. Roane, Williams and Wall, reported various private bills from committees referred to them.

Mr. Tallmadge, from the committee on naval affairs, made a special report on the memorial of Henry Hall Sherwood, in relation to his discoveries in magnetism, and the application of those discoveries to the determination of latitude and longitude. Mr. T. moved that the report be laid on the table and printed. Mr. Preston said the discoveries were of so great importance to science and navigation, that he would be very glad of a large number of extra copies. He moved, therefore, the printing of 5,000 extra copies. Mr. Hubbard demanded the yeas and nays on this motion, but subsequently withdrew the call. Mr. Preston said, if the discovery was such as it had been represented, it was a vast discovery; it was no less than the rediscovery of the mariner's compass; and he would be happy of the opportunity of diffusing it widely, especially in his own part of the country. Mr. Webster hoped a considerable number would be printed, and that it would be widely diffused. It was either of very great public importance, or of no importance at all. Perhaps congress had little more power respecting it than to make it public; but, in doing this extensively, it would give an opportunity for scientific men to examine it, and to determine fully on its merit. He hoped the number proposed would be printed. Mr. Buchanan asked whether the principle on which the discovery was founded would be developed in the report. Mr. Tallmadge replied in the affirmative.

Mr. Buchanan said he would then vote for the printing of the proposed number. If it was genuine, it was undoubtedly the greatest discovery of modern times; and, if it were not, and if the principle were

developed in the report, diffusing it widely would enable the scientific world to discover its want of foundation.

After a few explanatory remarks by Mr. Tallmadge and Mr. Southard, the report was laid on the table, and ordered to be printed, with 5,000 extra copies.

On motion of Mr. Merrick, the committee for the District of Columbia were discharged from the further consideration of the memorial of the citizens of Georgetown, asking their recession from the United States to Maryland.

The senate took up the resolution offered some time ago, by Mr. Southard, calling on the secretary of the navy for information in detail in regard to the vessels, officers, scientific corps, and past expenses of the exploring expedition. Mr. Southard explained at considerable length the various objects embraced by this resolution. Mr. Wright replied, and moved to lay the resolution on the table. Mr. Southard. I hope the senator will withdraw his motion for a moment.

Mr. Wright. No.

Mr. Southard. Will not the gentleman allow me to reply to his remarks in regard to lieutenant Hudson, after the remarks he has made?

Mr. Wright. No.

The resolution was laid on the table: Yeas 22, noes not counted.

The senate concurred in the amendment of the house to the bill granting a tract of land to Cherokee county, Alabama, for a seat of justice.

The amendment of the house to the bill to confirm certain entries of lands by registers and receivers, under the erroneous belief that they had been proclaimed for sale, and the bill itself, were referred to the committee on the public lands.

On motion of Mr. Trotter, the senate took up the bill (introduced by Mr. Walker) to authorize the state of Mississippi to invest the two per cent. fund granted to that state for the construction of roads in public lands (at fifty cents per acre) that had been offered for sale. Mr. Webster moved to strike out "fifty cents," and insert "the minimum price," but subsequently modified it to a motion to strike out the mode of investment.

The bill, in its existing form, was explained and advocated at much length by Mr. Trotter and Mr. Clay, of Alabama, and opposed by Mr. Webster, Mr. Bayard, and Mr. White.

Mr. Clay, of Alabama, moved to strike out the whole bill, and insert a substitute, authorising the state of Mississippi to use the two per cent. fund in the construction of roads, railroads, and canals, within her boundaries.

This amendment was agreed to, and the bill, in this form, was ordered to be engrossed for a third reading.

Mr. Smith, of Indiana, moved to reconsider the vote rejecting the bill for the establishment of an additional judicial district in Florida, and the motion was temporarily laid on the table.

The bill for the benefit of the Mount Carmel and New Albany railroad company was read a third time and passed.

The bill to authorize a subscription for stock, on the part of the United States, in the Jeffersonville and New Albany railroad company, was considered; and, on motion of Mr. Wright, finally laid on the table.

On motion of Mr. Merrick, the senate took up the bill for the relief of William and James Crooks, to make indemnity for the property of a foreigner unlawfully seized by an officer of this government.

This bill was advocated at length by Messrs. Merrick, Clayton, Linn, and Bayard, opposed by Messrs. Hubbard, White, and Niles, and rejected on the question of its engrossment by the following vote:

YEAS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Knight, Linn, Merrick, Nicholas, Norvell, Rives, Smith, of Indiana, Tallmadge, Young—13.

NAYS—Messrs. Allen, Benton, Brown, Calhoun, Clay, of Alabama, Fulton, Hubbard, King, Lumpkin, McKean, Moulton, Niles, Pierce, Roane, Robinson, Strang, Tipton, Wall, White, Williams, Wright—21.

The bill directing the investment of certain funds belonging to Indian tribes in state stocks, &c., was taken up explained, and advocated by Mr. White, opposed by Mr. Wright; and, on motion of Mr. Wright, temporarily laid on the table.

The bill for the relief of William Jones was amended and ordered to be engrossed for a third reading.

The bill for the relief of William Fuller was rejected.

The senate then adjourned.

July 4. After the transaction of some business, which will be noticed in our next, the senate, on

motion of Mr. Wright, proceeded to consider the amendment of the house to the bill to modify the last clause of the 5th section of the deposit act of the 23d of June, 1836; after debate, the yeas and nays were taken and the amendment agreed to: Yeas 29, noes 17.

Some time was spent on private bills, and some other business of minor importance; after which Mr. Buchanan, from the committee on foreign affairs, presented a report on the northeastern boundary, concluding with resolutions recommending that the "bill to provide for surveying the northeastern boundary line of the United States, according to the treaty of seventeen hundred and eighty-three, be laid on the table." The resolutions were adopted *nem. con.*, and twenty thousand additional copies of the report ordered to be printed. The senate then adjourned.

July 5. Some time was spent in considering the amendments of the house to the bill to provide for the better security of the lives and property of persons on board of vessels propelled wholly, or in part, by steam. After a brief discussion, Mr. Webster moved to strike out the last amendment of the house, proposing to inflict a fine of five thousand dollars on owners for any loss of life or lives by the explosion of a boiler, and insert a provision making an explosion, or other disaster, full *prima facie* evidence of negligence, sufficient for conviction, in all prosecutions at law, unless disproved; which was agreed to. The other amendments of the house were also agreed to; and, as thus amended, the bill was sent back to the house.

Several private bills were read a third time and passed, (which will be noticed in our next;) when, the senate, after an executive session, adjourned.

HOUSE OF REPRESENTATIVES.

Friday, June 29. Mr. Johnson, of Va., obtained leave to introduce the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill to continue in force all laws which will expire at the close of the present session until the close of the first session of next congress, and that the committee give the title of said laws which will so expire.

Mr. Briggs hoped that the particular laws thus to be continued in force would be named.

Mr. R. Garland suggested that the resolution be so modified as to refer the inquiry to the committee of revision and unfinished business, instead of to the judiciary.

Thus amended, the resolve was agreed to.

Mr. Naylor had leave to introduce a bill from the committee on manufactures, imposing a duty on starch. Read twice, and referred.

Mr. Bouldin, asked and had leave (Mr. Adams yielding the floor) to move that certain bills, requiring mere formal action, be taken up and acted on, viz:

1. Senate bill extending the charter of the bank of Alexandria, in the District of Columbia. Read third time and passed.

2. House bill (as amended in committee) for the relief of the widow and heirs of the late Lewis Grant Davidson, deceased. Read third time and passed.

3. House bill (as amended) for the erection of a court house in Alexandria. Read third time and passed.

4. House bill (as amended) making appropriations for the support of the penitentiary in the District of Columbia. Read third time and passed.

5. House bill (as amended) providing for the erection of a free bridge across the Eastern Branch at Washington. Read third time and passed.

Some other District bills were proposed, but, giving rise to discussion, were postponed for the present.

Mr. Worthington, from the committee on commerce, reported a bill establishing certain collection districts, and creating ports of entry therein.

Mr. Robertson asked that the house would at this time take up and consider a resolution offered by him on a former day concerning the public lands.

Objected to by Mr. Adams and withdrawn.

Mr. Adams proceeded with his remarks upon this topic, and occupied the remainder of the morning hour.

Mr. Shields moved to suspend the rules, so as to enable him to move to assign, for to-morrow at half past 4 o'clock, as the special order, the bill granting power to Tennessee to issue patents to unsettled lands in certain cases. The motion prevailed and the assignment was made.

Mr. Cambreleng said a few words in favor of appropriating this (private business) day to the consideration of the army bill, reported from the committee of the whole.

Mr. *Whittlesey* hoped that, immediately after the disposal of the army bill, the house would take up and consider all private (senate) bills now on the speaker's table.

Mr. *Segeant* asked leave to offer the following resolution, which was adopted unanimously:

Resolved, That the secretary of the treasury be requested to collect, and report to congress on the first day of the next session, all the information that can be obtained as to the use of steam engines in the United States, and the accidents and the loss of life or property which have attended their use, and especially that he ascertain and report:

1. The whole number of steam engines in the United States, where and by whom constructed, where they are used, how long they have been used, their capacity or power respectively, and the purposes or uses to which applied, and whether high or low pressure.

2. The explosions or other disasters which have happened to such engines, when and where, with as many of the circumstances attending the same as can be collected.

3. The causes, as far as can be ascertained, of such explosions or other disasters.

4. The loss of life or property, or injury to persons or property, which has ensued in each case, distinguishing the mode of injury, by burning, scalding, wounding, drowning, or otherwise.

5. The disasters to steamboats, when, where, and how they have occurred, by explosion, collision, fire, or otherwise; the size, capacity, or burden of the boats, their ages, and where and by whom built.

6. How such steamboats were manned, and whether intoxicating liquor was served on board, or permitted to be used by, the hands or persons employed on board the same.

7. The names of the owners and masters or commanders of the boats to which such disasters have happened, and of the officers and crews thereof.

8. In the case of boats to which no disasters have happened, the burden and size of the same, when, where, and by whom built, and the names of their owners and masters or commanders and engineers.

9. Any such other information as may seem to him material.

Mr. *Toland* moved to suspend the rules to enable him to move to take up and consider the joint resolution, ordered by him yesterday, and laid over, under the rule, till this day. Ayes 93, noes 26; no quorum. The *Speaker*. Evidently a large quorum present, and yet no quorum votes.

Mr. *Toland*. Let the resolution be read again; if understood, it cannot fail to be adopted.

The resolution was again read; and the house again divided, on the question of suspending the rules. Ayes 129, noes gave it up. The resolution was then adopted as follows:

"That, after six days from the commencement of a second or subsequent session (except the final session) of any congress, all bills and joint resolutions which shall have passed in one house, and which remain undetermined in the other, shall be resumed and acted on as if an adjournment had not taken place."

[Mr. *Cushing* afterwards moved to reconsider this vote; which motion was entered.]

A message from the senate was taken up, proposing a conference with the house upon the subject of certain proposed amendments of the latter, in which the senate non-concurred, in bill making appropriations for certain roads in Wisconsin; and three members ordered to be appointed managers of such conference on the part of the house.

Mr. *Biddle* wished to ask a question of the chairman of the committee on foreign relations, as to the present posture of our relations with Mexico. An individual, Mr. John Baldwin, having one of the largest and most flagrant claims upon that government, was a native of his district, and, after a residence of twenty years in Mexico, had been stripped of every thing, and had returned home in a state of destitution. The enormity of his case was established by authentic documents, as well as by the letters of Mr. Ellis. It would be recollected that the president, in accepting the overture as to an arbitration, had stated that the action of congress was not to be thereby suspended. Yet, practically, such seemed to be its effect. Mr. B. found no fault with this; but it was obvious that whilst matters remained in such a position, any quickening impulse to the negotiation must come from this house. He had understood that the time had more than passed within which a final and definite reply ought to have been received from Mexico. Under such circumstances, the claimants could not but feel the deepest uneasiness at the approaching rise

of congress. Mr. B. wished to learn on what grounds the committee now forbore to act; more especially as the language of the president led the Mexican authorities to look with an anxiety to nothing but a movement by congress. After the adjournment, the arbitration might be snatched by Mexico to fall through without any just complaint, on our part, of evasion or trifling, inasmuch as the president had expressly and anxiously reserved the right to go on as if no overture had been made.

Mr. *Howard* asked whether the gentleman from Pennsylvania put this question as a matter of right or courtesy? Mr. *Biddle*. The latter, of course. Mr. *Howard* said it would give him great pleasure to reply. All the information he had on this subject was, that when the proposal was accepted, the Mexican minister had it not in his power to execute it. He had not been here during the whole winter, and probably has it not yet in his power to execute it. Whether this delay is a proof of serious intention of going forward in good faith, or only in baffling the action of this house, Mr. H. could not say. His own opinion of the matter was, that the Mexican government never would do justice to this country, and that its recent and present movements were only expedients to gain time. Whether this were true or not a few days would show.

The house then took up and considered the army bill as reported from the committee of the whole, with various amendments.

The amendments offered in committee were taken up, and considered, the debate thereon taking the same general range as in committee of the whole, and as heretofore reported.

The amendment first in order was the proposition reported by the committee, to insert, at the end of the first section, the following:

"That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner as authorized by existing laws, with the exceptions hereafter mentioned: that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery be reduced to one, and that this reduction be so made, in connexion with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized, under the direction of the president of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowances, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act."

Mr. *Harrison* moved to amend this amendment by striking out "infantry," and inserting "rifle-men," so as to make the proposed new regiment a rifle regiment. The motion was lost. Mr. *Briggs* moved to amend this amendment by striking out that part of it which authorizes the raising of a new regiment; and, on this motion, the yeas and nays were ordered. After some debate, Mr. *Briggs'* amendment was adopted by the following vote: Yeas 96, nays 86. The question then recurred on the above amendment as thus amended; which was adopted.

The next amendment in order was the proposition of the committee of the whole to strike out the following proviso from the second section of the bill:

"Provided, That no officer of the said corps shall be employed in any service for any state or company for which he shall receive any compensation except his pay from the United States."

This amendment was concurred in.

The next amendment proposed by the committee reduces the assistant adjutants general to be appointed, from four to two. Concurred in.

The next amendment proposed by the committee to the bill was to add to the original bill the words italicized in the following section:

"Sec. 13. And be it further enacted, That the president of the United States be, and he is hereby, authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the senate, two majors, and by the transfer to, and appointment in, of ten first lieutenants, and ten second lieutenants of artillery; and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiments of dragons."

At 2 o'clock the house took its usual recess.

EVENING SESSION.

The house resumed the consideration of the army bill; and the question being on agreeing on the amendments proposed by the military committee to the 15th section,

Mr. *Adams* proposed a verbal modification of it, to make it more intelligible, which was agreed to. [The section provides for the transfer to the ordnance corps of second lieutenants from the artillery.]

Mr. *Evans* opposed the policy of the amendment with much earnestness, insisting that the artillery could not bear this reduction of its officers without material injury, and suggesting the propriety of augmenting the ordnance in some other mode. He was supported in this view by Mr. *Adams* and Mr. *Biddle*, and opposed by Mr. *McKay*, Mr. *Grennell*, and Mr. *Calhoun*, of Massachusetts.

The amendment, as modified, was agreed to.

The amendment in the proviso to the 14th section was agreed to, so as to make it read:

Provided, That the officers of the ordnance department claiming the compensation of such duties and responsibilities—[viz. with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases]—shall have been actually in the command of enlisted men of the ordnance, equal to a company of artillery, and thereby incurred the aforesaid responsibilities.

In the 15th section the amendments were agreed to so as to make it read:

Sec. 15. And be it further enacted, That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years that he may have served or shall serve in the army of the United States; and the paymaster general, surgeon general, and commissary general of purchases, shall each be allowed six rations per diem, and the additional ration allowed in this section: *Provided*, That, in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

In the 16th section, which provides that the pay of each musician and private soldier shall be eight dollars per month, Mr. *McKay* moved to strike out "eight" and insert "seven." This motion was strenuously opposed by Mr. *Cushman*, of New Hampshire, and negatively, Mr. *Petkin* and Mr. *Mercer* endeavored to have the pay of soldiers engaged in making roads and laboring on public works increased by an allowance of 25 cents per day, afterwards modified to 15; but the amendment was sternly opposed by Mr. *Evans* who was indignant at a proposal to pay men lightly laboring, far from all danger, more than those who were marching, fighting, and dying, in the morasses of Florida. The amendment was rejected. Mr. *Reed* tried to get the pay of the marines raised to eight dollars per month, but without success. Mr. *Childs*, with a view to prevent desertions, introduced a proviso for retaining \$2 a month of soldiers' pay to the end of the period of enlistment. This was agreed to. Mr. *Ezeret* moved to reconsider the rejection of that clause of the first section which provides for the raising of a new regiment of infantry, so as to sanction the addition of such regiment. In order to get at this, he first moved to reconsider the whole section. And, after opposition from Mr. *Pope* and Mr. *Underwood*, the motion prevailed: Yeas 103, nays 81. He then moved to reconsider the rejection of the infantry regiment, assigning as a reason no change of his own opinion, but the request of many gentlemen friendly to the bill. Mr. *Williams*, of N. C., demanded the yeas and nays; which were ordered. Mr. *Fillmore* opposed the motion, preferring the clause as it came from the senate. This would cost less, and give greater efficiency.

Mr. *Ewing* hoped the motion to reconsider would fail. He feared, however, there existed an erroneous belief of the necessity for this additional regiment to those already provided for in the bill. This apprehension arises on account of the unexpected quarter from which this motion came, and a fact which transpired during debate on yesterday. The gentleman from Massachusetts (Mr. *Grennell*) had expressed some latent doubts of a well-authenticated fact adverted to by the gentleman from Tennessee, (Mr. *Bell*.) His friend of Tennessee had stated, and correctly, the opinions of some of the most experienced and meritorious field officers now in service, from whom he (Mr. E.) had letters precisely similar in sentiment; and he would read them if freedom of opinion were tolerated by the men now in power. As it is, he would

only state the fact corroborative of the allegation made by his friend from Tennessee. And if the information had come from the white house, it would not be more worthy of credence, that a very small, if any, addition is required to the standing army now authorized by law. True, the British have increased their force in Canada. No new aggression upon us is contemplated by that event; the increase will have enough to do with the Canadians, who seem resolved to be free. True we are increasing the number of Indians on our western frontier, but they are helpless, and more inimical to each other than to us. A small force in that quarter only is required, and the original bill provided for enough. True, the difficulties in Florida are not entirely at an end, but the men now there and in that neighborhood, directed by the skill and chivalry of the general who now has the command, will, as soon as the season of action arrives, end all trouble in that quarter. Such being the existing state of our concerns, I cannot conceive why this great increase is urged with such pertinacity. We all know the militia, in case of war or imminent danger, must be the chief reliance. The great body of the people will defend their rights and liberty; and in time of peace, surely the bill as reported had no need of this amendment to give a sufficient increase to the standing troops.

He (Mr. E.) represented a people always prepared and willing to defend their country, and they would rejoice to see the proper patriotic feeling manifested here to organize and equip the militia. Expenditures for that purpose would be borne with cheerfulness. But we neglect our militia, or amuse them with mere reports of committees, and leave them to instruct themselves. This is not as it should be. He (Mr. E.) had one other consideration to present. A colleague (Mr. Boon) had confidently charged the great and wasteful expenditures of this administration to the opposition. The country knows this charge is unmerited, and he would have the vote upon this question, to add a regiment to those asked by the chairman of the military committee, to demonstrate who and of what party they are by whom unnecessary expense of money and of morals is sanctioned. The *ayes* and *noes* will show this.

The motion to reconsider prevailed: Yeas 100, nays 91. And the question being on the vote of a former sitting, by which the clause, on motion of Mr. Briggs, was stricken out, on this motion a very spirited debate arose.

Mr. Briggs defended his former motion to strike out the provision for the new regiment with much earnestness, complaining that Mr. Evans and Mr. Bronson were unwilling to rely on the militia for the defence of the northern frontier, and wanted to have the standing army increased in a time of profound peace. He hoped the country would note the fact that the old and approved doctrine of reliance on the militia for the defence of the country was laughed to scorn. He dwelt much on this idea, which seemed to fill him with profound indignation. He protested against doubling our standing army in time of peace.

Mr. Yell alluded to the mass of Indians the government had congregated on our western frontier.

Mr. Evans commented with severity on some of the remarks of Mr. Briggs. The gentleman had thrown himself in the breach after the war had become desperate. In the morning his mere motion, without any speech to back it, was sufficient, and prevailed; but now the majority had changed, he must make a speech. The addition of one regiment was certainly enormous, and enough to alarm all the friends of the liberty of the country. These were vast strides towards despotism. Such an augmentation of our standing army of 7,000 men was indeed formidable. The nation would do well to mark it. Yet petitions for this very thing had come up from all quarters of the land; from the west and southwest, and the whole Atlantic border, as well as from the north and northeast.

Mr. Reed wanted to know from what part of the Atlantic border?

Mr. Evans said from Massachusetts, as well as other parts of it, as the remonstrances in the war department against the transfer of troops would show. Mr. E. repelled with much warmth the imputation that he was unwilling to rely on the militia for defence: he was willing, entirely willing; but it was not the business of militia to do permanent garrison duty; and forts with garrisons were necessary as rallying points for the militia, to strengthen it, &c. He ridiculed the idea of 12 millions of freemen drawing a little army of 12,000 men. And as to Mr. Reed, he had no doubt that gentleman would make a speech for Fort Independence, in Boston Harbor. [Mr. Reed. Certainly.] Yet where was the use of a fort without any garrison?

Mr. Cushing next took the floor, and went into a

speech of unusual animation, in which he scouted the perpetual cry of alarm at the horrors of a standing army. Whether we should have a standing army was not now the question: that had been settled long ago by Washington, by Adams, by Jefferson, by Madison, by Monroe, by Jackson. If the argument was good for any thing, and militia were to be our sole reliance, the proper course would be to move at once to disband the army. The question was not whether we were to have a standing army; but whether the army should be augmented. On this point we had the recommendations of the executive, and the opinions officially given of our best and most experienced officers. The senate had in repeated bills signified their conviction of its propriety. In opposition to all this, two members of the house said they had private letters of an opposite tenor. Mr. Cushing would rely on the public communications of men of high and tried honor and conduct, in preference to private anonymous authority. Of all the panic speeches, he had never heard those surpassed which had been called forth by the proposal to raise this one poor regiment of infantry. The house had been threatened with the danger of a standing army. Why, if the addition should be made, the proportion of this terrible army to the people of this country would be about one to two hundred and fifty able-bodied freemen with arms in their hands. Were Americans so timid? Did this frighten them? Parallels had been sought from history to show that 12,000 men were to put down our liberties. Why, the old women of these states would almost be sufficient to resist such a force with their distaffs and canes. The true danger to liberty was, that our army was too small. The danger was not that this little force would render our country military, but that the military spirit of the army would be overborne and destroyed by a deep infusion of the civil influence. The men who pleaded with congress for this augmentation were themselves most devoted to the liberties of the country, as they had proved on many a well-fought field. They had resisted tyranny at the cannon's mouth. It was not these men—it was not the officers of the army who were dangerous to freedom. No, it was our civil officers, who became the tools of party.

Mr. C. said the danger to liberty was just the reverse of that which had been so loudly urged. He relied, as the whole country relied, on the militia; but who were the militia? They were freemen, with arms in their hands; and whether enlisted to serve five years or draughted to serve for one, was quite immaterial. The word "militia" had been used as a name of terror to frighten the house. The real confidence of the American people was in freemen armed—in a body, with the spirit of what in some countries was called a national guard; but, under the present organization of our militia, such a body did not exist as such. He wished it did. The militia were not a substitute for an army; each had its own proper duty, and both were necessary. He again insisted that the true source of danger lay in the influence of popular leaders over the militia and volunteers, and not over a standing army. How did general Jackson attain such an unexampled predominance of influence and despotic power in this free republic? By his popularity with the militia and volunteers whom he led in battle. This was the rise of his power. He never could have attained it by means of the regular army.

Mr. C. reprobated as a consequence to this perpetual recurrence to the militia to do garrison duty, what had almost urged Massachusetts herself to nullify: the militia of a state might be, and often were, called out and commanded by a colonel of the line. The militia of the states were the reliance of the states. He appealed to the state rights gentlemen on that floor, whether they advocated such a state of things?

He again adverted to the panic at a standing army, and contended that the very form the argument had assumed, in likening our condition to that of European countries, with despotic governments, to Rome with her Praetorian cohorts, &c. proved that there was a lack of solid objection to the bill. That a body of Indians, in the circumstances of those who had been removed by force, many of them in chains, from their former homes, and placed in a body on our western frontier, should have pacific feelings toward us and our settlements, was against human nature, and would be nothing less than a miracle in morals. It was surely the duty of those who were themselves in safety, to listen to the remonstrances and petitions of those whose wives and children were exposed to such a danger. He was ready to go to the people and account to them for his vote to augment the present military establishment of the United States government.

Mr. Mercer made some remarks in reply to this speech, which he considered as one of the most ex-

traordinary lectures ever delivered in the house. It did not touch the question actually, which was only between two modes of increasing the army—whether by additional officers, or by augmenting the rank and file. Mr. Bronson defended the raising of a new regiment as necessary for the drilling of recruits, &c. Mr. Reed explained, and stated his willingness to vote for all the necessary defences on the frontier. He again professed his readiness to relinquish for this purpose the troops now in garrison on the seaboard, and let a few artificers be retained in the forts to preserve the buildings and armament. There were three or four companies at Newport, who seemed to be only wanted to fire salutes. He had rather they were sent to fight the Indians. He was in favor of fortifications, as indispensable in time of war to defend our cities against the attacks of a marine force, but opposed to keeping large garrisons in them. He was against extending a standing army beyond what was indispensably necessary.

Mr. Briggs replied with much warmth to the remarks of Mr. Cushing and Mr. Evans; denied that he had said that the liberties of the country were in danger from an army of 12,000 men; and the thunders of eloquence which had been launched at him were wide of the mark. He believed there was nothing very impious in what he had said. As to the long and loud cry from all parts of the land for an increase of the army, he had not seen the evidence of it any where. He knew, indeed, that on that floor a very loud cry was set up by the gentlemen from the southwest and northern frontier; but the military committee, after having had the subject for months before them, were of opinion that an increase of three thousand men would be sufficient. Now, however, a new regiment was called for on the ground that new difficulties and dangers had sprung up on our northern and western lines of frontier. This reason did not seem to him sufficient. The difficulties in Florida were now chiefly over, and troops might be drawn from that quarter. His colleague (Mr. Cushing) had severely lectured him and other gentlemen, for not speaking to the question. Yet the gentleman had not sooner delivered this rebuke than he himself went off at a tangent. The gentleman had talked about declamation. Did he call his own speech logic? If so, the gentleman's notions of logic differed from his. The gentleman talked about panic and complained that so much was said about the dangers of a standing army. Mr. B. had called on the friends of the bill to show why the standing army should be increased, and, in reply, his colleague demanded of him why it should not be increased. Was this the logic of gentlemen? The two gentlemen from Maine and Massachusetts had manifested great zeal for the increase of the army, and of the expenses of the government.

Mr. Cushing here rose and said, I deny the imputation. Mr. Briggs went on to say that he did not see what excited alarm. The militia were not spoken of and treated as formerly. The gentleman from Maine thought their place was at home, and that they were not the troops that were wanted to protect the west or do garrison duty. This sort of language toward the militia would suit the mouth of a despot who wished to subjugate the liberties of the country. Such a one might, with great consistency, say to the people, stay on your farms, the defence of the country is not for you; trust all that matter to me, give me regulars, and I will take care of you.

Mr. Cushing said that he was actuated by zeal to do his duty to his country, and nothing else, and he spurned any other imputation. The question being now taken, it was decided in the negative: Ayes 95, noes 104.

So the house refused to strike out the provision for an additional regiment of infantry.

Mr. Evans now moved to strike out that part of the bill which proposed to reduce the number of lieutenants of artillery, and transfer them to the ordnance, but the motion was negatived. Mr. Thompson moved to strike out \$8, and to insert 28 as the increase of the rank and file to each company. Lost. Mr. Underwood now declared that he would do his hands of the bill. He perceived the object was not to increase the force of the army, but to provide patronage for favorites. Mr. Glascock denied, with warmth, any such imputation: this was the first time in the debate in which the bill had been represented as a party or political measure; the votes would show that it was no such thing, since it was both advocated and opposed by gentlemen of all parties. Mr. Underwood argued to show that the bill involved a great increase in the expenses of the army. Mr. McKay replied, and insisted that the reverse was true: that the expenses were reduced, and that the bill was a measure of economy. Mr. Garland, of Louisiana, moved an amendment, that

all officers for the new regiment should be taken from those now attached to the army. *Negatived: Ayes 60, noes 89.*

A motion was now made to adjourn; but it was rejected.

The remaining amendments proposed by the committee were now read in order, and the question put on the whole, with the exception of four, viz: those in the 19th, 25th, 31st, and 35th sections. The amendments in section 19 were then read, and, after a short conversation, agreed to. The amendments to the 25th section having been read, Mr. Carter strongly objected to the pay proposed to be allowed to the surgeons. Mr. Thompson and Mr. McKay replied and explained. Mr. Carter moved an amendment to reduce the pay. Mr. Mallory opposed the amendment, and it was rejected. The 25th section was then agreed to. The amendments in the 31st section having been read, Mr. Mason, of Ohio, moved to strike out the allowance to the soldiers of bounty. Mr. Childs proposed to substitute for the bounty lands an allowance of \$100 in money. *Negatived.* Mr. Fillmore proposed to insert after the word "land" the words "fit for cultivation." *Negatived.* Mr. Kemble moved a reconsideration of the clause above quoted, and Mr. Campbell, of S. C., supported his motion but it was lost.

On motion of Mr. E. Whittlesey, the section was further amended by inserting a provision that the bounty lands shall be patented to the soldier or his heirs, and shall not be assignable until patented. The section was then agreed to.

The 35th section having been read, Mr. Briggs moved an amendment, providing that the regiment raised under the first section shall serve for two years only. *Negatived.* The section was then agreed to.

Mr. Thompson moved an amendment in the 15th section, which provides that every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional raise for every five years that he may have served, &c. so as to make it include officers of the marine corps. Mr. Craig now moved the previous question, but withdrew it at the earnest solicitation of his colleague, Mr. Rives, who wanted to introduce a provision allowing a commission to paymasters for extra duty.

Mr. Boon hereupon renewed the call for the previous question. Mr. Rencher moved an adjournment. *Lost.* The call for the previous question was seconded: *Ayes 92, noes 61.* The previous question was put and carried, and the bill was then ordered to its engrossment by yeas and nays as follows:

YEAS—Messrs J. W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Burne, Bicknell, Biddle, Birdsell, Boon, Brodhead, Bronson, J. Calhoun, Cambreleng, Casey, Chaney, Chapman, Clark, Cleveland, Coles, Craig, Cushing, Cushman, Dawson, Davee, DeGraff, Dromgoole, Duncan, Elinore, Evans, Farrington, Fairfield, R. Fletcher, Foster, Fry, Gallup, James Garland, Glascock, Grant, Gray, Grennell, Haley, Hall, Hammond, Haner, Harrison, Haynes, Holt, Hopkins, Howard, Hubley, Wm. H. Hunter, Ingham, T. B. Jackson, Henry Johnson, N. Jones, Kemble, Klingensmith, Legare, Lincoln, Logan, Lyon, Mallory, J. M. Mason, Martin, McKay, Robert McClellan, A. McClellan, McClure, Miller, Morgan, S. W. Morris, Naylor, Noble, Noyes, Palmer, Parker, Parmenter, Parris, Pavanter, Phelps, Phillips, J. H. Prentiss, S. S. Prentiss, Richardson, Rives, Robinson, Shepler, Snyder, Southgate, Spencer, Taylor, Thomas, Titus, Toland, Towns, Turney, Vail, Wagner, Webster, Werks, A. S. White, T. T. Whittlesey, J. W. Williams, J. L. Williams, Yell—107.

NAYS—Messrs. Adams, Alexander, Heman, Allen, Ayer, Bell, Bond, Briggs, Bynum, W. B. Calhoun, W. B. Campbell, Carter, Chambers, Cheatham, Childs, Connor, Corwin, Darlington, Davies, Dunn, Everett, Ewing, Fillmore, Goode, J. Graham, William Graham, Griffin, Harlan, Hastings, Hawes, Henry, Hoffman, R. M. T. Hunter, J. W. Jones, Leadbetter, Lewis, Marvin, S. Mason, Maxwell, McKennan, Mercer, Milligan, Mitchell, Montgomery, C. Morris, Murray, Ogle, Peck, P. Irkin, Pope, Potts, Raridan, Randolph, Reed, Rancher, Ridgway, Robertson, Rumsey, Russell, Sheffer, A. H. Sheppard, C. Shepard, Sibley, Slade, Stanley, Stone, Stratton, Taliaferro, Thompson, Tillinchest, Underwood, J. White, E. Whittlesey, L. Williams, S. Williams, C. H. Williams, Word, Yorke—77.

So the bill was ordered to be engrossed and read a third time.

And then the house adjourned.

Saturday, June 30. [We cannot find room for more than a brief abstract of the proceedings of the house, but they shall be noticed in detail in the next "REGISTER."]

After the transaction of other business, Mr. Kilgore made an ineffectual effort to have an hour assigned for the consideration of his resolution, repealing the section of the law of 1816, in reference to banks issuing small notes, which he modified so as to limit its operation to the 1st of March next. For suspending the rules 105, nays 86.

The engrossed bill to increase the present military establishment of the United States and for other purposes, was read a third time, when Mr. Carter of Tenn., moved that it be recommitted with instructions to strike out all the clauses of the bill proposing an increase in the number of officers, or increase of pay, and also the section for raising an additional regiment of infantry. This motion gave rise to a debate which occupied the attention of the house until the hour of recess.

[The subject was not resumed in the afternoon in consequence of the intervention of the special orders.]

EVENING SESSION.

The house went into committee of the whole, (Mr. Owens in the chair) and took up several bills remitting duties on iron imported for the construction of steamboats; all of which, with the exception of No. 854, were reported without amendment. The bill No. 187, to authorize the importation of iron steamboats, free of duty, was laid on the table.

The hour assigned for this subject having expired, and the special order having been called, Mr. Adams moved to suspend the rules for another hour. The motion was lost. The house then, according to appointment, went into committee of the whole on the bill to amend an act entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to vacant lands within the same," passed 18th of April, 1806. A desultory debate ensued, when Mr. McKean moved that the committee rise and report the bill; which motion prevailed. Finally, after a variety of proceedings, the question arose on the engrossment and third reading of the bill, when it was rejected by a vote of 61 yeas to 91 nays. Mr. Martin, of Alabama, gave notice that he would, on Monday, move a reconsideration of the vote. And then, on motion of Mr. Griffin, the house adjourned.

Monday, July 2. After a number of petitions and reports had been received and disposed of, several resolutions were submitted; all of which shall be noticed in our next. The army bill was next taken up, the pending motions being, 1st, to reconsider the vote on engrossment, and 2d, to recommit the bill with instructions. After a brief discussion, the previous question was called and seconded, when the yeas and nays were ordered and the house refused to reconsider. Yeas 94, nays 95. Finally the question was taken on the final passage of the bill, when there appeared yeas 112, nays 80. So the bill was passed and returned to the senate for concurrence in the amendments.

Several bills from the senate were read twice and appropriately referred.

On motion of Mr. Sergeant, the house went into committee of the whole on the state of the union, (Mr. Mason of Va. in the chair) and took up the harbor bill which occupied its attention until the hour of recess.

EVENING SESSION.

After recess, the committee of the whole proceeded with the harbor bill, which was discussed and amended; finally the committee rose, reported the bill and amendments; and at half past ten o'clock the house adjourned.

Tuesday, July 3. Mr. Adams yielded the floor to enable Mr. Slade to offer a resolution inquiring into the expediency of erecting a national foundry at the city of Vergennes, Vt. Mr. A. then resumed the floor, and consumed the morning hour in an argument against the admission of Texas into the union.

The following bill from the senate to repeal the deposit act of 1837 was read:

A BILL to modify the last clause of the 5th section of the deposit act of the 23d of June, 1836, and for other purposes.

Be it enacted, &c. That the last clause of the 5th section of the act entitled "An act to regulate the deposits of the public money," approved 23d June, 1836, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall, after the 4th day of July, 1836, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby, modified, so that the interdiction as to reception of the bills and notes shall continue against

any bank which has, since the said 4th day of July, 1836, issued bills or notes of a less denomination than five dollars or which shall issue any such bills or notes prior to the 1st day of October, 1838; but that, from and after the said last mentioned day, the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall after that date issue, re-issue, or pay out any bill or note of a denomination less than five dollars.

Sec. 2. And be it further enacted, That the first twelve sections of the act entitled "An act to regulate the deposits of the public money," approved 23d June, 1836, be, and the same are hereby, repealed except so far as is above provided, and to enable the treasury department to collect any debts which may be due or owing from the late deposit banks.

Mr. Cambreleng arose and delivered a speech in favor of the bill. A debate now arose, during which Mr. Legare moved that the bill be referred to the committee of ways and means and printed for information. Mr. Cushman moved the previous question. Mr. Curtis moved a call of the house; which motion was agreed to. After some progress had been made in the call, Mr. Harlan moved to suspend further proceedings, which was ultimately agreed to. The question was then taken on seconding the call for the previous question which resulted as follows: *Ayes 97, noes 105.* So the call was not seconded, and the house refused thereby, to order the bill to its engrossment at this time.

Mr. Duncan then addressed the house until the hour of recess, in favor of the bill.

EVENING SESSION.

Mr. Duncan resumed and concluded his remarks, in the progress of which he was frequently called to order.

Mr. Legare then withdrew his motion to refer and print, and moved to strike out the second section. This motion was, after discussion, adopted. *Ayes 119, noes 101.* The debate was now resumed, during which several amendments were offered, some of which were adopted—but without coming to a decision upon the bill, the house adjourned.

Wednesday, July 4. After some business of minor importance had been transacted, the house resumed the senate bill to repeal the 5th section of the deposit bill of 1836, which was ordered to a third reading, as amended on motion of Mr. Legare: *Ayes 179, noes 33.* It was afterwards passed, by yeas and noes: *Ayes 173, noes 81.* And, with the second section stricken out, the bill was returned to the senate for concurrence. The remainder of the session was occupied in considering the harbor bill and with other business, which will be noticed in our next.

EVENING SESSION.

The harbor bill was considered, and passed. The bill to guard against explosions on board of steamboats was also passed. The post office bill, with a number of other bills, was passed. *Adjourned.*

Thursday, July 5. Mr. Adams resumed his speech on the subject of Texas, and addressed the house until the expiration of the morning hour. Mr. Elmore moved to suspend the rules to enable Mr. A. to complete his speech. *Negatived.*

The house took up the Indian annuity bill, which was discussed, amended, and laid aside to be reported.

The house next took up the fortification bill, which was amended. The house then took up the military academy bill, which was also amended and laid aside. The bill authorizing the purchase of certain books was taken up. Mr. Cushman moved to strike out the enacting clause. *Negatived.* The bill was then laid aside.

On motion of Mr. Fillmore the bill to arrange the sessions, &c. of the district court of the northern district of New York, was taken up, read, and laid aside. Mr. Mercer moved to take up the harbor bill, but before any question was taken the hour of recess arrived.

EVENING SESSION.

The proceedings of the evening session, shall have a place in our next.

CHRONICLE.

Awful storm. Our town was visited on Saturday night with one of the most severe storms which we have ever witnessed. It commenced about 8 o'clock and continued until 11, during which time the lightning was incessant, and so near that scarcely a moment would elapse between the flash and the noise of the thunder. The rain came down in torrents, and the wind blew a gale during the time. We have heard of no injury which has been sustained in the town, with the exception of one house which was slightly injured by the lightning. The country, we fear, has not been so fortunate, as the wheat must have been seriously injured by the wind and the hard driving rain. [Petersburg Intell.]

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THE PAST—THE PRESENT—FOR THE FUTURE.

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Both houses of congress adjourned on Monday last, leaving, as usual, a large portion of business unfinished. We have endeavored to crowd into the present sheet all that was done in the last week of the session, but have been reluctantly compelled to postpone a portion until our next. We have, however, published a list of the acts passed, to which our readers are referred.

Most sincerely do we rejoice that the session has closed, and our readers will rejoice with us—for we will now be enabled, instead of the dry details of legislation, to furnish them with useful and agreeable articles, and impart the usual variety to our pages.

BANKS, CURRENCY, &c. The subjoined summary statement of the condition of the Baltimore banks is taken from the authorized monthly statement (for July) prepared in conformity to a law of the last legislature.

Aggregate circulation of the 12 banks in Baltimore, \$2,189,747, 68
Specie, 1,140,885 50
Loans and discounts, 12,725,460 21
Deposites, including \$971,360 94 by the treasurer of Maryland, 4,314,483 35
Due to other banks, 3,383,962 43
Due from other banks, 3,383,234 59

From the New York Courier, July 11.
The depression which has existed in the stock market for the last few days, continues to increase, and transactions yesterday were generally effected at prices showing a further decline. The cause of the present depression in stocks may be attributed to the fact that a very large amount of stocks on which advances have been made by the United States Bank, may be expected to be thrown into the market, in the event of a general resumption of specie payments taking place at Philadelphia, and the curtailment of money accommodations which would no doubt follow such resumption. No material change in the price of United States Bank stock has taken place.

The Philadelphia U. S. Gazette of Thursday has the following:

Meeting of the banks. At a meeting of the associated banks of the city and county of Philadelphia, held on Wednesday evening, 11th inst., Dr. Dunlap, from the committee appointed to recommend proper measures for the early and general resumption of specie payments, presented a report, which, with the following resolutions, was adopted by the board, viz:

Resolved, That the banks of Boston, Providence, Baltimore and Richmond, and such others as the time admit of, be invited to meet the banks of Philadelphia in convention in this city, on Monday, the 28th instant, to consult upon the measures to be adopted for an early and simultaneous resumption of specie payments.

Resolved, That the committee be instructed to communicate this resolution to the banks in question, and to make the necessary arrangements for the meeting of the convention.

It was also *resolved,* That it be recommended to the several banks of the city and districts, to appoint one or more delegates to represent them in this convention.

The association then adjourned *sine die.*

On our last page we have published the proclamation of governor Ritner of Pennsylvania, requiring the banks in that state to resume specie payments in full on the 13th of August next. It has diffused much joy through that community, as will be seen by the following paragraphs:

From the U. S. Gazette, July 13.

Governor's proclamation. In another part of this paper, will be found a proclamation from governor Ritner, on the subject of the banks of this commonwealth's resuming specie payments on the thirteenth of August next. The document is an able and patriotic production; one that will be received with joy by our citizens generally.

From the Philadelphia Inquirer, July 13.

We never gave place to a public document with more pleasure than the following. It will, we venture to predict, be received with a burst of enthusiastic approbation, not only throughout Pennsylvania, but from one section of the country to the other. It is the first executive message of a decided

and unequivocal tone, in favor of an early resumption of specie payments, that has been issued since the suspension. Governor Ritner has, in this matter, taken the lead, and the people of Pennsylvania will honor him for it. His proclamation could not have appeared at a more opportune moment.

The Pennsylvanian, commenting on the proclamation, says: "The proclamation is, in fact, a glorious victory to the democracy of Pennsylvania. The forces of irredeemable federalism and anti-masonry are compelled to abandon the ground they have occupied for more than a year. Their rag banner is struck!"

The Philadelphia U. S. Gazette of yesterday has the following paragraph:

Banks. We understand that the banks of the city have agreed to settle all balances between themselves on the first of August; and after that time, no interest will be paid or received by any of them, for balances due by one to the other.

The Pennsylvania United States Bank no longer issues the bills of the old United States Bank, but her own. [Philad. Herald.]

From the N. Y. Express, July 13. Since the adjournment of congress, and the consequent certainty that that body can do no more mischief, the spirit and commercial feeling of business men begin to recover; and were it not for the oppressive hot weather and the general languor attendant on a heat of 90 degrees and upwards, we have no doubt there would be quite a revival. As it is, the three banking institutions that we have alluded to below are rapidly advancing. To these three may be added the branch of the United States bank, making a fourth, and which will probably be in operation quite as soon as the others. The following are the particulars of the various institutions:

First. There is the great establishment which it is intended to increase some 30 or 40 millions. It has two millions already subscribed, and will commence operations with this sum, and then enlarge.

The second is the Mechanics' association. This company will probably be organized first. The directors, twenty-one in number, are already chosen, stock subscribed, and every thing is in a fair way of commencing.

The third is an association of dry goods merchants and grocers, together with large capitalists. The trustees are already chosen.

The fourth is the United States branch, which will, we learn, be under the principal control of Morris Robinson, a gentleman who probably combines a greater degree of confidence and banking experience, than that of any other individual.

This is packet day. The rate of exchange is fixed at 108 1-2 on London. This is a shade lower than by the last packet. No alteration on France. The amount of business done was quite limited.

Statement of the Bank of England up to May 29.			
Liabilities.		Assets.	
Circulation	£19,018,000	Securities	£22,648,000
Deposite	10,786,000	Bullion	9,806,000
	29,804,000		32,454,000

LATE FROM EUROPE. The packet ship Sully, at New York, brings Paris dates to the 1st, and Havre to the 2d, June, both inclusive.

A line of steam packets between Havre and New York is spoken of in the Havre papers.

Ex-governor Tacon had arrived at Bordeaux from Havana.

It is in contemplation to construct a rail road from Paris to the Belgian frontier.

Haytien commissioners were received with attention at Paris. A dinner was given them on the 29th of May, by M. Dutrone, one of the founders of the french abolition society, at which were present Messrs. Passy, Odillon Barrot, Las Casas, Remusat, and other distinguished politicians. Among the decorations of the room were the national flag of Hayti, and the portraits of Boyer and Petion. The commissioners returned thanks for the honors paid them, in language says the constitutional, equally dignified and patriotic.

The emperor of Russia had arrived at Berlin, and bestowed promotion on Colonel the prince of Orange, raising him to the rank of general in the Russian service.

A fine steamboat is now plying regularly between Havre and St. Petersburg, touching at Copenhagen. She commenced her trips on the 1st June. The passage is made in 5 or 6 days, so that a traveller may leave Paris on Monday, and on the next Monday be in the capital of Russia.

The Paris papers mention considerable movements of troops to the northern frontier, where much dissatisfaction appears to exist in portions of the duchy of Luxembourg—those portions which it is supposed will be assigned to Holland. The tri-colored flag has been raised in several villages, and the Prussian troops are said to have interposed.

The government steamer Pheonon arrived at Havre on the 1st of June, there to await the orders of marshal Soult. It was to convey the marshal and his suite to London to attend the coronation.

CANADA FRONTIER. *From the Globe of Friday night.* The humane and judicious arrangement made by the government with the chiefs and headmen of the Cherokee nation, and the prudent, prompt, and energetic measures of general Scott having secured the peaceful execution of the treaty, and the quiet removal of the Indians to their new homes in the west, two regiments of artillery have been ordered north, to be stationed on the Canada frontier; which, together with the new regiment now organizing under colonel Worth, who has already passed on to Sackett's Harbor, will, it is hoped, prove sufficient effectually to aid the well-disposed inhabitants of the border to maintain the peace of the country.

The Quebec Gazette of the 6th inst. contains a proclamation issued by lord Durham on the 3d, revoking the proclamation issued by lord Gosford, in which rewards were offered for the apprehension of Messrs. Papineau, Brown and others, their apprehension being no longer requisite for the ends of justice.

His lordship has also organized a court of appeals, the members of which are Mr. Sewell, chief justice, of Quebec, Mr. chief justice Reid, of Montreal, Messrs. justices Panet, Rolland and Vallieres de St. Real, and Mr. Arthur Buller, barrister at law; these gentlemen having been added to the executive council for the purpose.

Lord Durham was to hold a levee at Montreal on Monday. The court of king's bench at Quebec has awarded \$100 damages to Dr. O'Callaghan, for a public horse whipping inflicted by the hands of a Mr. Doyle.

GENERAL WOOL, accompanied by major Graham, of the United States army, J. E. Johnson, engineer, and general James Irish, of Gorham, arrived in this city on Friday; and we understand they are to leave to-morrow morning for Moose Head lake, where it is expected one or more sites for military posts will be selected. Thence they will go down the St. Croix, and perhaps the Penobscot, where other sites will be selected for the same purpose, if judged necessary. The posts, we further learn, are to be immediately established.

[Bangor Whig.]

MAINE. The following is the reply of Mr. Fairfield to the letter of the committee appointed by the democratic state convention to inform him of his nomination for the office of governor:

Washington, June 27, 1838.

Gentlemen: By your letter received this day, I am informed that, at a convention of democratic republicans assembled at Augusta, on the 20th instant, I was unanimously nominated as a candidate for the office of governor of Maine. For this mark of the favorable regard of those with whom it has been my honor as well as pleasure to be politically associated, I feel grateful; and whatever may have been my views and wishes upon this subject, heretofore so often expressed to my friends, I do not, under all the circumstances of this nomination, feel at liberty to decline it.

Accept, gentlemen, for yourselves personally, and for those whose organ upon this occasion you are, the profound respect and esteem of

Your obedient servant,

JOHN FAIRFIELD.

Messrs. Albert Smith, Levi J. Ham, Amos Nourse, M. L. Hill, Ed. S. Jarvis, Committee.

LIST OF ACTS,

Passed at the 2d session of the 25th congress, begun on the first Monday in December, 1837, and ended on the 9th day of July, 1838.

To change the times of holding the circuit courts of the United States in the 7th circuit.

To amend an act entitled "An act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians."

To prevent the abatement of suits and actions now pending, in which the late Bank of the United States may be a party.

To abolish the circuit court of Huntsville, in the state of Alabama, and for other purposes.

Supplementary to the act entitled "An act concerning the District of Columbia."

To re-organize the district courts of the United States in the state of Mississippi.

To divide the territory of Wisconsin, and to establish the territorial government of Iowa.

To continue the corporate existence of the banks in the District of Columbia.

To authorize the secretary of the treasury to correct a mistake in relation to the payment of money into the treasury awarded to Fortesque Whittle, under the late treaty with France.

To grant a quantity of land to the territory of Wisconsin for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river.

To provide for the better security of the lives of passengers on steamboats.

To remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York.

Making appropriations for certain roads in the territory of Wisconsin.

To restrain the circulation of small notes as a currency in the District of Columbia, and for other purposes.

Granting half-pay to certain widows.

To establish a criminal court in the District of Columbia.

To confirm certain entries of public lands, permitted to be made by the registers and receivers of land districts, under the belief that the tract had been offered at public sale.

To establish a new collection district in the state of Mississippi.

To refund to the Georgia Railroad and Banking Company certain duties paid upon railroad iron.

To refund certain duties upon railroad iron, paid by the New York and Harlem Railroad Company.

To prevent the issuing and circulation of the bills, notes, and other securities of corporations created by acts of congress which have expired.

To remit or refund duties to the Baltimore and Susquehanna Railroad Company upon certain importations of iron made by them for the use of their railroad.

To refund to the Newcastle and Frenchtown Turnpike and Railroad Company certain duties paid by them upon iron imported for the construction of their railroad.

To encourage the introduction and promote the cultivation of tropical plants in the United States.

To grant to Cherokee county, Ala., the tract of land on which the seat of justice of said county has been located.

To change the time of holding the United States circuit court in the district of Maryland.

To authorize the sale of certain bonds belonging to the United States.

To establish additional land offices in the states of Louisiana and Arkansas.

To authorize vessels bound for the ports of Mexico, and prevented from completing their voyages, in consequence of the existing blockade of those ports, to enter and store their cargoes in the ports of the United States.

To repeal, in part, the act entitled "An act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes."

To extend the charter of the Bank of Alexandria, in the city of Alexandria.

To authorize the issue of patents to the last bona fide transferees of reservations under the treaty between the United States and the Creek tribe of Indians, which was concluded on the 24th of March, 1831.

Exempting from duty the coal which may be on board of steamboats or vessels propelled by steam on their arrival at any port in the United States.

To grant pre-emption rights to settlers on the public lands.

To ascertain and designate the boundary line between the state of Michigan and the territory of Wisconsin.

To authorize the president of the United States to cause the public vessels to cruise upon the coast in the winter season, and to relieve distressed navigators.

To create the office of surveyor of public lands in Wisconsin territory.

To establish two additional land offices in that part of Wisconsin territory west of the river Mississippi.

To ratify and confirm certain official acts of John Pope, late governor of Arkansas.

Authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions.

To amend and extend the charter of the Franklin Insurance company.

To authorize the commissioner of the patent office to issue a patent to James Smith.

To authorize the president of the United States to cause the southern boundary line of the territory of Wisconsin to be ascertained and marked.

Making appropriation for the removal of the great raft of Red river.

To continue in force the act for the payment of horses and other property lost in the military service of the United States.

Making appropriations for building light boats, beacon-lights, buoys, and making surveys for the year 1838.

To amend an act authorizing the secretary of war to establish a pension agency in the town of Decatur, in the state of Alabama, and to provide for the payment of certain pensioners in the said town of Decatur.

To modify the last clause of the fifth section of the deposit act of the 23d of June, 1836.

Supplementary to the act entitled "An act to increase the present military establishment of the United States, and for other purposes;" approved July 5, 1838.

Supplementary to the act entitled "An act authorizing the appointment of persons to test the usefulness of inventions to improve and render safe the boilers of steam engines against explosions;" approved June 28, 1838.

Authorizing the printing of the Madison papers.

Making appropriations for certain fortifications of the United States for the year 1838.

Making appropriations for the current and contingent expenses of the Indian department, and for the fulfilling treaty stipulations with the various Indian tribes for the year 1838.

To provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1838.

To provide for the support of the military academy of the United States for 1838, and for other purposes.

To provide for paying certain pensions at Tuscaloosa, in the state of Alabama.

To confirm the act of the legislative council of Florida, incorporating the Florida Peninsula railroad and steamboat company, and granting the right of way to said company through the public lands, and for other purposes.

To establish a new judicial district in the territory of Florida.

Making appropriation for the compilation of the laws of Florida.

To increase and regulate the terms of the circuit district courts for the northern district of the state of New York.

For the erection of a court-house in Alexandria, in the District of Columbia.

To re-organize the legislative council of Florida, and for other purposes.

Making appropriations for certain roads in the territory of Florida.

To extend the time for locating Virginia military land warrants, and returning surveys thereon to the general land office.

To establish certain post routes and to discontinue others.

To provide for the settlement of the claim of the state of New York for the services of her militia.

To authorize the sale of certain public lands of the United States near the Wabash and Erie canal, in Ohio.

To change the time of holding the spring term of the circuit court of the United States for the eastern district of Virginia, and of the district court of the United States for the western district of Virginia, directed by law to be held in Richmond.

To restore circuit jurisdiction to the district courts of the western district of Virginia.

Making an appropriation for the protection of the northern frontier of the United States.

To require the judge of the district court of East and West Tennessee to hold a court at Jackson, in said state.

To secure the payment of certain commissions on duty bonds to the collectors of the customs.

Making a partial appropriation for the suppression of Indian hostilities for 1836.

Supplementary to an act entitled "An act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," approved 20th April, 1818.

To direct the transfer of money remaining unclaimed by certain pensioners, and authorizing the payment of the same at the treasury of the United States.

Making appropriations for preventing and suppressing Indian hostilities for the year 1836, and for arrearages for the year 1837.

To carry into effect an act approved the 12th day of October last, "To authorize the issuing of treasury notes."

Making an appropriation for completing the public buildings in Wisconsin.

Making an appropriation for the support of the army for 1838.

In relation to the orphans' court of the county of Alexandria, in the District of Columbia.

To extend the charter of the Union Bank of Georgetown, in the District of Columbia.

Resolution in favor of the authorities of the city of Savannah, in Georgia.

Resolution authorizing the commissioner of public buildings to remove the walls of the burnt post office building.

Making appropriations for the civil and diplomatic expenses of government for 1838.

Making appropriations for the naval service for 1838.

Making appropriations for revolutionary and other pensioners of the United States for the year 1838.

Making appropriations for the Cumberland road in Ohio, Indiana, and Illinois.

To continue in force an act therein mentioned relating to the port of Baltimore.

To provide for the payment of the annuities which will become due and payable to the Great and Little Osages in the year 1838, and for other purposes.

To repeal certain provisions of "An act to alter and amend the several acts imposing duties on imports," approved the 14th July, 1832.

To amend the act for quieting possessions, enrolling conveyances, and securing the estates of purchasers within the District of Columbia, passed May 31, 1832.

For the benefit of Calvert county, Md.

For the relief of the legal representatives of Patrick Gibboney.

For the relief of the heirs of Wm. Cogswell.

Concerning a seminary of learning in the territory of Wisconsin.

Authorizing the commissioner of the patent office to issue patents to Angier March Perkins and to John Howard Kyan.

Directing the postmaster general to settle the claim of Hard & Longstreet.

For the relief of the legal representatives of Henry Fisher, deceased; of Mary A. Patrick.

To authorize Chas. Day, of Macon, and James R. Butts, of Columbus, in the State of Georgia, and W. W. Fry, of Mobile, Alabama, to import free of duties three iron steamboats, suited to the navigation of rivers.

To revive, with amendments, an act to incorporate the medical society of the District of Columbia.

For the relief of Richard Cravat, Hardy Perry, and Beley Cheney.

For the benefit of the widows of certain revolutionary officers and soldiers.

For the relief of Daniel T. Patterson; of M. Gelston, executor of David Gelston; of the children and heirs of lieutenant colonel Henry Irwin, deceased; of the heirs at law of Joshua Fanning, deceased; of the legal representatives of capt. Charles Sneed; of the legal representatives of John B. Ashe; of the heirs of Deborah Gannett, a soldier of the revolution; of John McClellan; of the legal representatives of Sawney York, deceased.

Granting a pension to James M. Edwards.

For the relief of James H. Bradford.

For the benefit of Tandy Walker.

For the relief of Joseph Prescott.

For the settlement of the accounts of Richard Harrison, late consular agent of the United States in Spain.

Granting a pension to Sarah Barney, widow of Samuel Barney, late of Connecticut.

For the relief of James Boyd; of Thomas Frazer.

Granting a pension to John M. Jewell.

For the relief of John Jost, Deitz, of New York; of Lewis Hatch; of Sarah Pemberton; of Joseph Salmonds; of Noah Chittenden; of William Collins; of Nicholas Verplast.

Granting a pension to Phebe Champe, of Franklin county, Ohio.

For the relief of Aaron Tucker; of the heirs of Wm. B. Bunting.

For the relief of the legal representatives of Doctor Wm. Johnson, deceased.

For the relief of the heirs of lieutenant colonel Richard Campbell.

Directing the commissioner of public lands to ascertain the quantity of land covered by grants made to Anthony Shane and Louis Godfrey, in section 16, township 4 south, range 2 east, in Lima land district, Ohio, and its value.

To amend an act entitled "An act for the relief of Rapnael Pane and Elias Arnold;" of J. A. Fleming; of James Barrett; of the legal representatives of Timothy Feely, deceased, late a lieutenant in the army of the revolution; of Crawford Johnson; of the legal representatives of Wm. Hooker Smith, deceased; of the children and heirs at law of John Chilton, deceased.

To authorize the payment of the seven years' half pay due on account of the revolutionary services of Thomas H. Boyles, deceased.

For the relief of the administrator of Wharton Quails, deceased; of John A. Peterson, executor of the last will and testament of John A. Peterson, deceased; of A. Quetier & Albert, of New Orleans; of Richard Frisby; of Samuel Potter and James Cassidy, of Wilmington, N. C.

Ceding to the state of Ohio the interest of the United States in a certain road within that state.

For the relief of Gratia Ray; of Benjamin B. Dow; of Benjamin Durfee; of James Sayre; of William A. Whitehead.

To authorize the payment of the seven years' half pay due on account of the revolutionary services of John McClelland, deceased.

For the relief of the legal representatives of Daniel Williams, deceased; of the representatives of colonel Anthony Watson White; of Isaac Gale; of Oliver Dorsett.

To authorize the commissioner of pensions to cause the unpaid pension of captain Robert Laird, of the state of Georgia, to be paid to his executor.

For the relief of Letitia Crane.

Granting a pension to Coffin Sanborn; of Moses Eldred.

To authorize William Deleadmier to draw the arrears of pension due the late Lewis F. Deleadmier at the time of his death.

Granting a pension to Daniel H. Crockett.

For the relief of Miller Francis; of Henry Barton; of Henry Chandler; of Charles Vattier.

To amend the act entitled "An act for the relief of James Steele," approved 28th June, 1836.

To extend the time for selling the land granted to the Kentucky Asylum for teaching the deaf and dumb.

For the relief of Joseph Neibert; of Samuel Milligan; of John Hollinsworth; of Wm. James Aarons; of Wm. Walker; of Joel Chandler; of James A. Williams; of Abraham Woodall; of Neil McNeil; of Amos Thompson; of Solomon Ketchum; of Anna West; of Simeon Smith; of Frederick Hill; of Christopher Dennison; of Josiah Clarke; of Thomas West; of Brady True Jipson; of Daniel Rardon; of Charles Coffin; of Seth Whitney; of Catharine Rollins, alias C. Mosely; of Primus Hall, alias Trask; of James McFarland; of Robert Casey; of Leonard Loomis; of Eli Eastman; of Robert Dickey, of New York; of Samuel Sanderson; of Jesse E. Dow; of Edward Burgess; of John McCarty, deceased; of Benjamin H. Mackall; of James J. Pattison; of Daniel Davis; of James Baker; of Joseph Hall; of Jonathan Davis; of Albion T. Crow; of William R. Taylor, administrator of Jonathan Taylor; of the legal representatives of Thos. W. Bacot, of Charleston, S. C.; of Allen R. Moore; of Elias Johns; of James McMahon; of Sarah Murphy; of Abraham Lansing; of Thomas J. Lawler and Smith M. Miles; of John Krepps; of Presley O. Bannon; of Francis Gardiner; of Benjamin Mooers; of Eli Horton; of John M. Oliver; of Christopher Clark; of Philip Marshall, for himself and the heirs of John Marshall; of Curtis Grubb; of John B. Perkins; of William Eadus; of Hannah Buhlong; of Robt Peebles and John Graham; of the adm'r of Edward Duval; of John P. Austin and Edward N. Naylor; of Alexander G. Morgan; of Jonathan Elliot; of John Wilson; of Doct. David H. Maxwell; of Thomas Tyler et al; of Melancthon T. Woolsey; of James L. Kenner; of H. W. Russell; of Freeman Brady; of William Thorp; of James Callan; of Hugh McDonald; of D. W. Haley; of Anna W. Johnson; of Robert Keyworth; of Winthrop Sears; of Moses Merrill, fisherman, of schooner Fortune; of Joseph Deshields; of Thomas Cushing; of Isaac Wellborn, jr. and William Wellborn; of the heirs of Nathan Peter and William Adams, deceased; of

James Witherall; of the legal representatives of Henry Morfit, deceased; of the heirs of major Peter Helsenstein.

Granting a pension to David Gilmore; of captain Samuel Warren; of Michael Cassel; of John Spitham; of the heirs of lieutenant Wm. Russwurm, deceased; of Philip Reviere and his legal representatives; of the heirs of Dr. Thomas Carter, deceased; of the legal representatives of Daniel Duval, deceased; of Ann S. Heilman; of Moses Van Campen.

TWENTY-FIFTH CONGRESS. SECOND SESSION—SENATE.

July 4. The Chair communicated to the senate a report from the secretary of the treasury, containing a statement from Mr. Hassler in relation to weights and measures. Read and referred to the committee on commerce.

Mr. Clay rose to present a memorial, which was not very numerous but very respectfully signed by the citizens of Westmoreland county, in Virginia. Mr. C. said it was stated that, if time had been allowed, nine-tenths of the citizens of that county would have signed it. The memorial protests against the adoption of the sub-treasury system, and asks, earnestly asks, that a bank of the United States may be established. The memorial (Mr. C. said) was drawn with more than usual acumen, and showed that the signers had a full knowledge of all the advantages to be derived from such an institution. He could not resist the pleasure of reading a short extract to the senate:

"A national bank we believe to be the only true, proper, certain, safe, efficient, practical, and practicable measure to remedy the distresses of the country, and to supply it with a permanent, uniform, and universal medium of circulation and exchange. Its efficiency has been tried, and why should we doubt it? Experience has proved its utility, and why should we refuse to be governed by its light? And our distresses, when deprived of it, have been felt from one extremity of the union to the other. Should we not be admonished by these facts? Should we obstinately resist the influence of these overwhelming truths?"

It will be recollected (said Mr. C.) that Westmoreland gave birth to the father of his country, which he thought entitled it to more than ordinary respect. The memorial was signed by persons chiefly agricultural, and, no doubt, would have been sent to one of the two senators from that state, for whom the signers entertained great respect; but as they were known to entertain sentiments not very friendly to such an institution, they thought it best to transmit it through a different organ. He would move that it be laid on the table and printed, which motion was concurred in.

Mr. Rives, from the committee on naval affairs, reported house bill for the relief of captain John Downs, without amendment.

Mr. Clay, of Alabama, from the committee on public lands, reported "the bill confirming certain entries of public lands, permitted to be made by registers and receivers of land districts, under the belief that the tract had been offered at public sale," which had been received from the house with amendments, and recommended a concurrence therein; which was agreed to.

Mr. Wall from the committee on the library, to whom had been referred a resolution in relation to the Madison papers, reported the same, with an amendment, which was adopted, and the resolution ordered to be engrossed.

Mr. White, from the committee on Indian affairs, reported the bill from the house "to repeal a part of the second section of an act entitled an act to provide for the organization of the department of Indian affairs," with an amendment. On this bill and amendment a debate ensued, in which Messrs. White, Lyon, Tipton, and others, took part, when the bill and amendment were ordered to a third reading.

Mr. Benton, from the committee on military affairs, to whom were referred the amendments of the house to the bill to increase the present military establishment of the United States and for other purposes, reported the same, and recommended a concurrence therein.

Mr. Pierce, though friendly to an increase of the army, was decidedly opposed to some of the provisions of the bill, and addressed the senate at some length denouncing them as invidious, unequal, and unjust to officers in the line, and partial to those of the staff.

Mr. Crittenden also spoke against the provisions, and said that the only way to arrest these abuses was to reject the bill itself, which had better be altogether lost than that such injustice should be done. He enumerated at length those abuses which appeared to him most glaring in their effects.

Mr. Benton explained the merits of the bill, and contended that while it bore on its face a great apparent increase of expenditure, it would in fact be a means of saving to the government.

The question having been taken on concurring in the amendment of the house of representatives, it was carried in the affirmative; when

Mr. Benton obtained leave, by unanimous consent, to bring in a supplemental bill; which was read, and ordered to a second reading, as follows:

Be it enacted, &c. That the act to which this is a supplement shall be, and the same hereby is, explained, limited, and modified as follows:

First. Nothing contained in said act shall be so construed as to allow to any officer additional rations for time past, commonly called back rations.

Second. The posts at which chaplains shall be allowed shall be limited to the number of twenty, and shall be first approved by the secretary of war, and shall be confined to places most destitute of instruction.

Third. That so much of said act as requires assistant quartermasters to be separated from the line, shall be, and the same is hereby, repealed.

Fourth. That the number of lieutenants authorized by said act to be added and transferred to the ordnance department shall be limited to twelve.

Fifth. That the monthly pay of a private soldier, raised by said act to eight dollars, shall be limited and fixed at seven dollars a month; one dollar thereof shall be retained, as provided for in said act.

Sixth. That no compensation shall be allowed to officers of the engineer department for disbursements of public money, while superintending public works.

Seventh. That the three commissaries of subsistence, authorized by said act, shall not be separated from the line of the army.

Eighth. That so much of said act as allows one hundred and sixty acres of land to soldiers who shall have served ten consecutive years, be, and the same is hereby repealed.

Mr. Wright, then moved that the senate proceed to consider the amendment of the house to the bill to modify the last clause of the fifth section of the deposit act of the 23d June, 1836, when

Mr. Webster said he should concur most readily in this amendment of the house. It gave him the truest pleasure to learn that the house had rejected the second section of the bill, and that it had done so by so decisive a majority. The house had thus arrested the surrender of all control over the public treasure to the executive. It had interposed its own high authority in a most constitutional and salutary manner; a manner highly becoming the representatives of a free people. For all this (said Mr. W.) I feel highly grateful; and at this result, I think, the whole country may be justly congratulated.

We hold on yet to the true doctrine, and the important republican principle of legislative control and superintendence of the public money; and I hope, sir, we shall continue to hold on. And now, sir, as to what remains in this bill, I think it is of no great importance. It will do no harm, and some good. It relieves the incapacity of being received at the treasury from bills of banks which have issued small bills, provided such banks shall issue no such small bills after the first day of October next. This time is much too short, even if it were judicious to fix any definite time, which I do not think it is. The banks generally will not be able to discontinue the use of small bills within that period; nor will they have sufficient inducement to do it. The inconvenience will fall, not principally on them, but on the people; as no man will be able, if the law is regarded, to pay his postage account, or any other debt due to government, by any bank notes within his reach or command.

This bill, therefore, does little, very little indeed, to remove the evils and inconveniences which are felt, and which must continue to be felt.

Then again, sir, remember that the new treasury circular is still in force; and that no bank note of any bank, if it be less than twenty dollars, can be received at all. This greatly impairs the privilege secured by the resolution of 1816. At the post office and at the land offices, no paper less than twenty dollars can be received. I have already, again and again, laid this before the view of gentlemen. I have asked them if they are contented with this state of things, and if they think the people will be contented. Will the small purchasers at the land offices be satisfied with this? Is it right to expect it? Certainly, sir, this is not what I proposed for them, nor what I thought their interest required.

If we mean to maintain the principle of the resolution of 1816—if we mean to make bank notes receivable at all, why should we embarrass and

thwart its operation by rejecting all notes under so high a sum as twenty dollars? Why not stop at five dollars, the point at which the state banks have arrived.

However, I have addressed the senate repeatedly on this part of the subject before; and the people, I trust, every where, will understand that I, and those who usually act with me, have done all in our power to give to them, in every part of the country, the just benefits of the resolution of 1816, without unreasonable embarrassment.

One word, sir, on another part of the subject. This bill leaves the deposit system in full operation in some places and some states, and it leaves it impossible to be adopted in other states. Our actual system, therefore, will be wholly unequal; it will be one thing in one part of the country, and another thing in another part.

These evils, sir, and these inequalities cannot long exist. The country will demand their removal.

We break up then, sir, with no sub-treasury bill.

We break up with no special deposit bill.

We break up without having surrendered to the Executive the just control of congress over the public moneys.

We break up, having abolished the specie circular.

But we break up, nevertheless, leaving such provisions of law in existence, and such a treasury circular in existence, as must, in my opinion, very seriously embarrass the operations of business, especially in particular parts of the country.

And we break up, moreover, without having done any thing—any thing at all—towards establishing a paper currency, equivalent to specie, of universal credit, and of the same value in every part of the country. Till we establish such a currency as this, we shall not have performed a high and important duty, which, in my opinion, is solemnly binding upon us. Till we do this, that is not done which will effectually satisfy the country. Other things may be palliatives, but that thing alone can constitute effectual remedy and relief.

I will only add, sir, because I believe it is true, that if a measure calculated to carry into full effect the abolition of the specie circular—such a measure as I had the honor to propose to the senate—could have been presented in a manner to be acted on, without delay or embarrassment to the popular branch of congress, it would have succeeded, in that branch, by a very decided majority. The published proceedings of that body sufficiently show this.

Mr. Norvell rose to express his dissent to the motion to concur with the house of representatives in striking out the second section of the bill. He could not consent to give a vote which implied the opinion that the local banks, over which this government had no control, ought to be the depositories of its moneys, and of the revenues of the nation, and on that question he asked the yeas and nays. Mr. N. afterwards withdrew the call.

Mr. Preston renewed the call for the yeas and nays. He desired to record his own vote at least on so important a measure.

Mr. Clay said, though he had not obtained all that was desired, he should vote most cordially and heartily for the amendment. Without it, or at least in the shape the bill was sent from the senate, it left all to executive discretion; but, as it then was, it gave some semblance of legal control over the subject.

The yeas and nays having been taken, there appeared, for concurring 29, against it 17—as follows: YEAS—Messrs. Bayard, Clay, of Ken., Clayton, Crittenden, Cuthbert, Davis, Fulton, Grundy, Hubbard, Knight, McKean, Merrick, Mouton, Nicholas, Preston, Rives, Roane, Robbins, Robinson, Rugles, Sevier, Smith, of Ind., Southard, Swift, Tallmadge, Tipton, Webster, White, Wright—29.

NAYS—Messrs. Allen, Benton, Brown, Clay, of Ala., King, Linn, Lumpkin, Lyon, Niles, Norvell, Pierce, Smith, of Connecticut, Strange, Trotter, Wall, Williams, Young—17.

The bill regulating the pay and emoluments of brevet officers was read a third time; and on the question, Shall this bill pass?

Mr. Buchanan said that he had as high an opinion of the merits of gen. Jones as any man could have, and that if the senator from South Carolina, who had the bill under his charge, would consent that the bill should be so amended that gen. Jones should receive brevet pay from and after the passage of the act, it should receive his support; but he had no idea of giving it a retrospective hearing.

Mr. Sevier said they had defeated a bill in the senate the other day in relation to the same matter—giving brevet pay to gen. Macomb. He thought both bills should share the same fate; and he therefore moved its indefinite postponement. Some explanations having been given by Mr. Preston, the motion for indefinite postponement was withdrawn.

Mr. P. went into a long explanation of the services of gen. Jones, and the claims his gallantry had upon his country. He said, however, that he would not object to the suggestion of the senator from Pennsylvania, on the old principle that half a loaf was better than no bread.

Mr. Lyon renewed the motion for indefinite postponement; and the question was taken by yeas and nays, and lost; 14 voting for it, and 21 against it.

The bill was then passed by a vote of 21 yeas, to 16 nays.

On motion of Mr. Clay, of Ala., the title of the bill was so amended as to read "An act to regulate the pay of the adjutant general when a brevet officer."

The bills mentioned in our last as ordered to be engrossed, were severally read a third time, and passed.

The resolution for the printing of the Madison papers was read a third time and passed.

Mr. Buchanan, from the committee on foreign relations, presented a report from that committee of considerable length, in which they unanimously recommended to the senate the adoption of the following resolutions:

Resolved, That, after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain relative to the northeastern boundary of the former, the senate does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty three; and entertain a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers.

Resolved, *further*, That, considering that more than half a century has elapsed since the conclusion of that treaty; considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the government of the two countries, in their endeavor amicably to settle the controversy; and considering the danger of mutual irritation and collisions upon the border of kindred and friendly nations from further procrastination, the senate cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.

Resolved, That, as it would be inexpedient for the United States to proceed, upon their separate authority, to survey and mark the northeastern boundary, until all reasonable means of effecting that object by the consent and concurrence of both parties shall have been exhausted, the "bill to provide for surveying the northeastern boundary line of the United States according to the treaty of seventeen hundred and eighty-three" ought not to pass; and it is therefore ordered that it be laid upon the table.

Mr. Clay, of Kentucky, rose to say that he had been very anxious that the report should be read and weighed, with all the attention and consideration belonging to so grave and important a subject; that he would take the opportunity to say, while he was up, that the question had been most deliberately and carefully examined in the committee; that the report, which was the work of the chairman, was prepared with very great ability; that much labor had been devoted to it, in the short space that had been allowed, and which was the more creditable to its author, amid his other various and pressing duties; and that it was well calculated to advance his high character before the country.

He was anxious, he said, to take the sense of the senate upon the subject of the resolutions which were recommended, with as little delay as was possible.

Mr. Tallmadge followed, and observed that, as a member of the committee on foreign relations, he had carefully and attentively examined the subject of the report, and that he concurred entirely with the senator from Kentucky as to the talent and ability with which it was drawn up, and the manner in which it presented the great question. If, unhappily, (said Mr. T.) at any time hereafter, any collision should arise between the two countries, which he hoped most sincerely would be avoided, it was very important, in his view, that the people of the country should understand the merits of the controversy. They were set forth in that report in a condensed, and, at the same time, sufficiently complete and ample manner to enable them fully to comprehend and understand it. The report ought, therefore, to be widely and extensively circulated. It was calculated to unite and concentrate the sentiment of the country, if that occasion, which he earnestly deprecated, should ever arise. He should, therefore, move for the printing of an extra number of copies, the largest that should be thought proper;

and he therefore moved for the printing of 10,000 extra copies; which, afterwards, at the suggestion of Mr. Williams, supported by other gentlemen, he increased to 20,000.

Mr. Rives also expressed his cordial and entire concurrence in the remarks which had been made by his colleagues on the committee. The report was drawn with distinguished ability, clearness, and force. The argument on both sides was fairly represented, and the paper would compare, to great advantage, with whatever had been written, that he had seen, upon the subject. It was very important that the merits of the question should be made familiar to the American mind; and no document, he conceived, was better calculated to enlighten and conduct it to sound conclusions. He should vote, therefore, with the greatest pleasure for the number of copies proposed by the gentleman from New-York, and for the highest number, in deed, any senator might deem it expedient to have published.

Mr. Williams said, the great importance of the question, and the able manner in which it was treated, and our right maintained in the report now made, induce me to desire that a larger number than that proposed by the senator from New-York should be printed. Every one must see that important results may grow out of the report and resolutions now adopted; and it is very desirable that as many of our citizens as can be induced to look at the question should have the means at hand of understanding it, and of being convinced that we are claiming our right, and nothing more. This report, coming from the committee on foreign relations, and from senators possessing the confidence of the nation, must carry conviction to the mind of every man who will read it, and, therefore, I would ask that twenty thousand copies may be ordered to be printed.

Mr. Allen said: I shall vote for the printing of the largest number of this report. It cannot be disguised that this controversy has already assumed a very imposing aspect; so much so, indeed, as to render it more than possible that the united energies of this people may be required in its future adjustment; and yet so exclusively local has the question been hitherto considered, that its discussion has excited public attention in no other quarter of the union than that more immediately interested in it. It has not, therefore, as yet, penetrated the interior of the country, or caught the attention of the great body of the American people. This state of things can no longer exist. The controversy has now taken a form that must interest, in its settlement, every citizen of the republic. I have heard, with deep attention, the discussion in the senate, and I can sincerely declare, that, in my judgment, no proposition was ever more free from embarrassment, or title better established, than is that of the state of Maine to every inch of the territory she claims. Inasmuch, therefore, as this controversy with Great Britain has assumed an aspect by no means auspicious to the future harmony of the two nations, I am for placing before our countrymen this report as evidence of the justice of our claims, and of the position which our government has taken, in order that the public judgment, and with it the public energies of the nation, may be concentrated in support of that claim, in any emergency to which its adjustment may give rise. With this view, I shall vote for the printing of the largest number.

Mr. Clay said that, among other considerations which operated with him, he confessed that he wished the subject to be acted on *this day*. (Mr. C. was understood to allude to its being 4th of July.) As he advanced in life, he acknowledged the influence of feelings and sentiments which might be regarded as bordering on superstition. There was, at all events, it appeared to him, peculiar fitness in resolving, on the 4th of July, 1838, to maintaining the integrity and inviolability of the old thirteen United States, whose independence was proclaimed on that memorable day.

The question was then put on the adoption of the resolutions reported by the committee, and they were agreed to *nem. con.*; and, on motion, twenty thousand additional copies of the report and resolutions were ordered to be printed.

The senate then adjourned.

July 5. Mr. Webster presented a memorial very numerous signed on the subject of the explosion of steamboat boilers.

On motion of Mr. Roane, the senate concurred in the amendment of the house to the bill to establish a criminal court in the District of Columbia.

Mr. Tipton, from the committee on conference of the two houses on their disagreeing votes in relation to certain amendments of the house to the senate bill making appropriations for certain roads in Wisconsin, made a report from that committee, advising

the senate to concur in all the amendments of the house except the fifth, and in that also when modified as proposed by the committee.

The senate accordingly concurred in this report of the joint committee.

The senate proceeded to consider the amendments of the house to the bill to provide for the better security of the lives and property of persons on board vessels propelled wholly or in part by steam.

Mr. Grundy stated that the special committee who framed this bill had examined these amendments with great care, and regarded them, with the exception of the last, as an evident improvement of the bill, and taking them all together, they deemed it best for the senate to concur in them all.

Mr. Clayton, objected to the last amendment of the house, that, after the owners of the boats had complied with all the provisions of the bill, they were still made responsible for the acts of others, over which they had no immediate control. This involved a principle which Mr. C. could not approve.

Mr. Webster was understood to argue that the great and numerous disasters on board steamboats were not owing to any necessary danger attending the use of steam. Any one, he said, might be satisfied of this who would look at the steam engine as used for other purposes, in mines, on railroads, and in manufactories. How did it happen that in all these cases the use of steam was so much more innocent than on board steamboats? If such explosions should take place in the manufactories of England, what would be the consequences? Thousands of lives almost would be lost at a single explosion. The causes of steamboat disasters were to be found in the nature of the service in which steam was employed, which had led to mad competition and criminal negligence. A preventive law, therefore, must apply itself to these proximate causes, which were to be found either in the insufficiency of the boat itself, the insufficient thickness of the metal of the boilers, which were a great deal thinner than in England, in the criminal desire of competition, or in the criminal negligence which now often occurred, and which was, in effect, so disastrous that it would render useless all possible inventions beforehand to prevent explosions.

What was the remedy for such negligence? It must be looked for to the owners of steamboats, and no doubt they were individually responsible, in a civil point of view, for every loss by such disasters. It would fall on the owners of the boats by the principles of the common law; and had Mr. W. been present when the bill was at the proper stage, he would have proposed to modify it accordingly. It was the English rule, and Mr. W. thought it the true one, that is, civilly, that whenever, by a steamboat explosion, persons or property were injured, the losers or injured persons were entitled to recover of the owners, and the fact of an explosion was taken as *prima facie* evidence of carelessness. If congress did not come to this, they would have done nothing. If there had now been time, Mr. W. would have proposed that the fact of an explosion should make the owners responsible for damage and loss. But it was better to retain the last amendment of the house than nothing; and if the senator from Delaware would let that now pass, Mr. W. would at the next session be ready to unite with him in making further provisions.

Mr. Clayton said the senator seemed not to be aware that the bill, as it was, was pretty much as Mr. W. proposed, holding the owners civilly responsible. Mr. Webster said he knew it; but there was no adequate provision for obtaining proof. Mr. Smith, of Indiana, said congress never could do any thing on this subject till they had touched the question of proof; and he had before expressed his opinion to that effect. Mr. S. then and now was in favor of making an explosion *prima facie* evidence of negligence, throwing it on the opposite side to show that it had not occurred by negligence. He hoped this bill would pass, as it might have some effect *in terrorem*, though he doubted whether it would have any adequate effect.

Again, Mr. S. had before argued, and he still insisted, that there ought to be some penalty provided for the incipient stages of steamboat disasters, such as excess of speed of steamboat racing. But he would at present concur in the amendments, hoping the bill would have some small effect *ad terrorem*.

Mr. Roane expressed a doubt whether congress had a right to all the jurisdiction claimed by the bill. Their power, he argued, extended only to cases of intercourse with foreign nations, and between the several states. He therefore moved to add to the amendments of the house a provision that this bill should take effect in no case of steamboats navigating wholly within the limits of a sin-

gle state. This motion was negatived without a division.

Mr. Webster now moved to strike out the last amendment of the house, and insert a provision making an explosion or other disaster full *prima facie* evidence of negligence, sufficient for conviction unless disproved. After a few remarks by Messrs. Grundy and Webster, this amendment was agreed to, the senate concurred in the amendments of the house so amended, and the bill was sent back to the house.

Several bills from the house were read twice and referred.

Mr. Davis from the committee on commerce, reported a bill to regulate the sale of wrecked property within the collection district of Key West. Mr. D. said he did not expect this bill to pass at the present session; but he asked that it might be read, laid on the table, and printed, for consideration at the ensuing session, and it was ordered accordingly.

The bill to repeal the second section of the act to provide for the organization of the department of Indian affairs, &c. was read a third time and passed.

On motion of Mr. Merrick, the bill authorizing a test of the steam engine of an individual, made without a boiler, was taken up, amended, on motion of Mr. Ruzgles, so as to extend to any engine without a boiler, and, so amended, was ordered to be engrossed for a third reading.

On motion of Mr. Rives, the bill to establish and regulate navy rations and for other purposes was taken up, (Ayes 17, noes 11,) discussed at much length by Messrs. Southard, Crittenden, Buchanan, Benton, Bayard, and Niles, (chiefly on the question of the compensation of pursers,) and, on motion of Mr. Niles, finally laid on the table: Ayes 18, noes 14.

The bill in regard to the patent office was taken up, discussed at much length on various points by Messrs. Ruggles, Clay, of Kentucky, Davis, Clay, of Alabama, and Sevier, and, on motion of Mr. Sevier, finally laid on the table.

The following bills were considered, ordered to a third reading, and, by consent, subsequently read a third time, and passed:

The bill to regulate the pay of masters in the navy.

The bill directing the investment of certain funds belonging to Indian tribes in state stocks, &c.

The bill for the relief of the heirs of John Branan, late of Huntsville.

The bill exempting from duty the coal which may be on board steamboats or vessels propelled by steam, on their arrival at any port of the United States.

Mr. Hubbard offered a resolution that, at the second session of each congress, the senate should proceed with their calendar of private bills (originating in the senate) of the preceding session, in the same manner as if there had been no recess. Laid on the table, after a brief debate.

The bill for the relief of the heirs of Baron de Kalb was considered, ordered to be engrossed for a third reading, and subsequently read a third time, and passed.

The bill for the relief of the heirs or representative of Joseph Morris, (understood to be a claim for seven years' half pay to a child of the widow of Mr. Morris, by another and subsequent husband,) was much discussed, and laid over to the next session, on motion of Mr. Clay, of Kentucky.

The bills for the relief of Jacob Hanks and of Alfred Westall.

And the bill supplementary to the late bill to increase the army of the United States, were severally considered, ordered to a third reading, and, by consent, read a third time, and passed.

The senate adjourned, after an executive session.

July 6. After the reading of the journal,

Mr. Davis rose and said that he was necessarily absent for a very short time, and, while out of the chamber, the vote was taken upon several resolutions then reported by the committee on foreign affairs respecting the north-eastern boundary line of the United States. Mr. D. said he supposed the report would be made in the course of the day; but he had no anticipation that they would be called up at that time. In the journal of the senate it was stated that the vote in favor of the resolution was unanimous. Though the yeas and nays had not been taken, it was called a unanimous vote on the journal, from which it could not be known whether Mr. D. was in favor of the resolution or not.

The course which Mr. D. had pursued on this subject was well known to the senate and the country. He had advocated the introduction of the bill for the survey of the boundary, moved by the senator from Maine, and urged its passage, though the committee had come to a different conclusion. Mr.

D. would now observe, that he had heard the report of the committee on this subject read, and on the great question of the national right he fully concurred with it, and considered it a very able and conclusive argument, honorable to the gentlemen who drew it up. Mr. D. also concurred in the first and second resolutions, but not in the last deciding against the passage of the bill. Mr. D. now wished to put himself right, by appearing consistent with himself while his opinions remained unchanged, and let his constituents understand that he was not included in the vote in favor of the last resolution, postponing the bill, and called unanimous.

Mr. Davis, from the committee on commerce, reported a joint resolution directing the secretary of the treasury to cause to be made, under the superintendence of Mr. Hassler, one standard balance for each of the several states, and to cause them to be delivered to the respective governors, for the use of the respective states.

Mr. D. stated that congress directed, by a joint resolution in 1836, that a set of weights and measures should be made, as a standard for each of the states; and they had mostly been prepared, and were nearly ready for distribution; and what Mr. D. now desired was, that a sufficient number of standard-balances should go with the weights, so that each state should have a standard balance.

The resolution, by consent, was carried through its primary stages, and ordered to be engrossed for a third reading.

The Chair presented a communication from the treasury department, in pursuance of a senate resolution of 7th February last, showing what money had been lost by the failure to pay duty bonds, from March, 1835, to January, 1838. Laid on the table, and ordered to be printed.

Mr. Hubbard, Mr. Pierce, and Mr. Wall, reported a variety of private bills from committees referred to them.

On motion of Mr. Southard, the committee on naval affairs were discharged from the further consideration of a number of private memorials.

Mr. Hubbard asked the unanimous consent of the senate to introduce a joint resolution providing that the banks of the District of Columbia should not be required to redeem their five dollar notes before the 1st of December next, any law to the contrary notwithstanding, unless the banks in the adjoining states should resume before that time.

Mr. Allen objecting, the resolution could not be received.

Mr. Davis, from the committee on commerce, reported the bill from the house referred to them, making provision for the improvement of harbors and the removal of obstructions at the mouths of certain rivers, for 1838, with amendments, the chief of which were the striking out of the \$70,000 for Red river, and inserting an appropriation for the benefit of Buffalo, New York.

Mr. D. asked that the amendments might forthwith be considered, but this being objected to for the want of a certain document, the bill was for the present laid on the table.

A conversation of considerable length, by a large number of senators, here occurred on the question whether this day was to be regarded as one of the three last days of the session, in which, by the 16th joint rule, bills, &c. could not pass between the two houses. It appeared to be the almost unanimous opinion of those who spoke, and it was also the decision of the chair, that Sunday is not to be regarded as one of the legislative days, except on extraordinary occasions, such as did not now exist, and, therefore, this was to be deemed one of the three last days of the session.

Mr. Norvell, in conclusion, moved to suspend for this day the 16th joint rule in question. Negatived: yeas 18, noes 23. On motion of Mr. Smith, of Ia., (before made and laid on the table,) the vote rejecting the bill to establish a new judicial district in Florida was reconsidered, and the bill passed without debate.

The following bills from the house were considered and rejected: The bill for the relief of the owners of the schooner Three Brothers. The bill for the relief of Squier Stearns. The bill to provide for the construction of the Cumberland road through Salem and Lewisburg, Ohio. Laid on the table. The following bills from the house were considered and ordered to a third reading: The bill for the relief of Samuel Potter and James Cassidy. For the relief of Richard Frisby. For the relief of A. Quarter and Albert, of New Orleans. The senate took up the bill from the house for the relief of the legal representatives of Nimrod Farrow and Richard Harris.

This bill was founded on a contract by the government with the original claimants, to erect a fort on Dauphin island, the erection of which was discontinued on the purchase of Florida; and the con-

tractors applying for damages, the case was referred to three special commissioners, Messrs. Gratiot, Thornton, and another, who reported in favor of paying the claimants \$131,000. This bill proposed to allow them only \$33,000, and an amendment from the senate committee further stipulated that payments from this sum should first be made to the various sub-contractors. The question, therefore, was, whether the government should adjudicate between the principal and sub-contractors, or whether this was not the more appropriate business of the judicial tribunals.

This question was discussed at much length by Messrs. *Rives, Young, Clay, of Kentucky, Hubbard, Roane, Sevier, Crittenden, and Tallmadge*, and, on motion of Mr. *Sevier*, the bill was laid on the table by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Ala., Clayton, Cuthbert, Fulton, Hubbard, King, Lumpkin, Nicholas, Niles, Robinson, Smith, of Connecticut, Strange, Tallmadge, Tipton, Wall, Williams, Young—21.

NAYS—Messrs. Bayard, Clay, of Kentucky, Crittenden, Merrick, Mouton, Preston, Rives, Roane, Southard, Trotter, Webster, White—12.

The senate proceeded to consider the bill from the house to establish certain post routes, and discontinue others.

Various amendments from the senate committee were considered, and agreed to.

Mr. *Clay*, of Alabama, moved to strike out the second section of the bill, which provided for a speedy suppression of the express mail; and in support of this motion, in addition to his own remarks, gave a summary of a paper which he had received from the department, in favor of continuing the express mail.

Mr. *Crittenden* having briefly opposed the motion, it was carried in the affirmative (that is, to continue the express mail) by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Clay, of Ala., Fulton, Hubbard, King, Lumpkin, Lyon, Mouton, Nicholas, Niles, Norvell, Preston, Robinson, Sevier, Smith, of Connecticut, Strange, Wright—19.

NAYS—Messrs. Clayton, Crittenden, Davis, Merrick, Pierce, Roane, Ruggles, Smith, of Indiana, Southard, Wall, White, Williams, Young—13.

On motion of Mr. *Hubbard*, the senate resolved to take a recess to-day and to-morrow, from half past two o'clock till half past four.

The senate now took a recess accordingly.

EVENING SESSION.

Mr. *Davis* moved to take up the harbor bill reported by him this morning from the committee on commerce, with several amendments. This motion, being opposed, was carried in the affirmative, as follows:

YEAS—Messrs. Bayard, Clayton, Crittenden, Davis, Lyon, Merrick, Niles, Norvell, Robbins, Sevier, Smith, of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright—17.

NAYS—Messrs. Brown, Clay, of Ala., Fulton, King, Lumpkin, Nicholas, Pierce, Preston, Trotter, Wall, White—11.

Mr. *Davis* gave a brief and chiefly general explanation of the bill, stating that it was founded on recommendations and estimates from the departments; that the works contemplated had all been begun, the bill merely aiming to prevent damage and loss; and that \$1,400,000, were appropriated in all, \$922,000 for western, and \$536,000 for Atlantic works.

The appropriation for Red river having been reduced, on motion of Mr. *Sevier*, from \$70,000 to \$5,000, and then stricken out wholly, by yeas 19, noes not counted, Mr. *Preston* spoke earnestly against the whole bill, as inexpedient and extravagant under the depressed circumstances of the country, and moved that it be indefinitely postponed. Mr. *Clay*, of Alabama, also opposed the bill at length, chiefly on grounds of economy under existing circumstances.

Mr. *Davis* replied, and spoke earnestly in favor of the bill. Mr. *Norvell* also spoke in favor of the bill. Mr. *Preston* again spoke at length against the bill. Mr. *Buchanan* urged action on the bill without further debate, and said he should at first vote against its indefinite postponement, and then, if the friends of the bill should protract the debate, he should, on a second trial, vote for its indefinite postponement.

Mr. *Wright* also urged action on the bill without delay. Mr. *Preston* spoke further in opposition to the bill.

The question was now put on the indefinite postponement of the bill, and decided in the negative, as follows.

YEAS—Messrs. Benton, Brown, Clay, of Alabama, Crittenden, King, Lumpkin, Mouton, Nicho-

las, Niles, Pierce, Preston, Rives, Smith, of Connecticut, Strange, Trotter, Wall, White—18.

NAYS—Messrs. Allen, Bayard, Buchanan, Clay, of Kentucky, Davis, Fulton, Hubbard, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith, of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright, Young—21.

The next amendment from the committee was an appropriation of \$48,000 for a sea-wall to Buffalo harbor.

Mr. *Benton* opposed the whole bill. Mr. *Tallmadge*, Mr. *Davis*, and Mr. *Webster*, described the circumstances which made a pressing demand for this appropriation, and advocated its adoption.

This amendment was then rejected by the following vote:

YEAS—Messrs. Bayard, Clay, of Kentucky, Clayton, Davis, Lyon, Merrick, Norvell, Robbins, Ruggles, Sevier, Smith, of Indiana, Southard, Tallmadge, Tipton, Wall, Webster, Wright—17.

NAYS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Ala., Crittenden, Hubbard, King, Lumpkin, Mouton, Nicholas, Niles, Pierce, Preston, Rives, Roane, Strange, Trotter, White, Williams, Young—21.

Mr. *Wright*, having offered several minor amendments, which were agreed to, moved to strike out the \$20,000 for the improvement of the Cumberland, above Nashville.

This motion was strongly opposed by Mr. *Clay*, of Kentucky, and Mr. *Crittenden*; but it was carried in the affirmative by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Alabama, Hubbard, King, Lyon, Nicholas, Niles, Norvell, Pierce, Rives, Roane, Strange, Trotter, Wall, White, Williams, Wright—20.

NAYS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, Fulton, Merrick, Preston, Robbins, Sevier, Smith, of Indiana, Southard, Tipton, Webster, Young—15.

Mr. *Wright* then offered an additional section, as a proviso to the bill, precisely in the following words:

And be it further enacted, That it shall be the duty of the officers charged with the execution of this act, and with the making of contracts for the expenditures authorized by it, to have particular regard to the state of the treasury, and its ability to meet the current ordinary expenses of the government, as well as the calls which may be made under the said contracts; and, under the direction of the president of the United States, so arrange the said expenditures, and the times and amount of payment, so far as the means of the treasury can be anticipated, as that the advances or payments under this act shall not interfere with, or delay the payments under the appropriations for the regular, ordinary, annual expenses of the government.

This amendment was advocated by Mr. *Wright*, Mr. *Benton*, and Mr. *Niles*, and earnestly opposed by Mr. *Preston*, Mr. *Webster*, Mr. *Crittenden*, Mr. *Davis*, and Mr. *Norvell*, as vesting an absolute and unconstitutional power of appropriation in the hands and at the discretion of the executive.

This amendment was agreed to by the following vote:

YEAS—Messrs. Allen, Benton, Brown, Buchanan, Clay, of Alabama, Fulton, Hubbard, King, Mouton, Nicholas, Niles, Pierce, Roane, Sevier, Strange, Trotter, Wall, Wright, Young—19.

NAYS—Messrs. Bayard, Clay, of Kentucky, Clayton, Crittenden, Davis, Merrick, Norvell, Rives, Robbins, Ruggles, Smith, of Indiana, Southard, Tallmadge, Tipton, Webster, White—16.

Mr. *Clay*, of Alabama, moved to amend the bill by adding an appropriation of \$56,000 and add, for the improvement of the Tennessee river, in Alabama, (the canal around the Muscle Shoals,) and, in addition to some remarks, read a document in favor of the object. Rejected without a division. Mr. *Merrick* also offered an amendment, which was rejected. The question recurring on ordering the bill to a third reading, Mr. *Clay*, of Kentucky, spoke with great earnestness against the additional section to the bill, offered as above by Mr. *Wright*, as altogether unparalleled in legislation, and expressed his regret that it would compel him to vote against the whole bill. Mr. *Merrick* also expressed his views to the same effect. Mr. *Webster* also spoke in the deepest reprobation of the obnoxious section, but said he could not persuade himself on account of it to appear in any way to abandon a system which he had supported for twelve years.

The question was now put on ordering the bill to a third reading, and the vote resulted as follows:

YEAS—Messrs. Allen, Buchanan, Clayton, Davis, Fulton, Hubbard, Lyon, Niles, Norvell, Robbins, Sevier, Smith, of Indiana, Tallmadge, Tipton, Wall, Webster, Wright, Young—18.

NAYS—Messrs. Benton, Brown, Clay, of Ala., Clay, of Kentucky, Crittenden, King, Merrick, Mouton, Nicholas, Pierce, Preston, Rives, Roane, Ruggles, Strange, Trotter, White, Williams—18.

So the harbor bill was declared by the Chair to be rejected.

On motion of Mr. *Benton*, the president of the United States was requested to communicate to the senate a report of the last campaign in Florida under general Jesup. Also, at the next session, a statement of all works in the improvement of harbors and rivers which have been upwards of three years in progress, with estimates of the probable amounts severally necessary to their completion. The senate took up the senate bill to remove the surveyor general's office of the public lands from Cincinnati to St. Joseph's, in Michigan, with an amendment by the house, striking out the "St. Joseph's" and inserting "Michigan City" in Indiana. Mr. *Tipton* moved that the senate concur in this amendment.

Mr. *Lyon* moved to lay the bill on the table; which motion was done accordingly by yeas 23, noes 8. Mr. *Ruggles* asked the unanimous consent of the senate to introduce a joint resolution to authorize the employment of additional clerks in the patent office. Objected to by Mr. *Clay*, of Alabama, and laid on the table.

Mr. *Strange* made a report from the committee on the memorial of Francis P. Blair. Laid on the table.

The senate concurred in the amendments of the house to the bill to revive the act to incorporate the medical society of the District of Columbia.

Also, in the amendments of the house to the bill to change the time of holding the U. S. circuit court for the district of East Tennessee; (the amendments changing the time in Maryland.)

A message was received from the house, asking the senate to suspend the 16th joint rule so far as to allow the senate to receive their joint resolution, making an appropriation (\$48,000) for the purchase of certain hooks for the members of that house, and also to receive their bill to increase and regulate the term of the U. S. circuit and district courts for the western district of New York.

After an earnest conversation by Messrs. *Hubbard, Bayard, Benton, and Clay*, of Alabama, against the request, and by Messrs. *Tallmadge, Sevier, Merrick, and Southard*, in favor of granting it, the message was indefinitely postponed by the following vote:

YEAS—Messrs. Allen, Bayard, Benton, Brown, Clay, of Alabama, Clayton, Hubbard, King, Lyon, Mouton, Niles, Pierce, Strange, White, Williams, Young—16.

NAYS—Messrs. Davis, Merrick, Norvell, Preston, Rives, Roane, Robinson, Ruggles, Sevier, Smith, of Ind., Southard, Tallmadge, Tipton, Wall, Webster—15.

The bills ordered to a third reading in the morning were now severally read a third time and passed. The senate then adjourned.

July 7. Mr. *Davis* presented a communication from the chamber of commerce of the city of New York, with the proceedings of a meeting of the members of that body, held on the 5th instant, to take into consideration the late report of the committee on commerce, (drawn up by Mr. *Davis*,) on the subject of light-houses; in considering which they passed several resolutions, accompanying the communication, in which resolutions they highly approved of that report. Laid on the table, and ordered to be printed.

Mr. *Crittenden* presented a petition. (Unheard.)

On motion of Mr. *Wright*, the clerk authorized to be employed in the service of the senate by the resolution of October, 1838, were continued till otherwise ordered by the senate. Various bills, &c. referred to committees were reported by Messrs. *Roane, Tipton, Fulton and Clay*, of Ala.

Mr. *Wright*, from the committee on finance, reported the bill from the house referred to them, making appropriations for the annual expenses of the Indian department, and for fulfilling treaty stipulations with the Indian tribes for the year 1838, with minor amendments, which were explained by Mr. *W*. and agreed to. Mr. *White* moved further to amend the bill by adding an appropriation of \$260,000 for the support of such Indians removed west of the Mississippi as are unable to subvert themselves, to be distributed under the direction of the secretary of war. This amendment was earnestly advocated by Messrs. *White and Sevier*, and opposed by Messrs. *Niles, Clay, of Ala., Norvell, and Allen*, and agreed to by the following vote:

YEAS—Messrs. Bayard, Benton, Buchanan, Clayton, Crittenden, Cuthbert, Davis, Fulton, King, Linn, Mouton, Nicholas, Preston, Rives, Roane, Robinson, Sevier, Smith, of Ind., Southard, Tallmadge, Webster, White—23.

NAYS—Messrs. Allen, Brown, Clay, of Ala., Clay, of Ken., Hubbard, Lyon, Niles, Norvell, Pierce, Robbins, Ruggles, Smith of Connecticut, Strange, Wall—14.

The bill was then ordered to a third reading, and, by consent, read a third time and passed.

The *Chair* presented from the treasury department, in pursuance of a senate resolution of 5th June last, statements of the annual expenditures in collecting the customs on imports for the last twenty years, discriminating between the different kinds. Laid on the table and ordered to be printed.

A message was received from the house, requesting the senate to suspend the 16th joint rule so far as to receive from the house the bill to increase and regulate the term for holding the United States circuit and district courts for the northern district of New York. In this request the senate concurred, the bill was received, and, by consent, carried through and passed.

Mr. Merrick, in compliance with a desire of some of the friends of the harbor bill, moved that the vote rejecting it should be reconsidered, and expressed the hope that it would be so modified that he could vote for it. The vote was accordingly reconsidered, and the bill was taken up by the following vote:

YEAS—Messrs. Allen, Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, Fulton, Hubbard, Linn, Lyon, Merrick, Niles, Norvell, Robbins, Ruggles, Sevier, Smith, of Indiana, Southard, Tallmadge, Tipton, Webster, Williams, Wright—24.

NAYS—Messrs. Benton, Brown, Clay, of Alabama, Cuthbert, King, Nicholas, Pierce, Preston, Rives, Roane, Smith, of Conn., Strange, Wall, White—14.

Mr. Bayard moved to reconsider the vote on the additional section to the bill offered by Mr. Wright. The *Chair* decided that this was out of order, as Mr. B. was in the minority on that vote. Mr. Bayard then moved to recommit the bill with instructions to strike out all that part of Mr. Wright's amendment including and following the words "and under the direction of the president;" that is, all which had any direct reference to the president of the United States. Mr. Norvell expressed the hope that the friends of that amendment would agree thus to modify it. Mr. Preston said he supposed this would be the test question, and he therefore demanded the yeas and nays; which were ordered. Mr. Wright gave his assent to the motion, as the part of his amendment remaining would, he thought, comprehend all that he intended by the whole. Mr. Merrick, not being satisfied with the extent of the motion of Mr. Bayard, said he should not feel committed to vote for the bill unless the whole amendment should be stricken out. Mr. Ruggles said, if all that Mr. Wright intended would be included in the remaining part of the amendment, then nothing would have been gained. He, therefore, moved to strike out the whole amendment. **Negated:** Ayes 10, noes not counted. Mr. Niles then moved to amend the instructions, by requiring that the whole of Mr. Wright's amendment should be stricken out, and a substitute inserted, providing that on all single appropriations over \$12,000, fifty per cent. only should be expended in 1838, and the remainder in 1839. (So modified, on suggestions from several senators.)

On motion of Mr. Allen, the instructions were further amended, by requiring that the \$48,000 for Buffalo, rejected last night, should be inserted, (Mr. A. having obtained new light on the subject from a document which was read at his request, and the contents of which Mr. Davis said he had stated yesterday three times over.)

Mr. Clay, of Kentucky, moved to include the \$20,000, rejected last night, for the Tennessee, above Nashville. **Negated:** Ayes 12, noes 19.

The question was then put on Mr. Bayard's motion, modified as above, to recommit the bill with instructions, as above, and it was decided in the affirmative as follows:

YEAS—Messrs. Allen, Bayard, Buchanan, Clay, of Kentucky, Clayton, Crittenden, Davis, Fulton, Hubbard, King, Linn, Lyon, Merrick, Mouton, Niles, Norvell, Robbins, Sevier, Smith, of Conn., Smith, of Ind., Southard, Tallmadge, Tipton, Webster, Williams, Wright, Young—28.

NAYS—Messrs. Brown, Clay, of Ala., Cuthbert, Nicholas, Pierce, Preston, Rives, Roane, Strange, Trotter, Wall, White—12.

So the bill was recommitted, and, on motion of Mr. Davis, the committee had leave to sit while the senate were in session.

Mr. Davis subsequently reported the bill modified by the committee on commerce according to their instructions.

On motion of Mr. Rives, the senate proceeded to consider the bill to extend the time for locating Virginia military land warrants.

The question being on an amendment from the committee, increasing the amount of land from 200,000, acres to 300,000—

The bill and amendment were discussed *passim* by Messrs. Clay, of Alabama, Allen, Rives, Hubbard, Buchanan, Benton, Preston, and Clay, of Kentucky.

The amendment was rejected: Yeas 17, nays 21; and the bill was then ordered to a third reading.

The senate then took a recess.

EVENING SESSION.

On motion of Mr. Pierce, all the pension bills from the house which had been favorably reported on by the senate committees were taken up, considered, and ordered to a third reading.

A bill, unfavorably reported on, in behalf of the heirs of a captain Hunter, was taken up, and Mr. Crittenden, in advocating the bill, stated that, in the revolutionary war, being asked by his men the meaning of *sine qua non*, captain Hunter told them that it meant the three principal islands in Passamaquoddy bay, which were never to be given up. The bill notwithstanding, was given up, or rejected, on ordering it to a third reading: Yeas 16, nays 19.

On motion of Mr. Davis, the senate took up the bill for the improvement of harbors and rivers, with the amendments as reported from committee, according to their instructions, striking out the section ordered by Mr. Wright, to give discretion over the appropriations to the executive, and inserting in lieu thereof a provision that, if the public service should require it, only fifty per cent. of each appropriation above \$12,000 should be expended in 1838, and the remaining half in 1839; also inserting \$43,000 for a sea-wall at Buffalo, New York.

These amendments were agreed to, and the bill, in this form, was ordered to a third reading, by the following vote:

YEAS—Messrs. Allen, Bayard, Buchanan, Clay, of Kentucky, Clayton, Davis, Fulton, Hubbard, Lyon, Merrick, Niles, Norvell, Robbins, Ruggles, Sevier, Smith, of Indiana, Southard, Tallmadge, Tipton, Wall, Webster, Williams, Wright, Young—24.

NAYS—Messrs. Benton, Clay, of Alabama, Crittenden, King, Mouton, Nicholas, Pierce, Preston, Roane, Strange, White—11.

The bill was subsequently read a third time, and passed.

On motion of Mr. Roane, the senate took up the bill (yeas 16, nays 12) appropriating not more than \$15,000 for the erection of a United States court house in Alexandria, D. C. Mr. Clay moved to reduce the appropriation to \$5,000 (rejected), and then to \$10,000. (also rejected:) Ayes 13, noes 17. The bill was then ordered to a third reading.

Mr. Merrick moved to take up the bill from the house for the relief of the heirs of Robert Fulton. **Negated.**

On motion of Mr. Hubbard, the senate took up the bill from the house making appropriations for fortifications for the year 1838. The amendments to the bill offered by the senate committee were agreed to. Mr. Wall offered a proposition to follow the appropriation of \$40,000 for Fort Delaware, on Pea Patch island, in the Delaware river, authorizing the executive to quiet and secure the title of the United States to the soil, by purchase or inquest, as to him should appear best. A long and earnest discussion followed on the amendment, and on the subject generally, in which Messrs. Wall, Hubbard, Clay, of Kentucky, Bayard, Buchanan, Clayton, Southard, and Webster participated. Mr. Wall's amendment was rejected by the following vote:

YEAS—Messrs. Allen, Benton, Buchanan, Clay, of Kentucky, Crittenden, Fulton, Merrick, Mouton, Rives, Robinson, Southard, Trotter, Wall, Williams—14.

NAYS—Messrs. Bayard, Brown, Clay, of Alabama, Clayton, Davis, Hubbard, King, Nicholas, Niles, Norvell, Pierce, Robbins, Ruggles, Sevier, Smith, of Indiana, Strange, Tipton, White, Wright, Young—19.

Mr. Clay, of Alabama, moved to strike out the appropriation, \$40,000, for this object. Advocated by Mr. Southard, opposed by Messrs. Wall, Buchanan, and Webster, and carried in the affirmative, as follows:

YEAS—Messrs. Brown, Clay, of Alabama, Crittenden, Hubbard, King, Lyon, Nicholas, Norvell, Pierce, Robinson, Ruggles, Sevier, Smith, of Indiana, Southard, Strange, Tallmadge, Tipton, Trotter, White, Williams—20.

NAYS—Messrs. Allen, Bayard, Benton, Buchanan, Clayton, Davis, Fulton, Mouton, Niles, Rives, Robbins, Wall, Webster, Wright—14.

After some further debate, in which several senators declared their determination to vote against the bill on account of the rejection of the \$40,000 for Fort Delaware; the bill was reported to the senate.

On the question of agreeing in the senate to the striking out, in committee of the whole, the \$40,000 for Fort Delaware, it was decided in the negative by yeas 15, nays 19, so that the \$40,000 was reinserted. Mr. Wall again offered his amendment as above, and, after a long debate, it was again rejected: Yeas 8, nays 23; as was also a substitute for it, offered by Mr. Bayard.

The bill was then ordered to a third reading.

Mr. Benton, from the committee on military affairs, reported the bill referred to them making appropriations for the Military Academy at West Point for 1838, with various amendments, which were read and agreed to. On motion of Mr. Williams, the bill was amended by an appropriation to indemnify Mr. Baker and others, confined by the British authorities on account of the northeastern boundary. On motion of Mr. Davis, it was amended by adding a section provided to supply the several states each with a standard balance. On motion of Mr. Rives, it was further amended by an appropriation of \$20,000 for new machinery for — armory.

On motion of Mr. Robbins, \$1400 was inserted for a complete catalogue of the congress library. Various other amendments were offered and rejected. The bill was then ordered to a third reading. The senate concurred in the amendments of the house to the bill to establish certain post routes and discontinue others.

Also, in the amendments of the house to the bill to readmit the duties on certain goods destroyed by fire in New York.

The amendments of the house to the senate bill to authorize Charles Day and others to import iron steamboats free of duty, were amended by the senate, then concurred in as amended, and the bill sent back to the house.

The *Chair* presented a message from the president of the United States, with a report from the secretary of war, in relation to the Florida war, and a letter from general Jesup. Laid on the table, and ordered to be printed.

The various bills ordered to a third reading today were, by consent, severally read a third time, and passed.

The bill from the house to provide for the settlement of the claims of New York for the services of her militia on the northern frontier, was ordered to a third reading, and, by consent, read a third time, and passed.

Various additional private bills were ordered to a third reading, and, by consent, read a third time, and passed.

The bill making appropriations for certain roads in Florida,

And the bill to reorganize the legislative council of Florida, were severally considered, ordered to a third reading, and read a third time, and passed.

The senate concurred in the amendments of the house to the bill making appropriations for light-houses, light-boats, beacons, buoys, surveys, &c. for 1838.

Also, in the amendments of the house to the bill making appropriations for the West Point Military Academy for 1838. And in their amendments to the bill to establish additional land offices in Louisiana and Arkansas.

On motion of Mr. White, the amendments of the house to the bill for the settlement of claims under the 14th article of the Choctaw treaty of 1830, were, with the bill, laid on the table.

Also, the amendments and the bill to invest certain Indian funds in state stocks.

The senate, after four o'clock in the morning, and having held a long executive session, adjourned till nine o'clock on Monday morning.

July 9. On motion of Mr. Benton, the president of the United States was requested to communicate to the senate, at its next stated session, detailed statements of the per centage allowed to the various disbursing officers of the government for 1837, and of the other compensation allowed to the same persons for the same year.

On motion of Mr. Pierce, leave was given to withdraw, for the purpose of presenting at the departments, all the petitions and papers relating to the claims of the widows of revolutionary soldiers, who were married prior to 1794, and provided for in a general law passed at the present session of congress.

The senate then held an executive session.

On motion of Mr. Wright, two members of a joint committee were authorized to be appointed by the chair, on the part of the senate, to wait on the president of the United States, and inform him that, unless he had other communications to make, congress had now closed the business before them, and were ready to conclude the present session by an adjournment.

Mr. Wright and Mr. Cuthbert were appointed by the chair on this committee.

On motion of Mr. *Sevier* the following rule, reported by Mr. Bayard, from the select committee appointed on the subject, was taken up, and agreed to:

RULE 47. The following persons, and none others, shall be admitted on the floor of the senate: members of the house of representatives, and their clerks; the secretary of state, the secretary of the treasury, the secretary of war, the secretary of the navy, the attorney general, and the postmaster general; the private secretary of the president, chaplains to congress, judges of the United States, foreign ministers, and their secretaries; officers who, by name, have received, or shall hereafter receive, the thanks of congress for their gallantry and good conduct in the service of their country, or who have received medals by a vote of congress; the governor for the time being of any state or territory of the union; the ex-governors of the several states; such gentlemen as have been heads of departments, or members of either branch of congress; persons who, for the time being, belong to the respective state and territorial legislatures, and persons belonging to such legislatures of foreign governments as are in amity with the United States; two reporters, for each of the daily papers, and one reporter for each tri-weekly paper published in the city of Washington, whose names shall be communicated in writing, by the editors of those papers, to the secretary of the senate, and who shall confine themselves to the seats now provided for them.

On motion of Mr. *Webster*, the thanks of the senate were unanimously awarded to hon. William R. King for the fidelity and ability with which he had performed the duties of his office as president *pro tem.* of the senate.

A request was received from the house that the 16th joint rule be so far suspended as to authorize the action of the senate on the joint resolution to print the Madison papers. The request was complied with, the joint resolution was received as amended by the house, and the senate concurred in the amendment.

Mr. *Nicholas* presented the proceedings of the banks in New Orleans; which were laid on the table; and ordered to be printed.

Mr. *Wright*, from the joint committee appointed to wait on the president of the United States, and inform him that, if he had no further communication to make, congress were now ready to adjourn, reported that they had performed the duty assigned them, and that the president had requested them to say to the senate that he had no further communication to make, except to express respectfully to the senate his wish for the safe return of the members to their respective homes.

The senate having been notified by the house that they were now ready to adjourn, Mr. *Norvell*, moved that the senate do now adjourn *sine die*: whereupon, the president *pro tem.* Mr. King, made a brief, appropriate, and feeling farewell address; and then

The senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES.

Saturday, June 30. Mr. *Adams*, who was entitled to the floor, yielded it to Mr. *Cushman*, who made an effort to get a report considered from the committee on commerce, but without success.

Mr. *Potter* wished to make a statement connected with the subject before the house. Mr. *Adams* consenting, he stated that, from letters received from friends of his in the Pennsylvania legislature, he learned that a joint resolution, offered in that body, instructing their senators and requesting their representatives to oppose the annexation of Texas to the union, was agreed to in the senate by a vote of 22 to 6; but in the house was indefinitely postponed, 41 to 88; the 41 being friends of the administration.

Mr. *Adams* then proceeded; first noticed this statement, (as an evidence of an overwhelming majority of the people of Pennsylvania being against the annexation, and the expression of their will only checked by a strict party vote,) and then resumed and concluded his remarks on the right of women to petition congress. He next commented on the resolution he had offered, and took up the constitutional question of the right of congress to admit a foreign state into the union. Some pretty brisk explanations passed between him and Mr. *Campbell*, of S. C., on the innocence and influence of slavery.

Before Mr. A. had concluded his argument, the morning hour expired.

The *Speaker* proclaimed the orders of the day. A struggle, as usual, commenced as to getting different subjects taken up.

Mr. *Noyes* asked leave to offer the following resolution:

Resolved, That to the end of the present session, no member shall be allowed to speak more than fifteen minutes at one time, and not more than once to the same question, without leave of the house; and it shall be the duty of the speaker of the house and the chairman of the committee to call the member to order who violates this rule.

Objection being made, he moved the suspension of the rules.

On this motion Mr. *Garland*, of La., demanded the yeas and nays; which were ordered. But, before they were called, the resolution, on motion of Mr. *Elmore*, was laid on the table.

Mr. *Kilgore* made an effort to have one hour of this day assigned for the consideration of his resolution repealing the section of the law of 1816, containing a restriction in reference to banks issuing small notes. He modified his resolution so as to limit its operation to the 1st of March next; and then demanded the yeas and nays on a motion to suspend the rules. They were ordered and taken, and resulted as follows: Yeas 105, nays 86. As it requires two-thirds of the house to suspend the rules, the rules were not suspended. Mr. *Cushman* moved to suspend the rules to receive the reports of committees. Lost. The *Speaker* laid before the house a letter from the secretary of the treasury, in answer to a resolution of the house of the 25th instant, in relation to the kind of funds which were furnished pension agents in the state of Arkansas with which to pay the claims of pensioners, distinguishing between the amounts furnished in specie and bank notes, and, where bank notes were furnished, stating the different banks, as far as practicable, which issued the notes so furnished, and the amount on each bank.

Several bills from the senate were read and referred.

On motion of Mr. *Johnson*, of Louisiana, a bill permitting vessels turned away from the blockaded ports of Mexico to land, under certain restrictions, their cargoes in ports of the United States free of duty, in case of re-exportation, received its third reading, and was passed.

The engrossed bill, "to increase the present military establishment of the United States, and for other purposes," was read a third time; when

Mr. *Carter*, of Tennessee, moved that it be re-committed, with instructions to strike out all the clauses of the bill proposing any increase in the number of officers, or increase of pay, and also the section for the raising of an additional regiment of infantry.

This motion gave rise to a desultory debate, the particulars of which may be given hereafter.

Mr. *Naylor* rose and said that he had voted for the engrossment and third reading of the bill, last night, with great reluctance. He was then very much dissatisfied with it. He had voted for many amendments which had been rejected; and when, at last, he was compelled to vote under the force of the previous question, before it could be so amended as to be satisfactory to him and the house, nothing but the deepest conviction that the situation of the country required more troops at present could have induced him to cast the vote in its favor. However, he then had voted under a misapprehension, and was mistaken as to the meaning of the 15th section. He now considered the interpretation put upon that section by the gentleman from Ohio (Mr. *Whittlesey*) as correct, and could not vote for the final passage of the bill unless the meaning of that section was made to conform to the obvious intention of the house. He had objections to many of the details of the bill. And he believed that he hazarded nothing in saying that the bill was not entirely satisfactory to any member of the house. Such being the case, he thought that the application of the previous question was but an unwise mode of forcing legislation. He would therefore move that the vote of last night, by which the bill was ordered to be engrossed and read a third time, be reconsidered. He thought this the best method of getting at the question, so as to put the bill in a shape that would be more satisfactory to all. He concluded by moving to reconsider.

Pending the motion for reconsideration the hour of recess arrived, and the house took the usual recess till the afternoon.

[The subject was not resumed in the afternoon, in consequence of the intervention of special orders.]

EVENING SESSION.

The house went into committee of the whole, in pursuance of the special order, (Mr. *Owens* in the chair,) and took up senate bills 175, 147, 237, and 233, and house bills 832 and 854, being bills remitting duties on iron imported for the construction of steamboats by certain corporations and individuals. They were all reported to the house without

amendment, excepting 854, to remit certain duties upon iron imported for the construction of iron steamboats.

The senate bill 147, to authorize Day & Butts to import iron steamboats, being taken up, as reported, Mr. *Cushman* moved to lay the same on the table.

Mr. *Lyon*, of Alabama, begged that the motion might be withdrawn for one moment, as he wished to make an explanation in regard to an amendment offered at his instance by the chairman of the committee on commerce. The motion being withdrawn, Mr. *Lyon* expressed a hope that the bill would not be opposed. He said that captain Fry, of Mobile, a most enterprising and useful man, and one who had had much experience in steam navigation, proposed to attempt the navigation of the rivers in Alabama with an iron steamboat. He was disposed to make the experiment at his own risk and expense, and had only asked the government to remit the duties on its importation. The attempt was one in which the country was much interested. He believed the object of captain Fry was to test the utility of iron steamboats for summer navigation in the southern waters. It was well known to every gentleman acquainted with the southern rivers that, in the summer, they were generally low, and difficult of navigation by ordinary steamboats. Accidents had often occurred, during low stages of the water, from snags and other impediments, to which iron steamboats would not be liable. Iron steamboats were understood to be of less draught of water than such as we now had in use; and, if they could be successfully used, he had no doubt their introduction would be of very great benefit to the country. The speedy transportation of the mail might be ensured if such boats were employed as could safely navigate the southern rivers at low stages of the water. He said congress had remitted the duties on rail road iron, and he was surprised that an objection should be raised to remitting the duties on an iron steamboat. He recollected to have noticed that the British government had promised much more ample aid to the company formed to navigate the Atlantic by steam-ships than was asked by captain Fry and others, who proposed to import each an iron steamboat. The Atlantic Steam Navigation Company had, he believed, a guaranty from their government that their experiment should not involve them in expense or loss. In the cases before the house, no aid or guaranty as to loss is asked of the government, although the experiment is one which, if successful, will be of much benefit to the country, and perhaps save the loss of much property. It was simply asked that the duties on the importation of the boats, and such implements as might be necessary to keep them in repair, should be remitted; and he repeated the hope that all opposition to the bill might be withdrawn.

Mr. L. then renewed the motion to lay on the table, and the yeas and nays being ordered, this motion prevailed by the following vote: Yeas 82, nays 68.

The hour for which this subject had been made the special order being expired, and another special order having been called for,

Mr. *Adams* moved to suspend the rules for another hour; which motion was lost; and the house then, according to appointment, went into committee of the whole on the bill to amend an act entitled "an act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th April, 1806. Mr. *Shields* moved that the bill be reported to the house. Mr. *Williams*, of North Carolina, hoped not, without discussion. Mr. *Shields* said that the bill had been a good while before the house. Several committees had reported in favor of it; and he believed the house had become perfectly well acquainted with its merits. Still, if necessary, he would be perfectly free to meet any objections which might be brought against it. Mr. *Williams*, of North Carolina, objected, at some length, to the bill, as conveying a mere naked gift to Tennessee, there being no obligation upon the government to make the required cession.

Mr. *Bell* made some statements to show that the United States were indebted to the state of Tennessee more than a million of dollars for satisfying land warrants of North Carolina, &c. Mr. *Williams* said that there were no such claims in the compact between Tennessee and the United States.

Mr. *Bell* said "Not in the bond?" Mr. *Williams* went on: He did not mean to use the argument of Shylock. He was opposed, in principle, to the bill, and should oppose it, as being unjust and inexpedient.

Mr. *Connor* said a few words on the same side with his colleague, and in reply to the argument of Mr. *Bell*, as to the indebtedness of the United States to Tennessee. He offered an amendment to

the bill, of which the reporter regrets he has not been able to obtain any idea of either the letter or the substance.

Mr. *Shields* went into a general defence of the bill, against the objections of Mr. *Williams*. Mr. *C. H. Williams* followed on the same side. Mr. *Montgomery* was opposed to the bill, and Mr. *Crockett* supported it.

And the debate was continued by Messrs. *Carter*, *Williams*, of N. C., *Tillinghast*, (who was of opinion that the land in question, if ceded at all, ought to be returned back again as of no value, but as a gift,) and Mr. *Rencher*. Mr. *Williams*, of North Carolina, then moved to strike out the enacting clause of the bill. Lost. Mr. *McKenna* moved that the committee rise, and report the bill; which motion prevailed.

The bill having been reported to the house, and the question recurring upon its engrossment, Mr. *C. Shepard*, of North Carolina, made some remarks against the bill. Mr. *C. H. Williams* demanded the previous question; but withdrew it, by request of several members. Mr. *Stanly* moved to lay the bill on the table. Lost. Mr. *Robertson* moved a call of the house. Lost. Mr. *Campbell*, of Tennessee, made some remarks in support of the bill, and in reply to Mr. *Shepard*. Mr. *Yell* moved the previous question. Mr. *Dawson* moved that the house adjourn: Ayes 58, noes 79.

So the house refused to adjourn.

The previous question was seconded, and the main question was ordered to be put.

On ordering the bill to be engrossed and read a third time, Mr. *Williams*, of North Carolina, demanded the yeas and nays: which were ordered; and the motion for the engrossment and third reading was rejected by a vote of 51 yeas to 91 nays.

Mr. *Martin*, of Alabama, gave notice that, on Monday next, he should move a reconsideration of that vote.

On motion of Mr. *Griffin*, the house adjourned. Monday, July 2. Mr. *Martin*, of Alabama, rose to make the motion he had intimated on Saturday, to reconsider the bill rejected on Saturday entitled "An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th April, 1806.

Mr. *Adams* hoped the reconsideration would not be granted. The bill had been rejected by a large vote—about two to one. Mr. *Shields* explained that it was not the intention of the friends of the bill to press the motion at this session. The motion to reconsider was entered, and the conversation dropped.

The Chair being about to call the states for the purpose of receiving petitions, Mr. *Whittlesey* suggested that the call should be omitted, and that each member who has petitions in his possession may lay them on the table to take their place on the journal.

Objection being made, the rules were suspended, on motion of Mr. *Boon*, and the order suggested was adopted.

Mr. *Cambreleng* moved that the committee be called for reports. The Speaker announced that the regular order would be, if this motion prevailed, to take up the report of the committee on foreign affairs, now under consideration. Mr. *Adams*, who was entitled to the floor, under this order, expressed his willingness to yield it for the purpose suggested by Mr. *Cambreleng*.

Reports were then read of committees, among which were the following:

Mr. *Cambreleng*, from the committee of ways and means, reported a bill to provide for the investment of money received under the will of the late James Smithson, of London.

Mr. *Cushman*, from the committee on commerce, reported a bill making appropriations for building light-houses, light-boats, beacon-lights, buoys, and making surveys for the year 1838.

Mr. *Bouldin*, from the committee for the District of Columbia, made a report upon the subject of removing the market east of the capitol grounds, in the city of Washington, and concluded with a resolution that the said market ought to be removed, and at the proper cost and charge of the city of Washington; which resolution was agreed to.

On motion of Mr. *Petrikin*,

Resolved, That the committee of the whole house be discharged from the further consideration of senate bill No. 33, entitled "A bill relating to the restraining the circulation of small notes as a currency in the District of Columbia."

Mr. *Underwood*, from the committee on revolutionary claims, reported against the cases of the descendants of the Wyoming sufferers in the revolutionary war. Mr. *Potter*, from the same committee reported against the petition of Philip Crapo. Mr.

Everett, from the committee on Indian affairs, reported a bill to repeal, in part, the second section of an act entitled "An act to provide for the organization of the department of Indian affairs;" which bill was ordered to be engrossed and read a third time to-day.

Mr. *Harlan*, from the committee on private land claims, reported senate bill No. 68 to settle contested claims that have arisen under the pre-emption laws. Also, senate bill No. 299 for the relief of Gurdon S. Hubbard, assignee of Jacques and Louis Veaux, with a recommendation that they do not pass. Committed to a committee of the whole house.

Mr. *Garland*, of Louisiana, from the same committee, reported, without amendment, the senate bill for the relief of Juan Belgar, and the senate bill to transfer to the citizens of the parish of Louisiana the interest of the United States to a certain tract of land, with amendments. Also, against the case of James Nevils and Luther Gleason and others.

Mr. *Everett*, from the committee on Indian affairs, reported a bill in relation to moneys received for the use of Indians or Indian tribes.

Mr. *McKuy*, from the committee on military affairs, reported against the petition of the magistrates of Duval county, in Florida, for damages to the court-house by United States troops.

Mr. *Ewing* moved the following:

Resolved, That bills granting pensions to the brave men who reclaimed our western posts and protected our frontier under St. Clair, Wayne, and other commanders, up to the treaty of Greenville, in 1794—'5; allowing pensions for three months' service in the war of the revolution, and allowing pensions to widows of revolutionary soldiers in certain cases, be made the order of the day after the hour of twelve o'clock on Thursday, 5th instant.

This motion was negatived by the house.

On motion of Mr. *Lincoln*,

Resolved, That in the new arrangement of the hall, ordered by the house, the members of the house shall be entitled, as far as may be, during the present congress, to the same relative positions to the chair which they now occupy, and that the clerk assign the seats accordingly.

Mr. *Southgate*, from the select committee on the case of the heirs of Daniel Boone, reported a bill for the benefit of the heirs of Col. Daniel Boone, deceased.

The select committee on the memorials referred to them against the importation of foreign paupers, had leave to report by bill, and reported a bill to prevent the deportation of paupers from foreign countries into the United States.

The bill having been twice read, Mr. *Beatty* said that he was in a minority on that committee, and disagreed, with the majority in the principles contained in the bill. He hoped the bill and report would not be printed until the minority had an opportunity to express their views. Mr. *Rhett* said that he was also in the minority. He thought the bill ought to be called a bill to prevent immigration entirely. He hoped that the bill might lie on the table till next session, that the minority might have time to express their views. Mr. *Hamer* thought the gentleman from Pennsylvania (Mr. *Beatty*) could bring in a counter report in a few days, and in the mean time the bill ought to lie. Mr. *Reed* had never heard such a request as this made before on that floor. He hoped it would not be granted. It was entirely irregular and unprecedented. Mr. *Garland*, of Louisiana, reminded the gentleman from Pennsylvania that the proposition was not to print extra, but only the usual number. Mr. *Lincoln* made a few remarks in reply to the argument of Mr. *Rhett* that the bill went to prevent immigration entirely. Mr. *Hoffman* expressed the interest his immediate constituents had in this question, and hoped the bill would be referred as moved, and that the report and bill might be printed. After a few remarks in favor of the pending motion to refer and to print, from Mr. *Russell*, Mr. *Cushman* demanded the previous question; which being ordered.

The motion to refer the bill to the committee of the whole on the state of the union, and that the bill, with the report, be printed, prevailed.

Mr. *Naylor* asked leave to offer the following resolution; which was read for the information of the house:

Resolved, That three thousand extra copies of the report of the secretary of the navy, transmitting information in compliance with the resolution of this house of the 25th of May last, relative to the construction of the steam frigate *Fulton*, be printed.

Mr. *Crary* objected to the reception of the resolution.

Mr. *Naylor* said he hoped the gentleman would withdraw his objection. This report was an important one. The nation had made an experiment, by introducing into her navy steam vessels of war, steam batteries. The question would soon be,

whether they should be introduced generally or not. Many supposed that steam vessels would prove to be, in no short time, the best batteries for the protection of the coast. The country wanted information upon the subject. Builders, and others interested, were anxious to know whether the *Fulton* was a failure or not; and desired to be informed of the manner of her construction, and of her merits and defects. He (Mr. N.) had received letters from gentlemen in all parts of the country, desiring him to transmit them these reports. But he had none to forward. He hoped, as this was a matter of national importance, and as there was a necessity that public attention should be drawn to it, the objection would be withdrawn. Mr. *Crary* persisted in his objection. Mr. *Russell*, from the select committee appointed on the subject, reported a bill to amend the several acts establishing a uniform rule of naturalization. Mr. *Thucy*, from the committee on the judiciary, reported a bill for the relief of the legal representatives of Abiel Wood.

Mr. *Boon* asked leave to move that the rules of the house, appropriating an hour each day for the reception of the reports and resolutions, be suspended for the rest of the session. Mr. *Potts* objecting, Mr. *Boon* moved that the rules be suspended to enable him to offer this motion. Lost, 101 to 54; not two-thirds.

The army bill was again taken up; pending the motions,

1st. To reconsider the vote on engrossment.

2d. To recommit the bill, with instructions.

Mr. *Thompson* expressed himself opposed to so much of the bill as went to add the topographical corps. But, as to the pay of officers, he thought some increase was necessary. It was shamefully inadequate as at present provided. He was in favor of the proposed extra rations for every five years. He passed an eulogy on the branch of the service intended to be aided by this provision. He was in hopes that the bill might be re-committed, or reconsidered, and made as perfect as possible, and then passed (he was willing to say, without debate) by the house. Mr. *Mercer* made a few remarks, the tenor of which was entirely lost, by reason of the position assumed by that gentleman, his back being turned to the reporter. Mr. *Johnson*, of Louisiana, was in favor of the proposed increase of the engineer corps, and made some statements tending to show its necessity. Mr. *Mason*, of Ohio, was in favor of recommitment. He hoped the bill would undergo a thorough revision before it should be finally acted on. Mr. *McKay* defended the bill as reported, at some length. Mr. *Grant* moved the previous question, (on reconsidering).—Ayes 101, noes gave it up. So there was a second: and the main question (will the house reconsider?) was ordered to be put. Mr. *Garland*, of Louisiana, asked for the yeas and nays on the main question. Ordered. And the house refused to reconsider by the following vote:

YEAS.—Messrs. Adams, Alexander, Atherton, Ayerrigg, Birne, Bell, Bond, Borden, Briggs, Buchanan, Bynum, Wm. B. Calhoun, Wm. B. Campbell, Carter, Chambers, Cheatham, Coles, Connor, Crary, Cushman, Darlington, Davies, Dennis, Dunn, Elmore, Everett, Fillmore, Rice, Garland, Google, J. Graham, Wm. Graham, Griffin, Hauer, Harlan, Hastings, Hawes, Hawkins, Henry, Herod, Ingham, T. B. Jackson, J. W. Jones, Kennedy, Klingensmith, Leadbetter, Logan, Lyon, Marvin, Samson, Mason, Maury, Maxwell, McKenna, Mercer, Milligan, Montgomery, Naylor, Ogle, Patterson, Peck, Petrikin, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reilly, Rencher, Ridgway, Robertson, Rumsey, Russell, Sawyer, Sheffer, C. Shepard, Shields, Slade, Southgate, Stanley, Stone, Stratton, Taliaferro, Thomas, Thompson, Tillinghast, Underwood, Vanderveer, Wagener, J. White, E. Whittlesey, L. Williams, S. Williams, J. W. Williams, C. H. Williams, Word—94.

NAYS.—Messrs. J. W. Allen, Anderson, Banks, Beatty, Bicknell, Birdsall, Boon, Broadhead, Bronson, Cambreleng, Casey, Chaney, Clark, Cleveland, Crockett, Cushing, Davee, Deberry, DeGraft, Dromgoole, Edwards, Evans, Farrington, Fairfield, Richard Fletcher, Isaac Fletcher, Foster, Fry, Gallup, James Garland, Glasecock, Grantland, Grant, Gray, Grennell, Haley, Hammond, Harrison, Haynes, Holsey, Holt, Hubley, William H. Hunter, H. Johnson, J. Johnson, Nathaniel Jones, Keim, Kemble, Kilgore, Legare, Lincoln, Mallory, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Moore, C. Morris, Murray, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Pennybacker, Phelps, Pickens, Plumer, Potter, Pratt, J. H. Prentiss, Richardson, Rives, Robinson, Sergeant, Snyder, Spencer, Stuart, Taylor, Titus, Toland, Towns, Turney, Vail, Webster, Weeks, A. S. White, T. T. Whittlesey, Yell—95.

The question recurring on the motion to reconsider, with instructions, as moved by Mr. Carter, of Tennessee, Mr. Brown moved the previous question, (shall the bill pass?)

On seconding this motion the vote stood, Ayes 83, nays 51. So there was a second.

On the question (shall the main question be now put?)

Mr. Rencher demanded the yeas and nays. Ordered; and the house decided that the main question be now put, as follows: Yeas 101, nays 76.

And on the final passage of the bill, the vote was as follows:

YEAS—Messrs. J. W. Allen, Anderson, Andrews, Banks, Batty, Beirne, Bicknell, Biddle, Birdsall, Borden, Brodhead, Bronson, John Calhoun, Cambreleng, Casey, Chaney, Chapman, Clark, Cleveland, Coles, Craig, Cushing, Dawson, Davis, Deberry, DeGraff, Dromgoole, Edwards, Elmore, Evans, Farrington, Fairfield, R. Fletcher, Foster, Fry, Gallup, J. Garland, Glascock, Grantland, Grant, Gray, Grennell, Haley, Hammond, Hainer, Harrison, Hayns, Holsey, Holt, Hudley, W. H. Hunter, T. B. Jackson, H. Johnson, J. Johnson, N. Jones, Keim, Kemble, Kennedy, Kilgore, Legare, Lincoln, Logan, Lyon, Mallory, J. M. Mason, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Moore, S. W. Morris, Noble, Noyes, Owens, Palmer, Parker, Parmenter, Parris, Paynter, Phelps, Phillips, Plumer, John D. Prentiss, S. S. Prentiss, Rhett, Richardson, Rives, Robinson, Shields, Sneylor, Sibley, Snyder, Southgate, Spencer, Stuart, Taylor, Titus, Toland, Towns, Turney, Vail, Webster, Weeks, Albert S. White, J. White, T. F. Whittlesey, Jared W. Williams, Joseph L. Williams, Yell—112.

NAYS—Messrs. Adams, Alexander, Heman Allen, Atterton, Ayer, Bell, Bond, Briggs, Buchanan, William B. Calhoun, W. B. Campbell, J. Campbell, Carter, Chambers, Chatham, Connor, Crockett, Cushman, Darlington, Dennis, Dunn, Everett, Ewing, Isaac Fletcher, Fillmore, R. Garland, Goode, J. Graham, W. Graham, Griffin, Harlan, Hastings, Hawes, Hawkins, Henry, Herod, J. W. Jones, Marvin, S. Mason, Maury, Maxwell, McKennan, Mercer, Milligan, Montgomery, Calvary Morris, Murray, Naylor, Ogle, Patterson, Peck, Petrakin, Pope, Potts, Rariden, Randolph, Reily, Rencher, Ridgway, Robertson, Rumsey, Sawyer, Sergeant, Shetter, C. Shepard, Slade, Stanley, Stone, Stratton, Thomas, Thomson, Tillinghast, Underwood, Vanderveer, Elisha Whittlesey, Lewis Williams, Sherrod Williams, C. H. Williams, Word, York—80.

So the bill was passed, and returned to the senate for concurrence in the amendments.

Mr. Rice Garland moved to amend the title, which originally read as follows: "An act to increase the present military establishment of the United States, and for other purposes," by inserting after the word "states," the following, "the pay of officers and privates, and the patronage of the executive." And on this he asked the yeas and nays. Ordered. Mr. Glascock demanded the previous question. Seconded, ordered, and carried. So the title was adopted, as originally reported; and the bill went to the senate.

Several bills from the senate were read twice, and appropriately referred.

On motion of Mr. Sergeant, the house went into committee of the whole on the state of the union. Mr. Dixon, of Virginia, was called to the chair. Mr. Sergeant moved to take up bill 394, being the bill to provide for certain harbors, &c., which motion prevailed; and the bill was about to be read, when Mr. Goode asked if it would be in order to move, at that time, that the new harbor bill be taken up and considered at the same time with the bill already taken up. The Chairman responded in the negative; and the bill was read. Mr. Sergeant said that there were sundry amendments from the committee of ways and means, which he hoped members would permit him to offer first, so as to complete the bill as intended to be presented by the committee of ways and means. Mr. Mercer said that this was a new proposition. The bill should be read clause by clause, and the amendments offered afterwards. Mr. Sergeant withdrew his proposition, and the bill was read clause by clause.

The first clause upon which any debate arose, was making an appropriation of \$69,733 59 for the carrying on of certain works in the harbor of Michigan city, Ia. Mr. White offered an amendment, the object of which was to modify somewhat the plan prescribed by a former act of congress for the carrying on of this work. Mr. Cambreleng (after Mr. W. had stated the necessity of the proposed amendment) conceded that the object of the gentleman was a good one, but that it was not then competent to make the motion he had done. The amendment was rejected.

Mr. Underwood observed that the act of the last congress appropriated \$30,000, and made some inquiries (which Mr. White answered) as to the necessity of this additional \$60,000, and then the clause was adopted by the committee.

The next clause which was taken into consideration was, "for the continuing of the works at the harbor near the mouth of the river Raisin, Michigan, \$15,000."

Mr. Cray moved to amend this clause by striking out "\$15,000," and inserting "\$31,462 37." Pending this motion, the hour arrived for the house to take its usual recess.

EVENING SESSION.

Mr. Lyon offered an amendment appropriating fifty thousand dollars for the continuation of the improvements commenced at Dog river bar and Chahlaw pass, in the bay of Mobile.

Mr. Lyon addressed the committee at some length in favor of the amendment, and said he felt much regret that the committee of ways and means had omitted to recommend an appropriation for the continuance of the work referred to in his amendment. Congress had, at the last session, determined to make an improvement in the navigation of the bay of mobile, by deepening the channel across Dog river bar and at Chahlaw pass, and had appropriated \$50,000 towards the completion of the work. The engineer, upon whose report the appropriation was made, had estimated the entire cost of the work at \$150,000. The sum heretofore appropriated would, as he had been informed by a letter from an intelligent friend, have been exhausted by the first of August, and he was not willing the work should be arrested for want of funds. He desired that the clerk might read the report of the engineer, captain Chase, upon which the improvement was commenced; a memorial from the chamber of commerce of Mobile; and also, a report from captain Chase to the engineer department, recommending an appropriation for the present year. These papers having been read, Mr. Lyon said he could imagine no possible ground upon which the appropriation could be refused. The work had been commenced by authority of congress, and, if not prosecuted to a successful termination, the amount already expended would have been thrown away. If prosecution of the work was delayed for want of funds, injury and loss would result to the government and to those interested in its completion. It would be seen that captain Chase, whose character for intelligence and for skill and experience in his profession was well known, had expressed the opinion that the improvement, when completed, would be permanent. It is stated in his report that the depth of water on Dog river bar does not exceed 9 1-2 feet; that the bar is composed of river alluvium, and has not changed its character for the last twenty years. The improvement recommended, and which has been commenced under the appropriation of the last session, is to deepen the channel across the bar so as to secure 12 feet of water. Mr. L. said it was not necessary for him to say that the government and its constituents were deeply interested in this improvement. Vessels drawing from 17 to 20 feet of water could enter the bay of Mobile, but, owing to the obstructions described in the report from the engineer department, vessels drawing over 9 1-2 feet water could not conveniently approach the city of Mobile. They were compelled to remain at anchor at from ten to twenty-five miles below the city, and discharge their cargoes, and reload with the aid of lighters, at much expense and inconvenience. This expense and inconvenience was a matter of some consequence to persons interested and concerned in the trade and commerce of Mobile. The amount of money asked of the government to defray the expense of improving the navigation of the bay of Mobile was small when compared with the benefits expected from the work. Upwards of 300,000 bales of cotton had been shipped from Mobile during the past winter and spring. With this large exportation of cotton, and a corresponding import trade, the city and the country interested in its trade and commerce had a right to expect some countenance from the government.

Mr. L. trusted that the mere omission of the committee of ways and means to recommend the appropriation would not be considered a sufficient cause for its rejection. That committee had not decided against it. They had omitted, from some cause, to act upon the question at all; and if the law already passed, authorizing the improvement, was to be carried into effect, no argument could be urged against his amendment which would not apply with equal force to every other appropriation proposed by the bill. No one denied the importance and necessity of the work; all knew it had been commenced under the authority of law; and he hoped the evidence he had adduced, that the last

appropriation would be exhausted by the next month, would induce the house to act upon the question of making a further appropriation now. The report to the engineer department, a copy of which had been read, would show that the amount proposed by his amendment was necessary for the present year.

Mr. L. said he had brought the subject of this appropriation with the facts connected with it, to the notice of a member of the committee of ways and means, (Mr. McKim,) who had charge of the bill, and whose unfortunate death had no doubt been the cause of the case being overlooked by the committee in their report. He appealed to the chairman of the committee to say whether the case had not as much merit as any other improvement embraced in the bill. He repeated that his amendment did not propose a new work of improvement, but simply provided an appropriation for one already authorized by law and in progress. He said he would also appeal to the gentleman from Pennsylvania, (Mr. Sergeant,) who reported the bill, and had charge of it as a member of the committee of ways and means; to say whether any objection could be urged against his amendment which did not apply to every other case provided for in the bill. All the appropriations embraced in the bill applied to works already commenced. The improvement in Mobile bay had been commenced, and had as much merit and as strong claims to attention this session as any other case. He hoped he would not be told that the amount necessary to continue the improvement at Mobile could not be obtained now, because the claim was not sanctioned and recommended by the committee of ways and means. He regretted he had not the aid of their recommendation, but the failure of the committee to provide for the continuation of the work referred to had not been his fault. He said his constituents had, within the last three or four years, paid into the public treasury a very large amount of revenue. They had asked a small amount to be expended in a work which the government was interested in constructing, and which was of much importance to all persons engaged in commerce. He did not suppose for a moment that the appropriation would be refused.

Mr. Cambreleng warmly opposed the amendment, and went into a general course of remarks on the boundless extravagance of congress in voting money for works of internal improvement. If gentlemen proceeded as they were now going on, one hundred millions of dollars would not be enough for completing the works proposed. He adverted to the rise of this policy in the latter part of Mr. Adams' administration, and lectured gentlemen on both sides of the house for their importunities to the chief of the topographical bureau for more surveys, and for the extension of those already begun. Gentlemen might go on offering amendments in committee; but when this bill should come into the house he should call for the yeas and nays on every individual item, and the bill should be made a test of principle. He severely reproached those friends of the administration who, at a time like this, when the treasury was represented as bankrupt, and the government was daily taunted on its extravagant expenditures, were demanding appropriations on appropriations for works of internal improvement. He was very indignant that in this one bill there should be a million and a half of dollars devoted to the improvement of rivers and harbors on the lakes. If the committee of ways and means had had the requisite time to examine the various items, this never would have happened, but, being obliged to report these bills within thirty days from the opening of the session, it had been impracticable.

Mr. Palmer, of New York, spoke for some time, but his back being to the reporters, what he said was not heard, nor can they tell on which side of the question he spoke. Mr. Adams said he had been exceedingly edified by the lecture delivered by the chairman of the committee of ways and means, and the castigation he had administered to gentlemen of both parties for being willing to vote money for works of internal improvement for the good of the nation. The gentleman had reminded the house that at the beginning of Mr. A.'s administration there had been no such appropriations. Mr. A. was sorry for it. Mr. Cambreleng here explained. His object had not been to criminate the gentleman from Massachusetts. Neither his nor any other administration was answerable for this system of expenditure. It had had its birth in the house of representatives, and they alone were answerable for it.

Mr. Adams did not thank the gentleman for so excusing him; the more of this blame he laid at the door, the better. Not a dollar of the whole amount which had ever been voted for works of this de-

scription would Mr. A. wish back in the treasury. And as for the gentleman's castigation, Mr. A. had endured before now perhaps even greater calamities than that. But there was one question which, whether by right or by courtesy he could not tell, (for it seemed that members now had no right to put questions to the heads of committees, he desired to put to the honorable chairman. There was a rumor current about the house that that gentleman was likely to favor the house, before its adjournment, with another treasury note bill; he wished to know if such was or was not the case.

Mr. *Cambreleng* replied, that if the honorable gentleman expected another treasury note bill, it must be from those who voted in favor of the bill now before the house; he would certainly get none from the committee of ways and means.

Mr. *Adams* was happy to hear that no such bill was to be reported from that committee; he felt very sure that the friends of the harbor bill would bring none forward. Mr. A. then went into some remarks in support of the bill; which he maintained as an economical, and not an extravagant measure. The empire state, he believed, was pretty liberally treated in the bill. True, there was nothing for the gentleman's own city; but there were provisions for the harbors on the lakes. Perhaps the wrath manifested by the honorable chairman might originate from some resentment against the good people of the state of New York for certain recent manifestations of opinion, and this might induce him so vehemently to oppose the bill. But while the gentleman was so zealous, this afternoon, in behalf of economy, when this harbor bill was up, where had been his economy this morning, when he voted to impose a permanent tax of a million and a half of dollars for the increase of the standing army?

Mr. A. here went at considerable length into a statement of his objections to that bill, until he was reminded by Mr. *Chambers* that the army bill had passed, and that it was the harbor bill which was now before the house.

Mr. *Cambreleng* vindicated his own course in voting for the army bill as being a measure of economy on the widest scale. Had that bill not passed, the defence of the frontiers would have cost, instead of one and a half millions, four or five millions. The bill would save the country three millions annually, now and forever. The services of militia cost the government five times as much as those of regulars. Mr. *Adams* replied, and warmly defended the policy of employing militia, rather than mercenaries, even at ten times the expense; especially where the object was to keep down our own people. Mr. A. spoke with much feeling against pointing bayonets at the breasts of our own people, and hinted that if paid soldiers were so employed on our northern frontier it was doubtful whether the purpose would be accomplished.

He went on at great length into the subject, until Mr. *Grennell* appealed to the chair to say whether the remarks of his colleague were strictly in order. The *Chair* said they had been permitted, thus far, as a reply to Mr. *Cambreleng*, but were not strictly in order.

After some further remarks of Mr. *Adams*, in which he closed with expressing a hope that the threats of the chairman of the committee of ways and means would deter no member from the independent exercise of his rights.

Mr. *Foster* signified his surprise at the attack of the chairman on the bill his committee had reported to the house. It was, however, a subject of congratulation that a majority of that committee did not agree in sentiment with their chairman.

Mr. *Cambreleng* said his colleague was entirely mistaken. A majority of the committee did agree with him fully. Mr. *Foster* said, this made the matter still more extraordinary. Whence came the bill? How did it get into the house? Was it reported by a committee, the majority of whom thought it extravagant and dangerous, and calculated to injure the government, and bankrupt the treasury? No report from a minority expressed dissent; not a word had been said that would lead to such an idea. The bill had been regularly reported, months ago; and now, on its passage, came the declaration that a majority of the committee were opposed to it! If so, why did they report it? He hoped the yeas and nays would be called. He was ready to meet them, and to go to the common sense of the people of his own state. Mr. F. made some strong remarks on the fact that the opposition to works for the protection of commerce should come from the representative of the commercial emporium of the state and of the union. He wished his colleague would look, for once, beyond the overlaugh, and remember the weighty interests embarked on the western waters and rivers of his own state. He was willing his own vote for, and

his colleague's against, the bill should be laid before the people of New York.

Mr. *Lyons* made some further remarks on the amendment he had offered, which he feared was likely to be forgotten in a general contest on the policy of the bill. Mr. *Sergeant*, though approving the object of the amendment, observed that no report from the department had been received, nor estimate submitted. Mr. S. exonerated himself, as a member of the committee of ways and means, from all share in the fact of its having been reported, while a majority of the committee were against the bill and the policy on which it was founded. He had not been present at the time; and, had he entertained the remotest idea that such was the fact, he never would have consented to take charge of the bill; which, at any rate, he had only done in consequence of the death of Mr. *McKim*, who had had it in charge originally. Mr. S. spoke with warmth against the assumption of authority by the committee of ways and means to tell the house that works of improvement ordered by both houses, and ordained by law, should not be carried on. That was not its province. It was to report on the means of fulfilling the law, not condemning the law as ruinous, and extravagant, and profligate. They had no authority to say that an act of congress should be repealed, or should become a dead letter. The chairman might be ever so much opposed to measures of this kind, but congress had made them law in spite of his opposition; and now, as enjoying the high honor of being chairman of so important a committee, it was his place not to furnish the house with reasons against a law, but with the means of executing the law. All the works in this bill had already received the sanction of congress, and laws had passed for their completion.

Mr. *Cambreleng* said that, though, as members of a committee, gentlemen might feel bound to report a bill, yet, as members of the house, they might oppose and vote against it. Mr. *Sergeant* proceeded to comment on the constitutional objections to works of internal improvement, made by gentlemen who voted freely for fortifications and for a navy. But if it was constitutional to protect our commerce from enemies approaching our harbors and rivers, how could it be unconstitutional to protect it against a natural enemy within the harbor itself; and which was often more fatal to commerce, and even to human life, than the guns of the enemy? Mr. *Cushman* advocated the bill. The system had now been established for thirty years. Congress had appropriated for works in some parts of the country, and justice demanded they should do the same for others. Mr. *Phillips* said he had examined the papers in relation to the proposed work in Mobile bay, and was satisfied of its utility and great importance. He explained why it had not been included in the bill, owing to the reports coming too late, &c. Mr. *Sibley* went, at length, into a speech (to be reported hereafter) in defence of the bill, and in very severe reprobation of the position taken by his colleague (Mr. *Cambreleng*) in opposition to works upon the streams and harbors of his own state, and for the protection of that very internal commerce by which the wealth and prosperity of his own city had been so largely augmented. It was most strange that every work for the improvement of the interior of New York should be opposed by a certain political clique in the city of New York. But it had ever been so, from the first proposal of the Erie canal down to this hour.

The question being now put on the amendment proposed by Mr. *Lyons*, to remove an obstruction in the harbor of Mobile, it was agreed to. Another amendment, offered and urged by Mr. *Sherrod Williams*, for an appropriation of \$20,000 for the improvement of the navigation of the Cumberland river above Nashville, was agreed to: Ayes 66, noes 62.

Mr. *J. L. Williams* offered the following amendment:

"To improve that portion of the Tennessee and Holston rivers which was surveyed by col. S. H. Long, of the U. S. topographical corps, in the year 1832, and for the completion of the improvements already begun, under said survey, \$50,000."

This motion was negatived.

Besides which a great variety of amendments were proposed in committee, for form sake, and rejected: when the committee rose, and reported the bill and amendments, and

The house, at half past ten o'clock, adjourned.

Tuesday, July 3. Mr. *Adams*, who had the floor, yielded to accommodate Mr. *Slade*, who offered a resolution, which was agreed to, as follows:

Resolved, That the committee on so much of the president's message as relates to a national foundry be instructed to inquire into the expediency of establishing such foundry at the city of Vergennes, in the state of Vermont.

Mr. *Naylor* wished to make a motion that 3,000 extra copies of the report respecting the construction of the frigate *Fulton* be printed. Leave refused. Mr. *Keim* inquired whether the select committee on a national foundry expected to report this session? To which inquiry Mr. *Parker* replied in the negative. Mr. *Garland*, of Louisiana, had a correction made in the journal.

Mr. *Goode* made an effort to get the committee of the whole discharged from the house bill No. 592, to enable the United States to bring into market the alternate sections of land granted for aiding the Erie and Wabash canal.

But objection was made, and longer time was refused, at the suggestion of Mr. *Howard*, that Mr. *Adams* be permitted to proceed, else there might be no time or opportunity for a reply to his argument.

Mr. *Adams* then resumed the floor, and proceeded in his constitutional argument against the admission of Texas into the Union. He continued to speak until after the expiration of the morning hour, without concluding.

Several senate bills were read and referred.

A bill to establish a pension agency at Decatur, Alabama, was read a third time and passed.

The bill from the senate to repeal the deposit act of 1836 having been read, Mr. *Cambreleng* delivered a speech in its favor, contending that the law of 1836 was in its operation a nullity, and that the true issue was between this bill and a bank of the United States. Mr. *Menefee*, Mr. *Legare*, and Mr. *Wise* spoke earnestly against the bill, and in reply to Mr. *Cambreleng*.

Mr. *Legare* moved that the bill be referred to the committee of ways and means, and printed for information. Mr. *Cushman* inquired of the chair, if the previous question should be carried, what the main question would be? The *Chair* replied it would be on the engrossment of the bill. Mr. *Cushman* then moved the previous question. Mr. *Curtis* moved a call of the house; which motion prevailing, the house was called. After which, absentees were called. The doors were then closed, and excuses received. Next, the officers of the house were directed, informally, to wait on absent members and invite their attendance. Mr. *Harlan* moved to suspend further proceedings in the call; but the house refused to do so.

The motion was renewed; the yeas and nays were ordered; when the motion was withdrawn. After some time, it was renewed again; and the yeas and nays were ordered and taken, and resulted as follows: Yeas 164, nays 45. So the call was suspended; and the doors were thrown open.

The question was then taken on seconding the call for the previous question; when the yeas were 97, the noes 105; so the call was not seconded by the requisite majority; the house thereby refusing to order the bill to its engrossment at this time.

Mr. *Duncan* then addressed the house till the expiration of the morning sitting, without concluding his remarks.

EVENING SESSION.

Mr. *Duncan* resumed, and continued his remarks in favor of the bill from the senate, to repeal the deposit act of 1836, pending the motion to refer, which was under consideration before the recess. Mr. *Duncan* had made some progress in his remarks, when Mr. *Rencher* rose to order and asked the chair if, under the motion to refer, it was competent to go into the discussion of the merits.

The *Chair* said certainly not; and that, if the point were insisted on, he should be obliged to restrain the debate to the particular question. The motion was to refer and print, and within a few days the chair had found it difficult, on a similar motion, to restrict the debate within proper limits.

Mr. *Duncan* proceeded to discuss the bill at large and having proceeded nearly an hour longer, was commenting upon the course pursued by the Bank of the United States of Pennsylvania in financial affairs, when the *Chair* called him to order, as straying widely from the question under consideration. Mr. *Duncan* again proceeded. After about half an hour he was called to order by Mr. *Harlan*, for commenting upon the contents of a speech of Mr. *Bell*, delivered some time since in Tennessee. Mr. *Duncan* again resumed, and was proceeding to illustrate one of his arguments by an allusion to the earth's rotation, and that of the sun, when the *Chair* said he was entirely unable to see the relevancy of the gentleman's remarks to the question under discussion. Mr. *Duncan* said he would show its relevancy; and proceeded with his astronomical illustrations, and soon closed his remarks. Mr. *Legare* withdrew his motion to refer and print, and moved to strike out the second section.

Mr. *Robertson*, said, understanding the motion before the house to be that made by the gentleman from S. Carolina, (Mr. *Legare*), he should move to add specific instructions; and Mr. R. then read

the instructions, in substance, requiring the committee to report a bill providing for special deposits, and repealing all existing laws prohibiting the receipt of the notes of banks issuing notes of less denomination than five dollars, or forbidding such banks to be used as depositories of the public money.

Mr. R. said he would prefer to have the question taken on Mr. Legare's proposition first; but it was his intention, after that, to move these instructions. He then proceeded to support the pending proposition and his own. He had desired before this late period of the session to give the grounds of his preference for the measure indicated in his motion over either of the other measures, which had their friends and supporters in this house. The sub-treasury scheme had failed. The national bank was unattainable. The state deposit system had not answered its purpose. And he thought that the present was a good opportunity to establish the special deposit plan.

He argued to show the inconsistency of the administration party's opposing this scheme, after the recommendation it had received at the hands of the executive, and expressed his surprise that any member of that party should be willing to go home to his constituents, without doing something for the keeping and disbursement of the revenue. Mr. R. said he should, at a proper time, urge the house to vote on his proposition.

Mr. Tillinghast thought it impossible that the house should decide to separate without restoring the public money to the protection of the laws, in some form or other. He intimated his intention of offering an amendment, after a vote shall have been taken on those of Messrs. Robertson and Legare. If the house did not engraft their action as to the keeping of the finances in this bill, it would be too late to do any thing hereafter, this session, this being a senate bill.

He hoped the previous question would not be moved upon so important a measure as this, until a vote could be taken on these propositions to amend.

Mr. Tillinghast's proposed amendment was then read as follows:

Strike out all after the enacting clause, and insert the following, viz:

"That so much of the act of June twenty-third, one thousand eight hundred and thirty six, entitled 'An act to regulate the deposits of the public money,' as prohibits the receipt of the notes or bills of specie-paying banks which have issued, since the fourth of July, one thousand eight hundred and thirty-six, notes or bills of a less denomination than five dollars; be, and the same is hereby, repealed.

"Sec. 2 And be it further enacted, That, until other provision shall be made by law, it shall be lawful for the secretary of the treasury to select and employ, as depositories of the public money, according to the provisions of said act, any legally established bank which shall redeem its notes and bills on demand in specie, notwithstanding it may, since the fourth of July, one thousand eight hundred and thirty-six, have issued or paid out bills of a less denomination than five dollars.

"S-c. 3. And be it further enacted, That the operation of the second section of the act of April fourteen, one thousand eight hundred and thirty-six, entitled 'An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year one thousand eight hundred and thirty-six,' be, and the same is hereby, suspended until further order of congress."

Mr. Grant said he was sorry he could not accommodate the gentleman from Rhode Island; but he thought all would agree that debate would not be of avail at this stage of the session. He should, therefore, move the previous question. Mr. Potts demanded a call of the house; which was ordered; and the roll having been called twice, and once for excuses, there were found to be thirty members absent. Mr. Whittlesey suggested that the officers notify members of the call, and request their attendance, and that they be admitted when they arrive. During the intermission that succeeded, Mr. Boon moved to suspend further proceedings under the call. Mr. Gray called for the yeas and nays. Ordered. Mr. Boon withdrew his motion. Mr. Garland, of Louisiana, suggested that this would be a good time for any member who intends to offer a speech to the house to speak. [A laugh.] The Chair said that that would not be regular. Mr. Garland said that the rules might be suspended, perhaps, to accommodate gentlemen so inclined. The Chair remarked that the previous question could not be suspended. Mr. Garland said it might be done by general consent. Mr. Cambreleng said he should object. Nobody wanted to hear any more speaking, he presumed.

All the absentees (not excused) having returned, excepting twenty,

Mr. Fillmore moved to suspend the further proceedings under the call; the yeas and nays having been ordered, he withdrew the motion; which was immediately renewed by Mr. Cambreleng, who said there could not be any doubt how this question would be decided, and he therefore moved to suspend all further proceedings under the call; and on this he asked the yeas and nays; which were ordered. And the house decided to suspend the proceedings under the call as follows: Yeas 186, nays 63. Mr. Garland, of Virginia, made an appeal to Mr. Grant to withdraw the motion for the previous question, in order that the question be taken on the amendments without debate. Mr. Grant withdrew the motion. Messrs. Gray and Davee simultaneously rose, and renewed the same. On seconding the demand for the previous question, the division was: Ayes 96, noes 102.

So there was no second. The question recurring on the proposition of Mr. Legare to strike out the second section of the bill, Mr. Menefee demanded the yeas and nays, which, being ordered, resulted as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, John W. Allen, Ayerigg, Bell, Biddle, Bond, Borden, Briggs, W. B. Calhoun, J. Calhoun, J. Campbell, Carter, Casey, Chambers, Chaney, Chestnut, Chilis, Clark, Corwin, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davies, Deberry, Dennis, Dunn, Edwards, Evans, Everett, Ewing, R. Fletcher, Fillmore, James Garland, Rice Garland, Goode, James Graham, Win. Graham, Grantland, Graves, Grennell, Griffin, Hall, Hamer, Harlan, Harper, Hastings, Hawes, Henry, Herod, Hoffman, Hopkins, R. M. T. Hunter, Jenifer, Kennedy, Kilgore, Legare, Lincoln, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Maury, Maxwell, McKennan, Menefee, Mercer, Milligan, Mitchell, C. Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Pope, Potts, S. S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Russell, Sergeant, A. H. Shepperd, Charles Shepard, Shields, Sibley, Slade, Southgate, Stanly, Stuart, Stratton, Taliaferro, Thompson, Tillinghast, Toland, Underwood, A. S. White, J. White, E. Whittlesey, L. Williams, S. Williams, Jos. L. Williams, Chris. H. Williams, Wise, Word, Yorke—119.

NAYS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Boone, Bouldin, Brodhead, Bronson, Buchanan, Bynum, Cambreleng, Chapman, Cleveland, Coles, Connor, Craig, Crary, Cushman, Davee, DeGraff, Dromgoole, Duncan, Elmore, Farrington, Fairfield, J. Fletcher, Foster, Fry, Gallup, Glascock, Grant, Gray, Haley, Hammonnd, Harrison, Hawkins, Haynes, Holt, Howard, Hubley, W. H. Hunter, Ingham, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Krim, Kemble, Klingensmith, Leadbetter, Lewis, Logan, Loomis, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Montgomery, Moore, S. W. Morris, Noble, Owens, Palmer, Parker, Parmenter, Paris, Paynter, Pennybacker, Petrikon, Phelps, Plumer, Potter, J. H. Prentiss, Reily, Rhett, Richardson, Rives, Sawyer, Sheiler, Snyder, Spencer, Taylor, Thomas, Titus, Toucy, Towns, Turney, Vail, Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—101.

So the amendment of Mr. Legare was adopted. Mr. Curtis moved to amend the bill as follows: "And be it further enacted, That it shall be lawful for the secretary of the treasury, hereafter, to select and employ as depositories of the public money, according to the provisions of the act of June 23, 1836, entitled 'An act to regulate the deposits of the public money,' any bank which shall redeem its notes and bills, on demand, in specie, notwithstanding it may have, since the 4th of July, 1836, issued or paid out bills of a less denomination than five dollars. That the operation of the second section of the act of April 14, 1836, entitled 'An act making appropriations for the payment of revolutionary and other pensioners of the United States for the year 1836, be, and the same is hereby, suspended until further order of congress.'"

Mr. Connor then moved the previous question, the main question being on the passage of the bill as amended.

The division on seconding was ayes 94, noes 104. So there was no second. [Cries of question! from every part of the house.]

Mr. Underwood was sorry to detain the house, but he thought he could modify the amendment of Mr. Curtis, so as to answer his purposes better, and to meet the general wishes of the house. He reminded the house that the bill as it stood only took off the obnoxious interdiction upon the deposit banks until October, after which it would go on again. Now his object was to have that interdiction

taken on along ther. He would therefore propose the following amendment:

Strike out all after the enacting clause, and insert:

"That the fifth section of an act, entitled 'An act to regulate the deposits of the public money,' approved 23d of June, 1836, be, and the same is hereby, repealed: *Provided, however,* That no bank shall be selected or continued as a place of deposit of the public money, which shall not redeem its notes and bills on demand in specie.

Be it further enacted, &c., That so much of the second section of an act entitled 'an act making appropriations for the payment of the revolutionary and other pensioners of the United States for the year 1836, approved April 14, 1836, as prohibits the offering, in payment to the creditors of the United States, bank notes of less denomination than ten and twenty dollars, be, and the same is hereby repealed."

The Chair. The amendment of the gentleman from New York (Mr. Curtis) has precedence. Mr. Clark would send to the chair an amendment, which, he trusted, would prove acceptable, as a modification, to his colleague, viz:

"Insert in Mr. Curtis' amendment, after the words 'five dollars' the following: *Provided, however,* That this provision shall not extend to any bank which shall issue or pay out any note or bill of less denomination than five dollars after the 4th of July, 1839." Mr. Curtis preferred his own, but would agree to the modification proposed. Mr. Bronson moved to amend the amendment by striking out the words "until the further order of congress," and inserting "for two years." Mr. Rives moved to commit the bill with instructions so to amend the same as to dispense with the agency or instrumentality of banks in the fiscal operations of the government. After some conversation between Messrs. Rives and Robertson, cries of question were most vociferously reiterated; and the yeas and nays being ordered, the motion of Mr. Rives was rejected by the following vote: Yeas 97, Nays 113. The question then recurred on Mr. Bronson's amendment, which he withdrew.

The question then recurred on Mr. Curtis' amendment, which Mr. Craig moved to amend so as to provide that no bank should be employed, as contemplated by the amendment, which does not keep on hand one dollar in specie for every three of its liabilities. The yeas and nays were ordered.

Mr. Boon said that this day had been spent in talking and voting upon a matter dead, buried, signed, sealed, and delivered. Nothing but the respect he had for the house prevented him from speaking two or three hours, as others had done before, on matters and things in general. If members would vote and not talk, he would forego that purpose.

[Cries of go on! go on! agreed! agreed! question! &c.]

Mr. Boon. Sir, I will not impose upon the house. [Loud laughter.]

The question was then taken on the amendment of Mr. Craig, which was rejected by the following vote: Yeas 86, nays 114.

Mr. Parris offered an amendment, providing that no bank be chosen as a depository of public money, which has not one dollar in specie to every three of its circulation. Mr. Campbell, of South Carolina, moved to commit the bill to the committee of ways and means, with instructions to report an amendment, providing that the public deposits be not used for banking purposes. The yeas and nays were ordered on this motion.

Mr. Stuart called for a division; and the first question was put upon the recommitment, and decided in the negative as follows: Yeas 97, nays 111.

And the second branch of the proposition fell of course. And the question recurred on the motion of Mr. Parris, who so modified his motion as to provide that every deposit bank should have one dollar in specie for every five of its liabilities. Pending this,

Mr. Foster moved to commit the bill to the committee of ways and means, with instructions to report a bill for the collection, safe-keeping, and disbursement of the public revenue, so as to dispense with the use of banks as depositories thereof. Some conversation arising as to the identity of this proposition and that already acted on, on motion of Mr. Campbell, (the chair inclining to the opinion that they were not identical,) Mr. Hopkins demanded the previous question. On seconding, ayes 66, noes gave it up. The Chair then decided that the last proposition was identical with the one already decided, and the question recurred upon the motion of Mr. Parris. Mr. Bell said that it was very apparent that the sense of the house was in favor of removing the disabilities incurred by the banks under the act of 1836. He deprecated such

equivalent motions to amend and to commit as tend only to defeat the bill. In this view, however proper, many of these amendments doubtless might be, and how much soever inclined to vote for them members might be, if time were given to digest a complete system, he hoped that, under the circumstances, all such motions would continue to be voted down, members not committing themselves thereby against the principles thereof.

Mr. Parris' amendment being then under consideration, Mr. Campbell, of South Carolina, proposed an amendment thereto, (which the mover accepted as a modification,) providing that the public money be not used for banking purposes. Mr. *Utterton* called for a division of the question. And yeas and nays having been ordered, the question was taken on the first clause of the amendment, and was decided in the negative by the following vote: Yeas 91, nays 101.

The question recurring on the second clause of the amendment, it was decided in the affirmative by the following vote: Yeas 101, nays 101.

The Chair voted in the affirmative; so the proviso was adopted.

Mr. R. Garland moved to amend the amendment by adding the following proviso:

"Provided no bank shall be selected as a depository which shall not keep in its vaults an amount of specie which, together with the balance of all its accounts with specie paying banks, shall be equal to one-fifth of the amount of its notes and bills in circulation and its public and private deposits."

Mr. G. asked the yeas and nays; which were ordered. Mr. Wise sustained this amendment, as being the true one to be adopted. Mr. Bell thought unimportant whether this amendment were adopted or not, inasmuch as by the vote just taken the bill had been made a special deposit bill. With a full house, this measure, as it now stands, he thought, could not be carried through. Mr. *Unwin* said that the casting vote of the speaker had placed the house in a dilemma, which would render the further session of the house this night more than useless. He moved that the house do now adjourn. [A quarter before 10 o'clock.] Mr. Grant demanded the yeas and nays; not ordered. Mr. Bronson demanded tellers; ordered; and by a vote of 102 yeas, noes not counted, the house then adjourned.

Wednesday, July 4. Mr. Cambreleng, from the committee of ways and means, reported against senate bills for the relief of Francis Newman, late collector of internal revenues and direct taxes in Maryland; and an act supplementary to the act entitled "An act to establish branches of the mint of the United States," approved March 3, 1835. Mr. C. also reported without amendment senate bill to authorize the sale of certain lands belonging to the United States.

The Speaker laid before the house a letter from the secretary of the treasury, transmitting a report of F. R. Hassler, esq. superintendent of the work on the fabrication of standard weights and measures.

Also, a letter from the secretary of war, transmitting copies of the correspondence between the department and major general Scott, in relation to the removal of the Cherokee Indians, as required by a resolution of the house of representatives of the 25th ult.

On motion of Mr. Cambreleng, the committee of ways and means had leave to sit during the sessions of the house. Mr. Cambreleng reminded the house that to-morrow was the last day on which bills originating there could be sent to the senate. He hoped the house would act on the appropriation bills, before that body, before that time.

Mr. Prentiss, of Mississippi, rose to make a privileged motion, and said he claimed, as an act of mere justice to those concerned, that the reports and evidence of the duel committee be printed before the adjournment. He was authorized to ask this at the hands of the house by the parties concerned.

The Chair said that debate could not be had without a motion made. Mr. Prentiss repeated that, in the name of the parties concerned, he challenged action on this report and resolution. Mr. Cushman rose to order. No question was before the house. Mr. Prentiss then moved that the house take up and consider the report and resolution of the duel committee. Mr. Gray moved to lay the motion on the table. Mr. Wise inquired if this could not be, at any time, a privileged motion? He wanted action, so far as he was concerned, upon this question. And he would give the house warning that he had waited patiently. The Chair. Debate under the motion to lay on the table, is not in order. Mr. Wise. I know that, but I hope the leniency of my situation will be my apology with the house for saying that—Mr. Gray rose to order. Mr. Wise said he never expected justice at the

hands of this house in connexion with this subject. [Great cries of order!] The yeas and nays on the motion of Mr. Prentiss were asked, but not ordered. Mr. Gray's motion to lay Mr. P's motion on the table prevailed. Mr. Adams was then about to proceed in continuation of the Texas discussion, when Mr. Wise asked the house at least to do him the justice to print the reports and evidence before they should finally separate.

Mr. Adams occupied the remainder of the morning hour in the continuation of his remarks upon the annexation of Texas.

Mr. Biddle moved a suspension of the rules, to take up the senate bill relating to steamboat boilers. He asked the yeas and nays, but the house did not order them. The motion to suspend the rules did not prevail.

Mr. Thompson asked leave to propound a question to the gentleman from Massachusetts, (Mr. Adams.) Objection being made. Mr. Thompson said his object was to ask that gentleman if it was his intention to occupy the morning hour for the remainder of the session on the Texas question, thus precluding all chance of a reply. Several bills were taken up and acted on from the table.

Mr. Grennell rose and asked permission of the house, at this time, to move that the committee of the whole be discharged from the consideration of the senate bill against duelling, and that the bill be brought into the house for its action thereon. Objection being made, Mr. G. said that he acted from a strong sense of duty in making this request, having been instructed by the legislature of his state to bring this subject before the house for distinct action. He moved to suspend the rules, for the purpose of enabling him to make the motion he had intimated a wish to offer. Mr. Phillips demanded the yeas and nays. Not ordered. The motion to suspend the rules for the purpose stated was negatived without a division.

Mr. Harlan asked leave to make a report from the committee on private land claims. Refused.

The unfinished business was then taken up, pending a motion of Mr. Rice Garland to amend the amendment offered by Mr. Curtis, proposing to add a second section to the bill, (the second section as it came from the senate having been stricken out last evening.) and Mr. Grant moved the previous question on the engrossment and third reading of the bill as thus amended. Mr. Petrikin called for tellers on the second. Ordered. The division was yeas 119, noes 39. So there was a second. Shall the main question be now put? Mr. Robertson asked the yeas and nays. Refused. The main question was ordered to be put, shall the bill be read a third time? Mr. Dringdale asked for the yeas and nays. Ordered. And the house decided the question in the affirmative, as follows:

YEAS—Messrs. Adams, Alexander, H. Allen, J. W. Allen, Anderson, Andrews, Averigg, Banks, Beirne, B-H, Bicknell, Biddle, Birdsall, Bond, Boon, Borden, Briggs, Brodhead, W. B. Calhoun, J. Calhoun, Cambreleng, W. B. Campbell, J. Campbell, Carter, Casey, Chambers, Chaney, Chapman, Cheatham, Childs, Clark, Cleveland, Coles, Connor, Corwin, Crary, Cranston, Crockett, Curtis, Cushing, Darlington, Dawson, Davee, Davies, Deberry, D-Graff, Dennis, Dunn, Edwards, Evans, Everett, Ewing, Farrington, Fairfield, R. Fletcher, I. Fletcher, Fillmore, Foster, Gallup, J. Garland, R. Garland, Glascock, Goode, J. Graham, William Graham, Grantland, Grant, Graves, Gray, Grennell, Haley, Hall, Hammond, Hamer, Harlan, Harper, Hastings, Hawes, Haynes, Henry, Herod, Hoffman, Holsey, Hopkins, Howard, R. M. T. Hunter, Ingham, T. B. Jackson, Jenifer, H. Johnson, Joseph Johnson, N. Jones, J. W. Jones, Kemble, Kennedy, Kilgore, Legare, Leadbetter, Lewis, Lincoln, Loomis, Lyon, Mallory, Marvin, J. M. Mason, S. Mason, Martin, Maury, Maxwell, R. McClellan, A. McClellan, McClure, McKennan, Menefee, Mercer, Milligan, Miller, Mitchell, Montgomery, C. Morris, Naylor, Noyes, Ogle, Palmer, Parker, Parmenter, Parris, Patterson, Pearce, Peck, Pennybacker, Phelps, Pope, Potts, J. H. Prentiss, S. S. Prentiss, Rariden, Randolph, Reed, Rencher, Ridgway, Robertson, Robinson, Rumsey, Sergeant, A. H. Shepperd, C. Shepard, Shields, Sibley, Slade, Southgate, Spencer, Stanley, Stuart, Stone, Stratton, Taliaferro, Taylor, Thompson, Tillinghast, Titus, Toland, Underwood, Vail, Vanderveer, Weeks, A. S. White, J. White, E. Whittlesey, T. T. Whittlesey, L. Williams, S. Williams, J. L. Williams, C. H. Williams, Wise, Word, Worthington, York—179.

NAYS—Messrs. Atherton, Beatty, Buchanan, Bynum, Cushman, Dromgole, Elmore, Fry, Griffin, Hawkins, Hubley, Wm. H. Hunter, Keim, Klingensmith, Logan, McKay, Moore, Noble, Paynter, Petrikin, Plumer, Potter, Reily, Richard-

son, Rives, Shetler, Snyder, Thomas, Turney, Wagener, Webster, J. W. Williams, Yell—83.

So the bill was ordered to be read a third time. The bill was then read a third time, and the question recurred, Shall this bill pass?

Mr. Campbell of South Carolina moved to commit the bill to the committee of ways and means, with certain instructions. Mr. C. sustained his proposition in a few remarks, and asked the yeas and nays thereon. Mr. Grant moved the previous question, which was seconded, (yeas 104, noes given up;) and the question recurred, Shall the main question be now put? Mr. Martin demanded the yeas and nays. Lost.

The main question was ordered, being, Shall the bill pass? Mr. Murray asked the yeas and nays. Ordered. The question was decided in the affirmative by the following vote: Yeas 178, nays 31.

So the bill, as amended, was passed, and was then returned to the senate for concurrence in the amendment of the house: [the second section stricken out.]

Mr. Robertson asked leave to offer the following resolutions of inquiry:

Resolved, That the president of the United States be requested to communicate to this house, on the first day of the next session, all the information not heretofore communicated, now in possession of the executive, or which may be procured before that time, touching undue attempts or practices, if any, since the 29th May, 1830, to keep down the price of the public lands, or prevent purchases or entries thereof, at public or private sale, by force, threats, or fraud, and the measures taken since the date aforesaid to prevent, defeat, or punish such fraudulent practices, and illegal entries upon the public lands.

Resolved, That the secretary of the treasury prepare and lay before this house, on the first day of the next session, a statement of all grants and donations of public lands, or of the proceeds of sales thereof, to the states, by the United States distinguishing the amount made to each, and the purposes and considerations upon which made; and accompanying the said statement with an estimate of the amount to which each state would be entitled of similar grants and donations, according to the proportions specified in the several deeds of cession from the several states to the United States.

Secondly. A statement of the whole quantity of public lands now surveyed, and an estimate of the quantity unsurveyed—distinguishing each, and where situated; and accompanying the same with separate plans for dividing the said lands, and the proceeds of sales thereof, among the states, in the proportions aforesaid, on such conditions as to the time and manner of division and sale, graduation, reduction of price, and reservation of title in the United States, and final disposition, as may be best calculated to effect the objects of this resolution, in conformity with the original compacts entered into between the several states and the United States relating to the said lands.

Thirdly. A plan for reorganizing the land system on such principles as will best secure the public against loss from illegal entries, frauds, &c. pointing out the defects or advantages of the present system, more particularly in reference to pre-emption and sales at public auction; and in general suggesting such alterations as experience may have shown to be necessary.

Objection being made, Mr. Robertson moved that the rules be suspended, and he asked for the yeas and nays; which were not ordered. The motion to suspend was lost.

The house then took up the harbor bill, as reported by the committee of the whole with certain amendments.

Sundry amendments of the committee of the whole were taken up and read, and the question was about to be taken on the same, when

Mr. Cambreleng rose and laid before the house a statement of the sums of money already appropriated for the current year, in order that the house might judge of the expediency of making any more appropriations. The sum of these he made out to be \$26,000,000, which will be increased to \$34,000,000 by other bills yet to be passed: of these, \$13,000,000 were for extraordinary purposes. Mr. Elmore asked what resources there were to meet that expenditure? Mr. Cambreleng stated he had no doubt that the income of the year 1838 would be about that sum. It depended upon some contingencies, however; among which were the uncertainty of the proceeds of the sales of public lands; and the purchase, by the bank of the United States of Pennsylvania of the new issue of treasury notes, for the purpose of embarrassing the government. Mr. Sergeant rose, but yielded the floor to his colleague, Mr. Petrikin, who moved the previous ques-

tion. Mr. *Sergeant* asked him to withdraw this motion, as he had yielded the floor only for an explanation. Mr. *Pettkin* refused. The call for the previous question was not sustained by the house. Mr. *Sergeant* commented upon the fact that (however proper it might be to bring up a statement of the financial situation of the country at proper times) it was always against the harbor bill. Mr. *Cambreleg* did not mean to oppose that statement to the amendments to the particular bill under consideration, actually pending. Mr. *Sergeant* made some remarks by way of showing the importance of the provisions of the bill under consideration. He also replied to Mr. *Cambreleg's* allusion to the bank of the United States of Pennsylvania. He denied that that institution had acted with such motives as had been imputed to it by the gentlemen from New York. (Mr. *Cambreleg*.) By the purchase of the treasury notes no injury, but, on the contrary, benefit, was done to the government.

Mr. *Cambreleg* was responding, in allusion to the affairs of the Bank of the United States, when Messrs. *Sibley* and *Grant* rose, nearly simultaneously, to order, and asked what relevancy there was in this discussion to the actual question before the house? Mr. *Cambreleg* made some further remarks, in the same strain, and was followed by

Mr. *Thompson*, who had a word to say about these treasury notes. He never would allow any opportunity to pass without giving a blow to that flagrant and dangerous violation of the constitution. We were told, (said Mr. T.) when that measure was under discussion, that it was better than a loan, because it would be more speedily paid; and now the chairman of the committee of ways and means deprecates as an evil that they will be so soon presented for payment, and regards it as almost a crime in the United States Bank to collect them for the purpose of being presented for payment. How long, sir, will the American people submit to such inconsistency, trickery, and humbug? I am informed that brokers are employed by the secretary of the treasury to sell these treasury notes to the banks, with an express understanding that, as they bear bank interest, the banks are to keep them, and not throw them into circulation; and I do not doubt that they are paid by the banks, in whole or in part, in what the government call bank rags; yes, sir, your notes drawing six per cent. interest, paid for in bank rags which bear none; and this is your hard-money government! If not, and they are paid for in specie, the government is conniving at and abetting that which they so much denounce—the banks paying out their specie, whilst they refuse to redeem their notes. If the government pays specie to its northern creditors, it does not to its southern creditors. I know the fact that the supplies and expenses of the army in the Cherokee country are paid in bank notes. There are nearly as many brokers and bank agents in that country as there are soldiers. They go to your contractors and agents and say to them, you have no money; every body will receive our bank notes; we will advance to you; pay us interest, and give us a draft on the government at Washington. It is done. The money bears interest until it is paid by treasury notes. The broker deposits these notes in New York, and sells drafts to the merchants at from 8 to 20 per cent. Who pays this? Why, the customers of these merchants. Princely fortunes are now making by this process; and this is your hard-money government; and this is the policy by which the southern people are to be deluded and humbugged into the belief that the south is to be benefited. Would you dare to commit such gross and wanton extravagance if you had to go before the people and tax them for the money? No, sir, you would not. An appropriation of thirty-four millions, with not a dollar in the treasury, and no hopes of getting any! A fit commentary on your treasury note system.

Several amendments adopted in committee of the whole, to which there was no objection, were then adopted by the house.

The amendment, striking out an appropriation of \$8,000 for the continuation of the pier at Kenne-bunk, in Maine, came up in order, and

Mr. *Fairfield* made some statements, going to show that this was an important and necessary appropriation. He hoped the amendment would not prevail. Mr. *Evans* stated that it had been on his motion that this clause had been stricken out in committee. He had done so because his attention had been drawn to it by a correspondent from the neighbourhood, a respectable and intelligent man. He had received other letters to the same effect. The work had been delayed, and little or nothing had been done about it. He had thought it proper, therefore, that the appropriations should be withheld until some examination should be had. Appropriations, he was informed, had already been made sufficient to finish the work. He

made several other statements, corroborating those already given. He showed, too, that the appropriations already made by congress for this purpose had not been expended as directed by the law. Mr. *Fairfield* made a brief rejoinder, principally going to deprecate the evidence upon which his colleague had based his opposition to this appropriation. Mr. *Grant* passed some strictures upon the course pursued against this bill by his colleague, (Mr. *Cambreleg*.) and moved the previous question—(engrossing the bill.)

On the question of seconding, the division, by tellers, was: Ayes 82, noes 48. So there was a second. Mr. *Robertson* moved that the bill do lie on the table. Mr. *E. Whittlesey* asked for the yeas and nays. Ordered. Pending this motion, Mr. *Mallory* moved that the house do now adjourn. (It was now two minutes before two, the hour for recess; and the effect of this motion was to adjourn till to-morrow.) Mr. *Sherrod Williams* rose to a point of order? The *Speaker*. The gentleman rises probably to occupy the two minutes before the hour fixed for recess. [A general laugh.] Mr. *Sherrod Williams*. Is it not a standing rule of the house to take a recess at two o'clock? The *Speaker* answered in the affirmative; and then declared that there was no question of order before the house. Mr. *Williams* resumed his seat, and the question on adjournment was then taken by yeas and nays, and decided in the negative by the following vote: Yeas 35, nays 123. So the house refused to adjourn.

The hour (fixed by the order) having passed, the house took the usual recess.

EVENING SESSION.

The house met after recess, when a motion was made to adjourn. The house refused, yeas 15, noes, 79; no quorum voting. But a large quorum soon appearing, the house proceeded to take up the harbor bill. On this bill the motion pending was a call for the previous question. A motion was made to lay the bill on the table, but negatived by yeas and nays: Yeas 58, nays 96. The previous question was then put and carried; and the question being on ordering the bill to its engrossment for a third reading, Mr. *Martin* asked the yeas and nays; which were ordered, and, being taken, resulted as follows: Yeas 104, nays 74. So the bill was ordered to its third reading. It was immediately read a third time; when Mr. *Martin*, of Alabama, moved to recommit it to the committee of ways and means, with instructions to examine each item, and to strike out such as they should disapprove.

In support of this motion, Mr. M. urged that the committee of ways and means had reported the bill in the routine of business, although a majority of the committee were opposed to it, and though the committee had never gone through an examination of the items of appropriation contained in it. In illustration of this, he referred to an item for a pier in the harbor of Kenne-bunk, concerning which the two gentlemen from Maine (Messrs. *Fairfield* and *Evans*) had differed so widely as to the facts.

(Here a by debate of much earnestness, and occasionally productive of not a little amusement to the house, took place between those gentlemen about the disputed piers, old and new, in Kenne-bunk harbor, and to which of them the public money had been applied.)

Mr. *Martin*, who had yielded the floor for this colloquy, resumed it, and completed his remarks in support of his motion. Mr. *Grant*, in vindication of the committee of ways and means, stated that several members of that committee had examined the bill, and every item in it. He then moved the previous question, which was seconded: Ayes 89, noes 45. Mr. *Williams*, of Tennessee, moved a call of the house; which was refused: Ayes 43, noes not counted. Mr. *Stuart*, of Virginia, moved to adjourn. Negatived. The previous question was then put and carried; and the main question being on the passage of the bill, it was carried by the yeas and nays: Yeas 108, nays 81. So the harbor bill was passed.

Mr. *Williams*, of Ten. moved a reconsideration of the vote. Mr. *Robinson* moved to lay this motion on the table: Lost. Mr. *Foster* thereupon moved the previous question, which was seconded, put, and carried; and the main question being on re-considering, it was negatived without a count. So the house refused to reconsider the vote on the passage of the bill.

A message, accompanied with numerous documents, was received from the president of the United States, in reference to our relations with Mexico, communicated in answer to a call of Mr. *Everett* some months ago.

Mr. *Howard*, referring to the great bulk of the bundles of documents, and expressing the opinion that very few of them were of any consequence,

moved that they be referred to a committee, to select from among them such as it would be proper to print. Mr. *Adams* opposed this motion, and hoped that the whole would be printed. The communications were of the utmost importance; for on these documents would probably turn the question of peace or war with Mexico. He moved that the message and documents be laid on the table and printed. He hoped they would not be referred to the committee on foreign affairs, because it appeared that the chairman of that committee knew so much about these documents that he did not want to have them printed. For that very reason Mr. A. was anxious for the printing. Mr. *Yell* called for the reading of the documents; but did not press his motion. On motion of Mr. *Dromgoole*, the motion of Mr. *Adams* was divided, and the question first taken on laying on the table; which was agreed to.

The question then recurring on the printing, Mr. *Dromgoole* said the committee had acted on the subject of our relations with Mexico, and that the chairman had been instructed to make a report, which he would doubtless do on the first opportunity. Mr. *Howard* demanded the yeas and nays; but withdrew his motion; which was immediately renewed by Mr. *Adams*. Mr. *Everett* supported the motion to print. Mr. *Robertson*, of Va., moved to lay the motion to print upon the table. On this Mr. *Reed* demanded the yeas and nays; which were ordered; and being taken, resulted: Yeas 103, nays 80. So the motion to print was laid on the table.

The bill to guard against explosions on board of steamboats was then taken up, read a third time, and passed.

Mr. *Sibley* made an effort, but without success, to get up the bill respecting district courts in the state of New York. Mr. *Curtis* moved to go into committee of the whole on the state of the union, with a view to take up a bill he named; but the house refused the motion.

A bill to employ boys in the merchant service was laid on the table.

As was also a bill to revive an act enabling certain settlers in Louisiana to enter back lands. Mr. *Mercer* moved to adjourn. Negatived.

A bill respecting the tenure of office by subordinate officers of the government, was laid on the table.

A joint resolution, authorizing the commissioner to lease certain lands of the government, for the culture of the mulberry and the sugar beet, was slightly amended by Mr. *Lincoln*; and then read a third time and passed.

The post office bill was then taken up; the amendments reported from the committee of the whole were concurred in; and the question being on ordering the bill to its third reading, Mr. *Underwood* moved to amend one of the post routes, which was agreed to.

Mr. *Hopkins* moved to reconsider the vote of concurrence in the amendments from the committee of the whole, with a view to move an amendment reinstating the express mail.

A letter from Amos Kendall was read, when Mr. *Harlan* moved the previous question, which was seconded, put, and carried; and the main question being on the reconsideration, it was decided in the negative: Yeas 27, nays 105.

So the house refused to reconsider.

Mr. *Harlan* now moved the previous question (the main question being on ordering the bill to its engrossment.) It was seconded, put, and carried, and the bill was ordered to its third reading, and read a third time.

The question being on its passage, Mr. *Turn* earnestly advocated the restoration of the express mail, and on that subject called for the reading of another letter from the postmaster general, strongly recommending the continuance of that arrangement, which he said was a source of annual revenue to the department of \$25,000. Mr. *Harlan* opposed the measure, and moved the previous question. Mr. *Rhett* (promising to renew the motion) advocated, with earnestness, the continuance of the express mail, which he represented as a great benefit to the cotton-growers of the south. The previous question was then seconded, put, and carried, 81 to 42; and the post office bill was then passed.

Mr. *Robertson* gave notice of moving a reconsideration (as was understood) respecting the printing of the Texas documents.

And then the house at about 7 o'clock adjourned. Thursday, July 5. Mr. *Johnson*, of Louisiana, on leave from the committee on public lands, reported a bill to provide for erecting fire-proof offices for each surveying district of the public lands, and for other purposes.

Mr. J. asked leave to report some other bills: Mr. *Harrison* and Mr. *Lincoln* objected, unless Mr. *Adams* would give way for all the committees to report.

Mr. Adams then again occupied the whole time devoted to morning business, in his speech on Texas, at the end of which, he asked to be permitted to proceed.

Mr. Elmore moved a suspension of the rules for the purpose; for it must be manifest that great injustice would be done if this speech went out without some reply.

Mr. Draygoole, coincided that the grossest injustice had been done the committee on foreign affairs.

The motion was not agreed to, and Mr. Adams has the floor again for to-morrow.

The joint resolution authorizing the president of the United States to lease lands for the cultivation of the mulberry and sugar beet, was read a third time and passed.

On motion of Mr. Cambreleng, the house went into committee of the whole on the state of the union. Mr. Connor in the chair, and, on motion of the same gentleman, took up the Indian annuity bill; being the annual bill making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the Indian tribes for the year 1838.

The bill was read through at length, and some amendments moved by Messrs. Cambreleng, Eve, Bell, and Bell, being agreed to, the bill was laid aside to be reported.

The committee then took up the bill making appropriations for certain fortifications of the United States, for the year 1838.

An amendment of Mr. Legare, to increase the item for Charleston from \$100,000 to \$175,000, after some remarks from him and Mr. Elmore, was agreed to.

Mr. Bronson moved an additional item of \$3,000 for Fort Niagara; which was agreed to—78 to 48.

Mr. Johnson, of Louisiana, moved an amendment for New Orleans; which was rejected.

The bill was then laid aside to be reported.

On motion of Mr. Cambreleng, the "bill to provide for the support of the military academy for the year 1833," was next taken up.

Mr. Haynes explained its provisions.

Mr. C. H. Williams submitted as a substitute the following:

"Strike out all after the enacting clause of the bill No. 412, and insert the following: That all acts now in force, authorizing the enlistment or appointment of cadets in the military academy of the United States at West Point, in the state of New York, be, and hereby are, repealed, from and after the thirtieth day of June next; and all such cadets, now in the service or under the instruction of the United States shall be disbanded and dismissed, from and after the thirtieth day of June next.

"Sec. 2. And be it further enacted, That the secretary of war, under the direction of the president of the United States, shall, as soon as may be after the thirtieth day of June next, organize a military school of application and practice at West Point, for the improvement of the officers of the army of the United States in the application and practice, for military purposes, of the several branches of elementary, and theoretic sciences involved in the art of war; and the secretary of war shall appoint an officer as superintendent of said school, possessing competent theoretical and practical qualifications to command on parade; to instruct the officers constituting said school in all the tactics appertaining to every branch of military service; to lecture upon the theory and principles thereof; and to illustrate the practical application of the science of mathematics, topographical drawing, and engineering, to the purposes of both offensive and defensive war, including a regular course of practical illustrations of artillery service, the uses of mortars and howitzers, and the principles of gunnery generally; together with instructions, by lectures and practice, in military police, and other duties of camp and garrison service; all which instructions it shall be the duty of said superintendent to impart to said school, aided by such number of assistant and subordinate officers, who shall also be instructors of competent qualifications, as the secretary of war shall deem it expedient to appoint.

"Sec. 3. And be it further enacted, That, for the purposes of the practical instruction contemplated in the second section of this act, the officers of the army of the United States shall repair to West Point, in rotation, under such regulations, and in such numbers, as the secretary of war shall direct, with the approbation of the president of the United States, not exceeding, at any one time, one-third of the company of officers in service; and to remain at said school for such time as the secretary of war shall determine, not exceeding one year in three successive years, &c. &c. [There are several other sections of details.]

Mr. Williams addressed the house in explanation and support of the amendment; but, owing to the late stage of the session, submitted only a brief summary of what he wished to have said, reserving the right of writing out his speech at large for publication.

Mr. Haynes replied that, though he thought the whole plan of the academy ought to be revised and remodelled, yet it was now too late in the session.

The amendment was rejected, a few members rising in its favor.

Mr. Kenble moved an appropriation of \$20,000 to rebuild the structure destroyed by fire in February last, agreed to.

Mr. Cushman moved to strike out sundry appropriations, but ineffectually.

The bill was then laid aside to be reported, and, on motion of Mr. Briggs, the house took up the members' books bill.

The title of which is as follows: "A bill authorizing the purchase of certain books for distribution among the members of the house of representatives."

Mr. Cushman moved to strike out the enacting clause;

The bill was ordered to be reported.

On motion of Mr. Fillmore, the committee considered the bill to increase and regulate the terms of the circuit and district courts of New York.

The committee then rose and reported the bills acted on to the house; and, the time having arrived, The house took its recess.

EVENING SESSION.

At the meeting of the house, at 3 o'clock, several senate bills were read twice, and referred to their appropriate standing committees.

The house went into committee of the whole on the state of the union. Mr. Casey in the chair.

The question pending was the motion of Mr. Mercer to take up the new harbor bill.

Mr. Cambreleng moved that the committee rise, and report the bills already acted on.

Mr. Mercer insisted upon his motion being put, and also that a motion to rise was debatable; but the chair [Mr. Casey] deciding otherwise, Mr. M. took an appeal, which was debated for some time, when the chair was sustained.

The committee then rose—73 to 49.

The Indian annuity bill was taken up, all the amendments concurred in, and the bill ordered to a third reading, read a third time, and passed.

The fortification bill coming up,

Mr. Petrikin moved to lay the bill on the table, and asked for the yeas and nays, but they were refused; and, the motion being disagreed to, the amendments were concurred in, and the bill ordered to a third reading, read a third time, and passed.

The West Point academy bill being next in order, and the amendment of the committee of the whole having been concurred in,

Mr. C. H. Williams renewed his substitute, and asked for the yeas and nays thereon; which were ordered, and were—yeas 33, nays 106.

So the amendment was rejected,

Mr. W. then moved to lay the bill on the table; lost.

The bill was then ordered to a third reading, read a third time, and passed.

The bill to authorize the purchase of certain books for members of the house of representatives, was ordered to a third reading.

Mr. Rencher then moved to lay the bill on the table, and asked for the yeas and nays; which, being ordered, were—yeas 57, nays 99.

So the house refused to lay the bill on the table, and the bill was passed.

The bill to increase and regulate the terms of the northern district court of New York was ordered to a third reading, and then passed.

Mr. Mercer, from the committee of conference on the disagreeing votes of the two houses on the Wisconsin road bill, made a report of their agreement; which was concurred in, and the bill passed.

Mr. Downing moved to recommit the bill authorizing the people of Florida to form a state constitution, to the committee on territories; which was agreed to.

On motion of Mr. Cushing, the bill in relation to the northeastern boundary was recommitted to the committee on foreign affairs.

The house then went into committee of the whole on the state of the union, Mr. Casey in the chair.

After several motions for priority of business, the committee divided for taking up the new harbor bill; the vote being yeas 76, nays 74.

The bill was then read by the clerk.

Mr. Mercer submitted an amendment making appropriations for sundry works therein mentioned.

Mr. Dawson asked if they were going into a new harbor bill, at that period of the session, when only 187 members were present, and involving the coun-

try in an expenditure, in the end, of at least one hundred millions of dollars. To test the sense of the house, he moved to strike out the enacting clause. He went on to demonstrate that the whole scheme was the result of a combination of interests and sections, for the purpose of plundering the people.

The debate was continued by Messrs. Dawson, Cushman, Cambreleng, Robertson, Hall, Mallory, Rhett, and Thompson, in opposition, and advocated by Messrs. Mercer, Biddle, Marvin, Allen, of Ohio, Goode, Reed, Evans, and Sergeant.

Mr. Hall opposed the bill. He wanted to see the old works completed, or put in a state of probable completion, before new ones were authorized to be commenced. His own opinion was that few of them, if any, ever would be completed, so long as the government continued to appropriate money for them, since it was not only for the interest of the localities that money should be expended there, but also of those who had charge of its disbursement.

Mr. Allen, of Ohio, remarked that he had not risen to inflict a speech on the committee at this time of the evening, and after a ten hours' sitting, all must be anxious to breathe a different atmosphere than the one by which they were surrounded, especially when there was such a mass of business yet to be acted upon, and but two days in which to do it. But he felt compelled to say, in reply to the gentleman from Vermont, who had just taken his seat, (Mr. Hall,) that he was greatly mistaken, in Mr. A's opinion, in the declaration that the harbors now progressing would not be finished, so long as money was supplied to keep them in a forward movement. The reason assigned is, that the superintendents were interested in delaying their completion, as they received a salary for their services, or a commission on the money expended, and hence it was for their advantage to protract the time, and to enlarge the expense. Mr. A. said he was acquainted with the history of several of the harbors on Lake Erie, and he fully believed money had never been more judiciously, beneficially, and economically applied. The works were all under the general control of skillful officers of the United States; and the immediate superintendents, who made the contracts and disbursements, he thought, in no instance, received any thing like a fair equivalent for their services, and, who must, therefore, be actuated by other considerations than a mere pecuniary one, so far at least as it regarded that paid by the government. He had never known or heard of a case of speculation or fraud, and but few of bad management. Their employment saved the expense of keeping comparatively high paid officers to perform the same duties, and, he believed, they were much more interested in urging their works to a speedy termination rather than the reverse. It was true these harbors continued to make demands on the treasury, but it was because the original plans were not yet executed in some cases, while in others experience suggested deviations from them, for they were all matters of experiment when commenced. He could assure the opponents of the system that its friends would halt where they were, if they supposed the cost was to be unreasonable, compared with the advantages to be derived from it; but they believed it warranted by the constitution, and that the necessities of the country, general and local, demanded its continuance, though its benefits could only be duly appreciated by those who had witnessed its effects.

In the year 1825, there was but a single steamboat above the Falls of Niagara, she making, "solitary and alone," an unprofitable and hazardous voyage once in ten days from Buffalo to Detroit and back. Then, too, there were but twenty or thirty small shallops, dignified, it is true, by the name of schooners; now, instead of one steamboat, there are nearly sixty, some of them of 800 tons burthen, costing an hundred thousand dollars and more, and, as a class, inferior to none afloat; instead of the twenty or thirty shallops, there are now two hundred ships, brigs, and schooners, honestly such. But this fleet never could have had existence but for the facilities for receiving and discharging cargoes furnished by artificial harbors, constituting, also, places of refuge to which to flee in time of need. There are few natural harbors on any of the lakes, and till the construction of those by the government on Lake Erie, vessels were often driven by storms from one end of it to the other, unless sooner driven on shore, or to the bottom. Such was still the case on Lakes Huron and Michigan, and would long continue to be, if the policy so happily begun and so advantageously prosecuted, was now to be arrested.

But the business on the lakes had but just commenced; Ohio had now 400 miles of canal in operation, and was constructing as much more; Indiana

was expending ten millions on canals and railroads; Illinois and the infant state of Michigan; each half as much. These all tended to the lakes, and would soon very greatly increase the business upon them.

Mr. A. in light there were equitable considerations pertaining to this matter, so far as the west was concerned. The people of what was once the north-west territory, had paid as large an amount of money into the treasury for duties on imported goods as any equal number of people elsewhere; for whatever might be the doctrine south of the Potomac, his own was, that it was not cotton, but consumers, who paid the duties. In addition, they had paid sixty two millions for public lands, being six-tenths of all the receipts from that source. Ohio, alone, had paid twenty-two millions, more than one-fifth of all the receipts, but she had got but about one-sixth of the land, for much of her land was bought under the old system, when the minimum price was two dollars the acre. Hence it had cost about one dollar and seventy-six cents, while the average in the other states had been but one dollar and thirty-one cents, making an excess of more than five millions paid by Ohio. He did not propose to ask its return in the present exhausted situation of the treasury, and had only alluded to it as a reason why he thought we ought not to be especially astute in seeking to discover how we might withhold or curtail appropriations for the north-western states in general, and Ohio in particular. The interest on the excess referred to, for a single year, would equal all the money ever expended by the general government in Ohio, for her exclusive benefit, without taking the appropriations for the national road into account, which were based upon a totally different footing.

In conclusion, he would say he thought the opponents of the new harbors ought to find better reasons for their opposition than merely that some of the old harbors were yet unfinished.

Mr. Pope said he had voted for all these measures of internal improvement, and was ready to do so, when they were proper, without any questions about state rights, consolidation, constitutionality, and such cries, which he was sorry to see had come to be so common in that house. But he did think that, with an empty treasury, such appropriations as those asked for by the bill under consideration ought not to be pressed. He said he was worn down with remaining in the house from nine o'clock at morning till nine o'clock at night, and he would therefore move that the committee rise. The committee rose accordingly.

The amendments to the bill to authorize a commission to test the usefulness of inventions, were concurred in, and the bill passed.

Sundry bills from the senate were read twice, and referred.

On motion at half past nine o'clock, p. m.
The house adjourned.

POSTSCRIPT.

RESUMPTION OF SPECIE PAYMENTS.

PENNSYLVANIA, &c.—In the name and by the authority of the commonwealth of Pennsylvania, by Joseph Ritner, governor of the said commonwealth—A proclamation.

The period has arrived when the series and misfortunes produced by the injurious interference of the national government with the currency of the country is about to terminate. Congress having risen without sanctioning the attempt to give to the federal executive the entire control of the national wealth, and of the whole amount of specie in the country, and the consequent power to affect and wield to its own purposes all the capital and credit of the union; and having also imposed certain salutary restrictions on so much of this power as had been already arrogated, it is incumbent on the commonwealth of Pennsylvania to put forth her strength to quicken her dormant energies, and to take that stand in the trade and commerce of the union which her unbought resources, her vast natural and artificial facilities for their development, and the solid and energetic character of her citizens demand: to deprive her of which stand, all the measures of the national government have recently tended.

For the production of this most desirable result, the measure first requisite is, that an end be put to certain open infractions of the spirit of the laws, which have been forced upon us by the overbearing necessities of the times; and to restore credit and the currency to the firm basis on which they stood before their late derangement was unnecessarily brought on the people.

I, therefore, by virtue of that enjoyment of the constitution which requires the governor of the state to take care that the laws be faithfully executed, and for the purposes aforesaid, do hereby re-

quire all banks in this commonwealth, on or before the thirteenth day of August next ensuing the date hereof, to resume and continue the redemption of their respective notes, bills and other obligations, in gold and silver coin according to the true intent and meaning of their charters. And, for the purpose of aiding those institutions in the accomplishment of this laudable object, I deem it proper to state, from the information I have obtained, that their solvency and general condition is such as to entitle them to the confidence of all who hold their notes, their amount of specie on hand being largely increased, and of notes in circulation much diminished, since the suspension of specie payments in May, 1837.

While it is thus cheerfully announced that the means of the banks are ample, and that their conduct has been, throughout the late trying crisis, generally such as to sustain our already high character for punctuality, honesty, and solvency, maintain and even increase our trade, keep up the value of property, and prevent the state from becoming the theatre of panic and distress, yet I shall feel bound, in duty to the public, to take all the means in my power to compel a return to that agency and responsibility to their creditors for which they were created. If, however, a return be promptly and faithfully made to that line of duty to the laws and to the public from which they have been compelled to depart, the occurrences of the past year will only be recorded in our history as another instance of the perfect adaptation of republican institutions to the demands of every crisis, and will show that common and overruling necessity being bowed to by general consent becomes for the time the law of the land. But to justify such rule of necessity, and to prevent future evil, from its unnecessary recurrence or unjust continuance, it is indispensably requisite that the instant the pressure of circumstances which produced it ceases, the empire of the express and ordinary law of the land should be restored. Accordingly, if on the other hand a return to general and real redemption in specie, and a withdrawal of all illegal paper money, from circulation, do not now take place, when all admit that it may, with safety and public benefit, I shall hold it my duty, forthwith, to take all the measures to compel it, which the constitution and laws have placed in my power; and at the opening of the next session of the legislature, to recommend the passage of such laws as may more effectually guard the future from the evils of the past.

And further for the purposes and by virtue of the injunction aforesaid, I do also hereby require all persons or bodies corporate, who may have violated the laws of this state, by the emission and circulation of notes of any denomination under that of five dollars, commonly called "shin plasters," to take instant measures for the full and honest redemption of the same in gold and silver coin, or such other ample equivalent as shall be satisfactory to the holders thereof, under pain of the penalties, if this notice be not complied with in a reasonable time, it will be the duty of all good citizens to enforce.

Should this requirement be fully and promptly complied with, the commonwealth will be restored to that sound currency which she possessed before the suspension, viz: One composed of gold and silver for all sums under, and of notes instantly convertible into specie for all sums of and over, five dollars. The result of the attempt to improve the currency will then obviously be, that the only paper issues in circulation and not convertible into specie at the place whence issued, will be those of the national government.

In communicating thus publicly with my fellow citizens on this important and interesting matter, I would respectfully and earnestly say to all, be firm and cool in the emergency. Trust in the laws, have confidence in the institutions, and sustain the high credit and character of your glorious commonwealth. You have borne yourselves through the crisis nobly and honorably. You have come almost uninjured out of the trial. Make one more calm and steady effort and all will be well. The forbearance and determination heretofore exhibited have been such as to reflect credit upon the state, while it has strengthened the hands and cheered the hearts of your public agents in the performance of duties of no ordinary difficulty. Contrasting, as is naturally done, the feelings and hopes connected with this attempt to aid the resumption, with those which animated me when I addressed my fellow-citizens on the subject of the suspension of specie payment, I cannot but rejoice at the difference. We were then entering upon a new and untried course of action whose happy termination was only matter of hope. We are now at the conclusion of our doubts and fears, and with the blessings of providence on the exertion of our own moderation and

industry, about to return to our usual confidence and prosperity.

Given under my hand and the great seal of the state, at Harrisburgh, this tenth day of July, in the year of our Lord one thousand eight hundred and thirty-eight and of the commonwealth the sixty-third.

By the Governor: THO. H. BURROWS,
Secretary of the Commonwealth.

Expenditures. The following statement from the secretary of the treasury, in answer to a resolution of the house of representatives, shows the amounts of expenditure, exclusive of the public debt, for each year, from 1824 to 1838.

For the year 1824	-	\$15,330,144 71
Ditto 1825	-	11,490,359 94
Ditto 1826	-	13,062,316 27
Ditto 1827	-	12,653,095 65
Ditto 1828	-	13,236,041 45
Ditto 1829	-	12,660,460 62
Ditto 1830	-	13,229,533 33
Ditto 1831	-	13,864,067 90
Ditto 1832	-	16,516,386 77
Ditto 1833	-	22,713,755 11
Ditto 1834	-	18,425,417 25
Ditto 1835	-	17,514,950 28
Ditto 1836	-	30,868,164 04
Ditto 1837	-	*39,164,745 37

*This sum is subject to small variation on the settlement of the accounts of the treasurer.

Note.—The above sums include payments for trust funds and indemnities, which in 1837, were, \$5,610,404 36.

The army—official regulation. 1. No officer, whose duty it may be to examine the accounts of the disbursing officers of that branch of the service under his immediate supervision, shall hold or disburse funds.

2. Whenever it is practicable, all disbursements shall be made by checks on a bank or a person, as the case may be, and not in money.

3. A monthly statement shall be made and transmitted to the department by each disbursing officer, of the moneys received, paid, and remaining in his hands.

This regulation will supersede the one on this subject issued a few months since.

J. R. POINSETT.

War department, July, 11, 1838.

Appointments by the president, by and with the advice and consent of the senate.

Robert Lucas, of Ohio, to be governor of the territory of Iowa, in the place of H. Atkinson, resigned.

Elisha A. Rhodes, of New Orleans, to be consul for the port of Galveston, in Texas.

Thompson F. Mason, of Alexandria, to be judge of the criminal court for the District of Columbia.

Dillon Jordan, jr. of North Carolina, to be judge for the district of West Florida, in the place of J. A. Cameron, deceased.

Richard C. Allen to be judge, W. H. Brockenbrough to be attorney, Peter W. Gautier, jr., to be marshal, for the Apalachicola district in Florida.

George Willis to be marshal for the western district of Florida.

Florida war. A letter from Tallahassee, dated June 28d, says:

We have little hopes of inducing the Indians yet out to surrender. Their movement are most hostile. We learn that every post abandoned by our troops has been destroyed. Fort Clinch, on the Withlacoochee, Forts King and Mellon, have been burnt, and most of the bridges in the nation destroyed. Scarcely had our troops passed the bridge near Fort King, ere it was burned by the Indians, who were following close in the rear of the army.

Texas. We learn from the Houston National Banner of the 8th ult. that col. Hockley has been appointed secretary of war, of the republic of Texas, in the place of col. Bee, resigned. The Banner speaks in highly favorable terms of the qualifications and character of both these gentlemen. With regard to the presidency of Texas, that paper appears to entertain no doubt of the election of general Lamar, and that, too, with little or no opposition. The new "money bill," or act authorizing a new issue of treasury shinplasters by that republic, had been vetoed by the executive, and abandoned by the Texian congress. There remains therefore but the original issue of \$650,000 Texian notes in circulation. From the same paper we learn that the counterfeiter is abroad, in Texas; several well executed specimens, purporting to be of this issue, have been recently presented at the treasury department, and proved to be counterfeit.

[Boston Post.

NILES' NATIONAL REGISTER.

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WASHINGTON CITY, JULY 21, 1838.

[VOL. LIV.—WHOLE No. 1,399.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

✂ The president of the United States will leave this city on Monday for the Virginia Springs, passing on his route through the city of Richmond. Mr. Poinsett, who is still in delicate health, will visit the springs in Greenbrier county, Va.

✂ A manifesto of the administration party in congress has been published. The constitutionality of a national bank is opposed. The hon. John M. Niles, of Connecticut, and hon. Charles E. Haynes, of Georgia, presided over the meeting; whence the manifesto was issued.

✂ The president has issued a proclamation concerning the ratification of a convention between the United States and Texas, entered into by their accredited agents, in relation to the indemnity for the capture of the brigs Pocket and Durango. The amount to be paid is \$11,750. See page 324.

✂ It will be remembered that a month or two ago, the Bank of Metropolis in this city, was robbed, in a daring manner, of a large amount of jewelry deposited in the bank for safe keeping. The robber has been apprehended in New Orleans.

✂ The United States sloop of war *Levant*, was, at the latest dates, at Matanzas—the crew in excellent health.

✂ In Louisiana, the result of the last election is as follows, as correctly as we have been able to collect: The whigs have 10 certain, and probably 11 in the senate out of 17, of which it is composed, and 11 in the house of delegates to 17 administration, and 2 neutrals. The whig governor elected.

✂ The board of visitors to the military academy at West Point, report favorably of its present condition. In the body of their report we find the following: "Admittance to it is opened to every condition of fortune and of birth."

✂ Commodore David Porter, charge de affaires at the Turkish court, and his two sons, have arrived at Boston in the ship *Niger*, from Constantinople.

✂ It is stated in the northern papers that Mr. Webster will, at the Boston dinner, give his views of the presidency, and take that occasion to withdraw from the field as a candidate.

✂ Mr. Prentiss, of Mississippi, is to attend the Webster dinner at Boston.

✂ Thom, the Scotch sculptor, has made, it is said, a remarkable statue of Washington. The statue is colossal and cut from a block, taken from the Patterson quarry, New Jersey.

✂ Mr. David Treadwell of Little river, Brunswick county, N. C., states that several trunks belonging to the Pulaski, have come ashore in that vicinity.

✂ A railroad has been established between Bristol and London, for the purpose of transporting passengers to the steam packets, that leave the former place for the United States.

✂ Madison, in Dane county, is hereafter to be the seat of government of Wisconsin territory.

✂ A meeting of twelve hundred Whig delegates assembled on the 11th of July at Utica, New York.

✂ The honorable John Branch is to run on the administration ticket against governor Dudley, for the gubernatorial chair of the state of North Carolina.

✂ The Athens, Tennessee Journal of the 4th inst. says, "several detachments of Cherokees have passed through this place within the last two or three weeks on their way from North Carolina to the agency, and on last Friday twelve hundred passed through conducted by two companies of artillery, under the command of capt. Washington. This last detachment nearly completes the emigration for North Carolina."

VOL. LIV.—SIC. 21.

✂ The exploring expedition, fully equipped, will leave the United States in the first week of August, on her voyage of discovery to the southern regions: lieutenant Wilkes commanding.

✂ A public meeting was held in Montgomery county, Maryland, on the 26th June, to remonstrate against the appointment made by the governor of Maryland, by virtue of a resolution of the general assembly, of colonel Abert, of the District of Columbia, as the engineer to make certain surveys for the design of ascertaining the propriety of constructing a canal from the Chesapeake and Ohio canal to the city of Baltimore.

✂ The citizens of North Carolina are awakening to the immense impulse felt throughout the country on the subject of internal improvements. A large meeting was held at Greensborough, a short time since, and governor Dudley addressed the assemblage, in an earnest and eloquent manner, upon this interesting subject.

✂ Within a year we shall have twenty steam ships from Great Britain, France, and Holland. The speed with which these vessels pass to and fro between the two hemispheres, will create an epoch in civilization and the arts, at which philanthropy and learning should rejoice.

✂ It is estimated, that from the five southern states, Mississippi, Louisiana, Alabama, Georgia, and South Carolina, fifty thousand persons travel northward every summer. The travelling and incidental expenses of this army of travellers, is put down at five hundred dollars a head.

✂ It is announced in the Charleston papers that the Southwestern Rail Road Bank will be put into operation next November. This bank is connected with the Louisville, Cincinnati and Charleston rail road company, and was incorporated by the states of South Carolina, North Carolina, and Tennessee, for the express purpose of promoting that great work.

✂ The Ohio convention met at Columbus on the 31st ultimo, and was most numerous attended. Sixty-five counties were represented, and between three and four thousand delegates are said to have been present. Ex-governor Allen Trimble was appointed to the chair, and John N. Taylor, secretary. The following resolution passed with but one dissenting voice:

Resolved, That this convention have undiminished confidence in the patriotism and talents of our distinguished fellow citizen, Wm. Henry Harrison; and concur with the convention of July last, in presenting his name to the national convention as a candidate for the presidency; but at the same time pledge their cordial support to the nomination of that convention, should it fall on either of the other distinguished statesmen, Henry Clay or Daniel Webster, whose names are prominent as whig candidates for that important office.

The convention was addressed by general W. S. Murphy of Ross, R. W. Thompson of Indiana, hon. Jacob Burnet, gov. Vance and Charles Anderson of Dayton.

GEORGIA. The whigs of this state have nominated the following ticket for congress: William C. Dawson, R. W. Habersham, J. C. Alford, W. T. Colquitt, E. A. Nisbit, Mark A. Cooper, Thomas Butler King, Edward J. Black, Lott Warren.

FRANCE AND TEXAS. We clip the following important paragraph from the New York Star of Saturday:

"We have it from an undoubted source, that the French cabinet will shortly conclude a treaty of amity and commerce with this young republic.—General Henderson had been in Paris two or three weeks only, when he had nearly completed this arrangement with the government. It seems that governor Cass declined to introduce general H. formerly as the minister of Texas; but lord Granville, the English ambassador, nothing daunted, and, doubtless with the authority of the English ministry, offered his services to forward an inter-

view, and actually did introduce general Henderson to count Mole and the other members of the ministry.

MURDER. On the night of the 16th, a man named George Collins, living on Magoth river, in Anne Arundel county, while under the influence, as is supposed, of ardent spirits, shot his son Richard, aged 18 years, and killed him on the spot; and had another of his sons named Joshua fastened up in one of the rooms of his house with the intention of shooting him also, but he succeeded in effecting his escape by breaking through the window, and while in the act of running from the house was fired at by his father, and severely wounded in one of his arms. [Ealt. Chronicle.

DUEL. The St. Louis Republican says that a duel took place on the 4th, between a Mr. Le Lange of New Orleans, and Mr. R. C. Bates of New York, on account of some difficulty which occurred in St. Louis. The parties met by moonlight, near Alton, Illinois. On the first fire, eight yards distance, Mr. Le Lange was wounded in the arm; a proper apology was made, and here the matter terminated.

SILK CULTURE IN NEW JERSEY. John M. Brown, esq. of Salem, has a cocoonery of 25,000 worms, which he feeds on the common mulberry. They have spun eight bushels of cocoons. In a few days he will have 100,000 worms feeding on the morus multicaulis, which he set out in the spring. The cocoons of this year will yield \$200. Mr. Brown will also have a large profit from his young trees. Messrs. Reeves of Allowaystown, have also entered into this business.

ESTIMATED EXPENDITURES OF THE GOVERNMENT FOR 1838. In the debate on the harbor bill, Mr. Cambreleng presented the following estimate of the public expenditures for the ensuing year.

Appropriations for 1838 already made:	
Army	\$4,200,000
Civil and diplomatic	3,200,000
Revolutionary and other pensions	3,050,000
Navy, including former appropriations	5,750,000
Cumberland road	500,000
Preventing and suppressing Indian hostilities	7,740,000
Protection of northern frontier	625,000
Appropriations under permanent laws	2,260,000
	27,325,000

Appropriations which will probably be made:	
Indian annuities, &c.	1,520,000
Fortifications,	850,000
West Point	150,000
Harbors, &c.	1,450,000
Additional appropriations for	
Public service	200,000
New army bill	723,000
New Indian treaties	1,700,000
	6,593,000

Miscellaneous appropriations not enumerated	1,000,000
	\$34,918,000

Of the above appropriations, about thirteen millions are for extraordinary purposes, ten million of which belong to the Indian service alone.

This will make the aggregate charge upon the year including the appropriations of former years unexpended, on the 1st January last, 47,000,000.

NEW HAMPSHIRE. The legislature of New Hampshire adjourned on Thursday the 5th inst. to the last Wednesday in May. On the 4th, the house held three sessions, in the morning, afternoon and evening. A set of resolutions relative to slavery, after general discussions, were indefinitely postponed, yeas 109, nays 82. A resolution passed, instructing the senators, and requesting the representatives of the state in congress to use their efforts to effect an equitable adjustment of the claims of our citizens for spoiliations by France prior to 1800.

BANKS, CURRENCY, &c. The Philadelphia commercial list of Saturday has the following paragraphs:

The banks in this city have determined to resume on the 1st of August, notwithstanding all that has appeared to the contrary in the newspapers. This determination has given very general satisfaction to the business portion of the community, who now believe that in a short time business will again resume its wonted activity.

The governor as will be seen in a subsequent column, has issued a proclamation calling on the banks throughout the state, to resume by the 13th August next, so that had no previous arrangements been entered into for this purpose, they would soon have been compelled to adopt this course.

Respecting governor Ritner's proclamation, requiring the banks of Pennsylvania to resume on the 13th August, the Philadelphia National Gazette of Friday evening says:

The proclamation is clearly, and nervously written; it acknowledges the force of necessity in causing the banks to suspend specie payments, but insists on the fact that the time is near at hand when arguments derived from such necessity need no longer be advanced. In this opinion the writer is warmly sustained by our citizens. The banks of our own section (and we do not doubt of other parts of the state, too,) are perfectly well pleased with the proclamation, its temper and doctrine.

The Philadelphia Inquirer of Saturday, says of the proclamation:

It is looked upon as settling the question with regard to a resumption of specie payments, and hence is warmly commended and approved, by all who are in favor of such a resumption—embracing, as we have reason to believe, nineteen-twentieths of the community.

The Philadelphia Herald of Saturday says:

We have heard but one opinion expressed of the proclamation of governor Ritner, requiring the banks to resume specie payments, &c. and that has been one of decided approbation. This act will raise him still higher in the admiration of his fellow-citizens, and shows that they can at all times rely upon his independence, firmness, and intelligence, in sustaining the honor and the interests of the commonwealth.

The banks in this city have felt the obligation they were under to resume specie payments, and had already made arrangements for meeting in convention those of Boston, Baltimore, Richmond, &c. with the view of fixing an early day, probably the first of August, for a general resumption. Courtesy to the banks of other cities dictated this course, while it would not by any means procrastinate the period of resumption. The convention of banks will be held in this city on the 23d inst., and we have no doubt that the first day of August will be fixed upon by the banks for a general resumption. We rejoice, however, that the governor has taken the wise precaution of fixing a day beyond which the present state of things shall not be permitted to continue. It will, at all events, be a strong persuader to any bank, if any such there were in this state, that felt a reluctance to comply with the demand of the public to resume, to yield to that demand.

The ship *Columbiana*, at New Orleans from Liverpool, has brought 20,000 sovereigns for the Commercial bank of that city.

From the *New York Gazette*, July 11.

We are gratified to learn that the large bank of fifty millions of dollars, which has long been under advisement among our financial men, has at length assumed a palpable form. Joseph D. Beers, esq., a gentleman of extensive experience in the business of exchange and banking, has, we are informed, accepted the office of president, and Myndert Van Schaick, esq., so favorably known as a man of fortune and high character, will officiate as vice president.

The direction comprise a portion of our most able and wealthy citizens, and the first subscription of two millions of dollars is already filled. Extensive arrangements, we are told, are already in progress to secure important advantages to this institution, and every thing betokens the most decided success.

The bank is termed the "NORTH AMERICAN TRUST AND BANKING COMPANY," and books for further subscriptions will be opened as soon as the articles of association are entered according to law. That this enterprise will materially aid New York in all its business relations, does not admit of a doubt.

The U. S. bank bonds authorized to be sold by the recent act of congress, amount to about six millions of dollars. The proceeds will go into the treasury, to aid in defraying the expenses of government.

Banks of Alabama. We learn by the Tuscaloosa Intelligencer that there has very recently been held, in that town, a bank convention to consider on the proper measures to be adopted, preparatory to a resumption of specie payments. The proceedings of the convention had not transpired, but it was rumored that a resolution was adopted to resume 4th of July, 1839. No doubt the convention was greatly enlightened and assisted in its deliberations by the valuable details and profound speculations of the bank commissioners, who have so recently made a tour of the state in their official capacity. We trust the proceedings of the convention will be made public, and not kept bottled up for the sole use of his excellency, until the meeting of the legislature.

We are gratified to learn, from other sources, that the June instalment of the deferred debt to the bank and the branches has generally been met or satisfactorily adjusted; and we look with some anxiety for the next monthly reports of the banks.

Banks and bank notes. The act on this subject received the approval of the president on the 5th instant. It is as follows:

An act to modify the last clause of the fifth section of the deposit act of the twenty-third of June, eighteen hundred and thirty-six.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the last clause of the fifth section of the act entitled "An act to regulate the deposits of the public money," approved on the twenty-third day of June, eighteen hundred and thirty-six, declaring that the notes or bills of no bank shall be received in payment of any debt due to the United States, which shall alter the fourth day of July, in the year eighteen hundred and thirty-six, issue any note or bill of a less denomination than five dollars, shall be, and the same is hereby, so far modified as that the interdiction as to the reception of the bills and notes shall not continue against any bank which has, since the said fourth day of July, in the year one thousand eight hundred and thirty-six, issued bills or notes of a less denomination than five dollars, or which shall issue any such bills or notes prior to the first day of October, in the year eighteen hundred and thirty-eight, but that from and after the said last mentioned day, the bills or notes of no bank shall be received in payment of any debt due to the United States, which bank shall, after that date issue, re-issue, or pay out any bill or note of a denomination less than five dollars.

WM. R. KING,

President of the senate pro tem.

JAMES K. POLK,

Speaker of the house of representatives.

Approved, July 5th, 1838.

M. VAN BUREN.

The New York Commercial publishes the following list of the notes received as current by the banks of that city on Saturday:

New York state. Brooklyn banks; Westchester county; bank of Newburg; Highland; bank of Poughkeepsie; Dutchess county do.; Farmers and Manufacturers' do.; Ulster county; Kingston; Catskill; Farmers', Catskill; Hudson River; Mech. and Farmers', Albany; Commercial, do.; Canal, Albany; Farmers', Troy; city, do.; Lansingburgh, *fifties*, *fifties and one hundred*; Bank of Albany, *fifties and one hundred*; State bank, Albany, *one hundred and upwards*; Albany city, *tens and upwards*; Bank of Troy, *fifties*; Saratoga.

New Jersey. *Fives and upwards*, the Newark banks; State bank, Elizabeth; State bank New Brunswick; Morris Canal; *tens and upwards*, Farmers and Merchants', Railway; Farmers and Merchants', Middletown, Pt.; Belvidere bank; Sussex county; Commercial, Perth Amboy; State Bank at Morris; Morris county bank.

Connecticut. *Twenties and upwards*, Stamford bank; *fifties and upwards*, Fairfield county.

Vermont. Bank of Manchester, *fives and upwards*.

Tennessee. Union bank, *when made payable*.

Louisiana. City bank, New Orleans, *when made payable*.

The following estimate of the amount of American stocks held in England, is given in Mr. Garland's late speech in congress against the sub-treasury bill.

Estimate of American stocks held abroad, principally in England.

Louisiana bank stock in bonds of the State	\$22,000,000
Pennsylvania state stocks	16,000,000
Do United States bank	20,000,000
New York state	4,500,000
Do city	1,500,000
Alabama State	4,500,000
Mississippi do	2,000,000
Ohio do	3,500,000
Maryland do	3,000,000

Virginia do	2,600,000
Illinois do	2,000,000
Indiana do	4,000,000
Florida Territory	1,500,000
Farmers' Loan and Trust company, 5 per cent. bonds	3,000,000
New York Life Insurance and Trust company, 5 per cent. bonds	1,500,000
American do do do	1,000,000
Mississippi Bank stock	1,000,000
Tennessee do do	800,000
Delaware and Raritan company and Camden and Amboy railroad company bonds	2,000,000
Miscellaneous stock and securities	14,200,000

\$110,000,000

Maryland banks. The following is a statement, made up from official sources, of the general condition of the city and country banks of this state up to the 30th of June.

Banks in Baltimore on the 30th June.

Bills discounted,	\$12,705,470 23
Circulation,	2,139,747 88
Specie,	1,140,885 40
Deposites,	1,117,338 31
Due to other banks,	3,503,250 71
Due from other banks,	3,491,196 95

Country Banks.

Bills discounted,	\$2,564,659 20
Circulation,	950,060 68
Specie,	439,465 88
Deposites,	745,316 24
Due to other banks,	127,290 52
Due from other banks,	428,190 45

That our readers may be able to institute a direct comparison between the present and past condition of the banks, we give the returns for January 1st, 1835. The debts due other banks were not then given.

Banks in Baltimore.

Bills discounted,	\$13,120,263 89
Circulation,	2,110,951 95
Specie,	971,390 24
Deposites,	2,476,063 05

Country Banks.

Bills discounted,	\$2,580,028 42
Circulation,	902,157 73
Specie,	353,511 03
Deposites,	776,615 93

A comparison of the above will show that the condition of the banks has been steadily improving, and, although then considered good, is now even better than before. The proportion of specie to the circulation is much greater than is usually considered safe as a basis for issues, and is in every point of view favorable to a resumption of specie payments. In addition to the strength of the banks, we believe there is a general feeling of confidence in their stability and the prudence and responsibility of those connected with their management, which will prove all important in case of a resumption. All hope for such a consummation, and that speedily, and few there are we believe will not aid, by all the means in their power, so desirable a movement.

MR. WOODBURY. It will be seen by the following letter of Mr. Woodbury to the secretary of state of New Hampshire, that he has declined the office of chief justice of that state:

Washington, 9th June, 1838.

Ralph Metcalf, esq., secretary of state.

Sir: I herewith submit a final reply to yours of the 21st ult. The official information of my appointment as chief justice of the superior court of New Hampshire, which it communicated, has created some embarrassment.

On the one hand, this renewed evidence of the kindness and confidence, which have long been exhibited towards me by the people of my native state, is highly gratifying, and increases my desire to be useful to them.

The situation offered is, also, agreeable to me personally; and, if consulting only my own predilections, I should without hesitation, proceed to enter on the performance of its honorable duties.

But looking to the difficulties that still surround the important trust I now hold, the opinion of many is that various considerations of a public and paramount character exist, which ought to prevent my voluntary withdrawal from it at this juncture. I venture, therefore, to hope, that in declining the appointment of chief justice as I hereby do, my motive will be duly appreciated, and that it will not be attributed to any inadequate sense of the honor conferred, or, what would be equally erroneous, to any diminution in my solicitude to promote the best interests of the people of that state, to which I am under such strong and numerous obligations.

With grateful acknowledgments to the governor and council for their favorable sentiments, and to yourself for the obliging manner in which they have been conveyed.

I remain, respectfully yours,
LEVI WOODBURY.

MR. POINSETT. The following letter was addressed to Charleston (S. C.) Washington Society, by the secretary of war, in reply to an invitation to attend the anniversary dinner of that society:

Washington, July 2.

To the president of the Washington Society

SIR: When I had the honor of meeting my fellow-citizens and old associates at the festival with which we celebrated the anniversary of our national independence, the last year, I invited you to sustain the administration, in so far forth only, as it was found worthy your support, by maintaining in their rigor and purity, the union, the constitution and the laws of the country—and it has been in the highest degree gratifying to me, to find that you have very generally expressed your approbation of the course pursued by the administration, aware as I am, from my intimate knowledge of the motives and feelings of those with whom I have so long acted, they would withhold their concurrence with measures which do not originate in the strictest principles of democracy.

In conformity with the views which have always animated a society of which I am proud to be a member, I beg leave to offer as a toast, upon this occasion.

The union, the constitution and the laws of our country—we will support those alone, who maintain them pure and inviolate.

Respectfully,

Your companion,

And humble servant,

J. R. POINSETT.

DINNER TO MR. WEBSTER. A committee of citizens was deputed last week from Boston, to bear to Mr. Webster, at that time in this city, an invitation to a public dinner to which Mr. Webster has returned the following answer:

Astor House, New York, July 13, 1838.

GENTLEMEN: I have received your letter, transmitting resolutions adopted at a meeting in Boston on the 10th inst., inviting me to a public dinner. The respect and kindness manifested by these resolutions, demand my warmest acknowledgments of gratitude. My health not a little exhausted by the length of the session, and by the heat of the weather for some time past, admonishes me to get to my farm as soon as practicable, for the purpose of rest and repose. But if it be the desire of those citizens of Boston whom you represent, that I should meet them on such an occasion as is proposed, I shall not feel at liberty to decline their invitation.

With much true regard,

Your obliged friend and fellow citizen,

DANIEL WEBSTER.

To George Darracont, esq., Nathaniel Hammond, esq., Uriel Crocker, esq., Geo. W. Gordon, esq.
The dinner is to take place on Tuesday the 23th inst., at Faneuil Hall.

VIRGINIA MANUFACTURES. From the report of a committee appointed at the convention lately held to take into consideration the interests of the southern states, to inquire whether manufacturing establishments cannot be carried on as efficiently and cheaply in Virginia as in the northern states, it appears that, in Wheeling, Petersburg, Richmond, Fredericksburg, Lynchburg, and Kanawha, more than eleven millions of dollars are already invested in the manufactories of these places; that, in Wheeling alone there are one hundred and thirty-six manufacturing establishments, employing more than one thousand seven hundred hands—the chief articles manufactured there being iron castings, bar iron, nails, and glass ware. In Petersburg, there are five flourishing cotton manufactories, an iron foundry, and several flour mills and tobacco manufactories. In Richmond there are also establishments of a similar kind. In Fredericksburg and Falmouth, there are several iron and wollen manufactories, with flour and other mills. The manufacture of pig and bar iron is extensively conducted in the counties of Rockbridge, Alleghany, Botetourt, Wythe, and Washington, in the upper part of the valley; and in Augusta, Shenandoah, Page, and other counties in the lower part of the valley, and in some of the counties bordering on the Ohio, and in the county of Franklin, east of the ridge. The resources of Virginia in iron, coal, and salt are not surpassed in any part of the union. And the committee gave it as their opinion that, when the banking establishments of the state shall be extended,

and the facilities of communication shall be improved, as contemplated, no state in the union can carry on manufacturing establishments to greater advantage to its citizens than Virginia. [Nat. Int.]

STATISTICS OF CRIME. It appears, from returns made with the most rigid exactness, that the criminal population of the city of Liverpool amounts to 4200 females, and 4520 males, 2,270 of the latter being professional thieves, and the residue living by a combination of labor and plunder. Examinations made subsequently to the above, not only go to confirm their accuracy but to show that in fact the number of these malefactors is underrated. It has been ascertained by regular returns, about the correctness of which it is said no doubts can be entertained, that in the year 1835, there were 13,506 persons taken into custody of whom 2,138 were committed. In 1836 there were 16,630 taken up, of whom 3,343 were committed, and during eight months of 1837 there were 12,709 taken into custody, of whom 2,849 were committed. From July 1835, to July 1836, 921 juvenile thieves under eighteen years of age, were apprehended, of whom three hundred and seventy-eight were committed. From July 1836, up to the date at which the returns from which the above data are derived were made, there had been taken into custody 2,339 juvenile thieves, of whom 1,096 had been committed, there having been in custody during the same time upwards of 1500 adult thieves. The amount of property stolen annually is estimated at about one million sterling. [Balt. Amer.]

THE FISHERIES. The number of vessels employed in the cod and mackerel fishery, belonging to Gloucester, the last year, was 221; tonnage of the same, 9824; hands employed, 1580; capital invested, \$343,000. Quite a number of new vessels have been added to the business this season, increasing the tonnage say to 11,000 tons.

The number of vessels engaged in the fisheries; owned at Marblehead, is 69; tonnage, 5368; hands employed, 483.

Our harbor for the past week has teemed with mackerel—and though mostly small, their taking has contributed much sport, and in some instances, not a little profit to those who have been in successful pursuit.

Last week twenty barrels of mackerel were seized at one haul at Sandy Point, by captain Baker. His seine is five hundred yards long. A few weeks since he enclosed a multitude of fishes, principally maiden shad. It is estimated that their number was 200,000. [Gloucester Telegraph.]

MINISTER OF TEXAS. We learn from the Houston (Texas) National Banner, of the 15th ult. that the president of Texas has appointed Peter W. Grayson, minister plenipotentiary of the republic near the government of the United States, in the place of Memucan Hunt, resigned.

CASE OF B. RATHBUN. From the Buffalo Commercial Advertiser of the 7th inst. We yesterday announced, in a postscript, the acquittal of Benjamin Rathbun, on the trial which has occupied the present court for the last ten days. Notwithstanding the former absorbing interest felt in the issue of this important case, yet, owing partly to lapse of time since it first filled the public ear, and partly to the protracted delays and postponements which have from time to time put off the final result, the edge of curiosity had become comparatively dulled, and the once imposing aspect of the case had dwindled down to the common place character of ordinary trials.

Some difficulty was experienced in empanelling a jury for the trial, many having expressed an opinion as to the guilt or innocence of the accused.

By resorting to talesmen, however, the necessary number was finally obtained, comprising mostly plain substantial farmers—a class whose sterling integrity and sound judgment may almost invariably be relied on as least liable to err in the decisions of human tribunals.

There were three indictments pending in this county against the accused, for the alleged forged endorsements of three several notes of \$2,000 each; which were deposited by Rathbun with Messrs. Joy & Webster of this city in January, 1836, as collateral security against certain advances made by them upon the contract for building their extensive block of stores. One of these notes was endorsed "David E. Evans," another "Bissel Humphry—Noyes Darrow" and the other "Marlin Daley—Sylvester Mathews." It was upon the indictment for the latter that the present trial was had.

The prosecution was conducted by the district attorney general Beardsley. The defence was managed by the former counsel of prisoner, H. K.

Smith, E. Van Buren, and T. T. Sherwood, esqrs. The latter gentleman was sentenced by presiding judge Dayton to two days imprisonment for contempt of court, in the examination of one of the witnesses.

The verdict on the indictment just tried, disposes, we understand, of the two remaining ones in Genesee, which will probably come to trial at Batavia, in September next. Upon these Mr. Rathbun has formerly entered bail, in bonds of \$5,000.

REVOLUTIONARY RELICS. The Troy (N. Y.) Mail, in describing the celebration of the late anniversary in that city, says "in the long procession of committees, and societies, and trades, and associations that participated in the scene of joy, the revolutionary fathers attracted particular notice and gave to the occasion an earnest of the event which they were called to celebrate. Venerable and white with years, their presence was an incentive to the love of country. The following is a list of their names, and we rejoice that they are yet with us and hope that they may be spared to meet at the next anniversary.

Names.	Residence.	Age.
William Slater, Sandlake, Rensselaer co.		74
Henry Mirach,	Troy,	84
John Folard,	do	84
Edward Wilson,	do	76
Jacob Wager,	do	75
Gideon Whitmarsh, Northumberland, Saratoga county,		80
Reuben Babcock, Sandlake, Rensselaer co.		80
Moses Sheldon, Bennington, Vt.		86
Mr. Kinney, Greenbush, Rensselaer co.		79
Ephraim Whitaker,	Troy,	84
Cornelius Myers,	do	78
Simon Griswold, Nassau, Rensselaer co.		85
Samuel Gordon,	Troy,	74
Isaac Cushman,	do.	80
Benjamin Pierce,	do.	75
Elijah Reed,	do.	74

TEXAS. The steam packet Cuba, at New Orleans from Texas, brings the Houston Telegraph to the 23d ult. It contains no news, being chiefly occupied with the speech of Mr. Preston, in the senate of the United States, upon the annexation of Texas to this country, and with electioneering matter. General Lamar seems to be the most prominent candidate for the presidency, and judge Burnet for the vice-presidency of the new republic, though some doubts had been raised as to the eligibility of the former. Colonel Lynch has been nominated to represent the county of Galveston in the next congress.

THE UNITED STATES AND GREAT BRITAIN. Mr Fairfield, from the committee on foreign affairs, to which was recommended the bill of the house of representatives of the United States "to provide for surveying the northeastern boundary line of the United States, according to the provision of the treaty of peace of 1783," reported the same without amendment; and it was ordered, on his motion, that the bill do lie on the table.

The same gentleman, from the same committee, further reported the following resolutions:

Resolved, That, after a careful examination and deliberate consideration of the whole controversy between the United States and Great Britain, relative to the northeastern boundary of the former, the house of representatives does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of 1783; and entertain a perfect conviction of the justice and validity of the title of the United States, to the full extent of all the territory in dispute between the two powers.

Resolved, further, That, considering that more than half a century has elapsed since the conclusion of that treaty; considering the extraordinary delay which has hitherto marked the negotiations and proceedings of the governments of the two countries in their endeavor amicably to settle this controversy; and considering the danger of mutual irritation and collisions upon the border of kindred and friendly nations from further procrastination, this house cannot forbear to express an earnest desire that the pending negotiation should be brought to a close, and the final decision of the dispute be made as early as practicable.

These resolutions were unanimously agreed to.

A CARD. The undersigned, friends of Messrs. Segar and Savage, having, without consultation with their principals, and upon their sole responsibility, agreed to refer the contemplated affair of honor between those gentlemen to the final arbitration of the hon. Mr. Pickens, of South Carolina,

and the hon. S. S. Prentiss, of Mississippi, are happy to announce that it has been adjusted in a manner entirely honorable to both parties, upon the basis of a mutual withdrawal of all charges or remarks personally offensive to either.

They cannot forbear at the same time from expressing their high sense of the generous and persevering efforts of the hon Messrs. Wise and Hunter, of Virginia, by whose earnest and intelligent interposition this painful controversy was at length brought to a pacific termination.

FELIX HUSTON,
J. L. MARTIN.

Washington city, June 24, 1838.

SINGULAR CASES OF INSANITY. The New York Journal of Commerce relates the following singular cases of insanity brought on persons in the water from a cannon being fired over them:

At an early hour on the morning of the 4th of July, two young men went into the river at Castle Garden, to swim, and at the very moment they leaped into the water, a salute was fired from some heavy pieces of cannon, which were contiguous. When the two young men leaped in, they remained under the water some seconds, and on rising to the surface, were observed by some bystanders to act in so fantastic and extraordinary a manner, that it was evident something of an unusual nature had occurred to them. A boat was therefore immediately procured, and the two young men taken out of the water and brought to the shore, when it was found that both of them had lost their senses; and so totally and entirely, as to be unable to give any explanation of how they had been affected, or what sensations they felt at the moment. Their insanity was not of a violent kind, but rather what might be termed idiotic; or a total prostration of every intellectual attribute.

In this melancholy condition they were conveyed home to their friends, and remained nearly in the same state for two days, at the end of which, one of them partially recovered his reason, but the other still remains without any symptom of amendment.

This fatal result of cannon being fired over persons in the water, will cease to appear very extraordinary to any person who has, when a boy experienced the almost terrific sensation produced on him when under water in a narrow stream, by a common trick, practised by boys, of taking two large stones and striking them forcibly together on the water's edge, immediately over where the swimmer has dived down. A gentleman who witnessed the present occurrence, told us that on one occasion he himself suffered a sort of electric shock, which almost deprived him momentarily of his reason, from a common musket being fired over him while he was under the water.

FROM THE CREEK NATION.

We have great pleasure in copying the following from the Arkansas Gazette, of June 30th:

To the editors of the Arkansas Gazette.

Creek Nation, June 12, 1838.

Sir: It is with feelings of regret that the undersigned, chiefs of the Creek nation, have had interpreted to them a report, in your paper, of May 30th, stating that the Creek Indians show but little disposition to plant corn; and that, in several instances, they have destroyed their own fences, and that the old women have been heard to declare that, as soon as the green corn is fit to pull, the whites must look out, and that most of them carry the marks of determined vengeance in their countenances; and that this report has come through so respectable a source as to leave no doubt of the fact, as it was given by a gentleman who had been, for several years, assisting in the emigration of the Indians west. That a great portion of the Creeks have been removed at the point of the bayonet, is but too true; and that there is a dissatisfaction among them, is also true; yet they look up to the government for the fulfilment of the promises their agents have made them. When that is done, all will be right with the Muscogee people; and, until that is done, they will not consider themselves fairly dealt with. And, as to any disposition to hostilities among us, we know nothing of it; neither has the first rail of a fence been destroyed, nor have we heard anything of the old women's report, that the white people must look out as soon as the green corn is ripe. The Muscogee nation have, at this time, as good a prospect for a good crop of corn, considering the late spring, and the small quantity of farming tools, as they ever had. The gentleman who was the origin of this report is mistaken, and we should like for you to give his name, as we know of no one who has been recently in the Creek nation, who has been employed, for years, in the emigrating of Indians; and we, the undersigned chiefs, do declare

the report of hostilities against the whites to be utterly untrue. They have too much love for their wives and children to cherish such an idea for a moment.

The Creek delegation, on their arrival at Van Buren, in Crawford county, Arkansas, were there told, to their surprise, of the report in circulation about the Creeks, and some attempts were made to stop them, until the facts could be ascertained; yet, through the influence of some friends, they were permitted to continue home; and they take pleasure in announcing to their Arkansas brothers, and the world, that the report is all false, and hope that you will give this as a true statement in your paper.

With respect, we are, your friends and brothers.
[Signed by Roley McIntosh, Fush-hatchy Micco, and twenty-two other chiefs.]

B. MARSHALL, interpreter.

Eli Jacobs, C. C.

THE CHEROKEES.

Head-quarters, eastern division
Cherokee agency, June 17, 1838.

The removal of Indians, for emigration from the middle district, late Cherokee country, being nearly, or quite completed, arrangements will be commenced at once for the honorable discharge and payment of the volunteers and militia in the service of the United States within that district.

For these purposes, brigadier gen. Floyd, will, as fast as the state of the service will permit, cause those troops to be assembled at one or more points as, after consulting with major Payne, the acting inspector general, may be suitable or convenient.

The latter, in mustering out of service, will call to his aid major Fauntleroy, of the United States' army, and give all orders for securing the public property of every description—as well as (after consulting brig. gen. Floyd) the arms and accoutrements belonging to the state of Georgia. Major Payne may also cause to be sold and accounted for, such property in the quartermaster's and commissary's departments as may be advantageous to the United States to sell.

Acting paymasters Bennett and Buck, will immediately repair to the middle district to pay off the troops as fast as they are discharged, in the best money they may be able to command.

The commander of the eastern district will, as soon as he can dispense with their services, order the Georgia companies at Chastain and Fort Newman, to report to brigadier gen. Floyd for discharge with the other Georgia troops.

Captain Cleveland's company at Dahlohnega, will be discharged at the discretion of brigadier gen. Eustis, giving notice to the paymasters above-mentioned; and he will retain captain Derrick's company of Georgians for further orders.

Brigadier gen. Floyd, it is hoped, will remain in service, until the business of his district shall be entirely completed. He, his staff, the officers and men of the Georgia line, will please accept the thanks of the United States, for the promptitude, zeal, and humanity they have almost universally displayed in the discharge of their painful duties. The only exception to this just commendation, is the detachment ordered to Chastains, and in its course the delay and disorders committed, are, no doubt, mainly to be attributed to the misconduct of the lieutenant colonel, who has since resigned. The brigadier general himself has exhibited a degree of intelligence, decision, and method, which would do credit to any service.

By command of major gen. Scott.

(Signed) W. J. WORTH,
Lieut. col. and chief of the staff.

Executive Department,
Milledgeville, June, 23, 1838.

To gen. Charles Floyd:

Sir: Major White arrived here last evening, and delivered to me your communications of the 18th and 20th inst., and the orders of general Scott, directing the discharge of the troops under your command.

The people of the state cannot but be grateful to you and your brigade, for the successful termination of your military operations, in obtaining for Georgia the full possession of her territorial rights, and for the manner in which this important public service had been performed.

In discharging the troops, you are requested to give my thanks to the officers and men for their promptness in organizing and marching to the place of rendezvous, their humanity to the Indians, and the zeal and efficiency with which they have executed their various duties.

Very respectfully yours,
GEORGE R. GILMER.

Head-quarters, eastern division.

Cherokee agency, June 22, 1838.

Sir: I have much pleasure in saying to your excellency, that of the Cherokees who yet remained in the country, on the 24th ult., probably more than three fourths have already been collected for emigration by the troops under my command. The other fourth, it is expected, will be collected in eight or ten days more.

About 8,000 were sent off to the west, between the 1st and 17th inst., when apprehending that the warm season might prove highly injurious to the Indians, I was induced to suspend further emigration until the first of September next.

In the meantime, I propose to hold all the Indians yet to be emigrated, guarded by regular troops, at and around this place, Ross' and Gunter's landing. I have the honor to be, with great respect,

Your excellency's most obedient servant,

WINFIELD SCOTT.

P. S. I have already commenced the discharge of the Tennessee militia of this army.

W. S.

His excellency, E. Cannon, gov. of Tennessee.

From the Savannah Georgian of the 28th ult.
Middle Military District.

New Echota, July 3d, 1838.

I inclose you major general Scott's order, discharging the Georgia troops. The infantry was immediately discharged, and the cavalry were detained to scour the country for straggling Indians. That duty has been performed, and about forty stragglers have been taken and sent to Ross' landing. Nearly all the cavalry have since been mustered out, and the balance will be discharged so soon as the escort returns.

I enclose you also general Floyd's order for discharging the troops. This order was not extended to the cavalry until recently, from the circumstances above stated.

I have reason to apprehend that numbers of the Indians removed to Ross' landing and now assembled there to the number of upwards 5,000, will desert and get back to Georgia, as soon as all the Georgia troops are discharged. A great many have already returned, some with papers from white men. General Floyd has recaptured several and sent them back.

The inference is reasonable that if they would venture to return while the troops are here, that they will do it in greater numbers when there is no force to oppose them. 5,000 Indians encamped on the borders of the state, have many opportunities of eluding the utmost vigilance and will find their way back. "Soft Shell Turtle," an old chief, has been hid in the mountains with 24 followers, for nearly a month, and through the vigilance of capt. Means of the mounted volunteers, have all been captured. Georgia is, at length, rid of her red population, and this beautiful country will now be prosperous and happy."

Head-quarters, Middle Military District.

New Echota, 21st June, 1838.

ORDERS, No. 4.

The Georgia volunteers, having performed with promptitude, energy and humanity, the duties assigned to them, in the Cherokee country, will be honorably discharged from the service of the United States, by major general Scott. If any Indians, have eluded their vigilance, they are but a few stragglers, when necessity will compel them to follow their tribe to the west, or surrender, or perish. To the high praise bestowed by major gen. Scott on the Georgia troops, the brigadier general commanding them, has the pleasure to add his commendation, and in bidding them farewell, they have his best wishes, for a safe and happy return to their respective homes.

By order of brigadier general Floyd, commanding middle military district, G. M.

THOMAS BOURKE,
Captain and aid-de-camp.

OFFICIAL.

By the president of the United States of America.

A PROCLAMATION.

Whereas, a convention between the government of the United States of America and the government of the republic of Texas, to terminate the reclamations of the former government, for the capture, seizure, and detention of the brigs, Pocket, and Durango, and for injuries suffered by American citizens on board of the Pocket, was concluded and signed at Houston, on the eleventh day of April, in the year of our Lord one thousand eight hundred and thirty-eight, which convention is word for word, as follows:

Convention between the government of the United States of America and the government of

the republic of Texas, to terminate the reclamations of the former government, for the capture, seizure, and detention of the brig, Pocket, and Durango, and for injuries suffered by American citizens on board of the Pocket.

Alces La Branche, charge d'affaires of the United States of America, near the republic of Texas, acting on behalf of the said United States of America, and R. A. Irion, secretary of state of the republic of Texas, acting on behalf of the said republic, have agreed to the following articles.

ART. 1. The government of the republic of Texas, with a view to satisfy the aforesaid reclamation for the capture, seizure, and confiscation of the two vessels aforementioned, as well as for indemnity to American citizens who have suffered injuries from the said government of Texas, or its officers, obliges itself to pay the sum of eleven thousand seven hundred and fifty dollars, (\$11,750,) to the government of the United States of America, to be distributed amongst the claimants by the said government of the United States of America.

ART. 2. The sum of eleven thousand seven hundred and fifty dollars, (\$11,750,) agreed on in the first article shall be paid in gold or silver, with interest at six per cent. one year after the exchange of the ratifications of this convention. The said payment shall be made at the seat of government of the republic of Texas, into the hands of such person or persons as shall be duly authorized by the government of the United States of America to receive the same.

ART. 3. The present convention shall be ratified, and the ratifications thereof shall be exchanged in the city of Washington, in the space of three months from this date, or sooner, if possible.

In faith whereof, the parties above named have respectively subscribed these articles, and thereto affixed their seals.

Done at the city of Houston, on the eleventh day of the month of April, one thousand eight hundred and thirty-eight.

[L. s.] ALCEZ LA BRANCHE.
[L. s.] R. A. IRION.

And whereas the said convention has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington, on the sixth day of June, one thousand eight hundred and thirty-eight, by John Forsyth, secretary of state of the United States, and Fairfax, Catlett, charge d'affaires of the republic of Texas accredited to the government of the United States, on the part of their respective governments.

Now, therefore, be it known that I, MARTIN VAN BUREN, president of the United States, have caused the said convention to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand [L. s.] and caused the seal of the United States to be affixed.

Done at the city of Washington this sixth day of July, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the sixty-third.

M. VAN BUREN.

By the president:

John Forsyth, secretary of state.

NAVAL—OFFICIAL.

Copy of a letter from commodore John B. Nicholson, commanding United States navy naval forces on the coast of Brazil, to the secretary of the navy, dated February 19, 1838.

U. S. ship *Independence*,
Monte Video, Feb. 19, 1838.

Sir: I take leave to inform the honorable secretary of the navy of the arrival of this ship at this anchorage on the evening of the seventeenth inst. after a passage of fourteen days from Rio de Janeiro.

I am happy to add that the health of the officers and crew of this ship, and the United States brig Dolphin, also at anchor here, continues unimpaired.

I have the honor to be, sir,

Respectfully, your obedient servant,

JOHN B. NICOLSON,
Captain commanding U. S. naval
forces on the coast of Brazil.

Hon. Mahlon Dickerson,
Secretary of the navy, Washington.

Pennacola, June 30. The U. S. ship *Ontario*, arrived here on Tuesday last from a cruise in the Gulf, having left Vera Cruz on the 19th May last.

The following is a list of the officers of the *Ontario*. Samuel L. Breese, esq. commander; lieutenants, S. Barron, N. W. Duke, Henry French, Henry J. Paul; surgeon, A. G. Gambrill; purser,

Joseph Bryan; acting master, W. S. Smith; midshipmen, R. Burts, W. H. Maccomb, J. M. B. Clitz, S. C. Throckmorton; capt's. clerks, C. Francis, jr.; purser's clerk, B. T. Ferris; boatswain, R. H. Oneal; gunner, E. Whitten; acting carpenter, John Cohill; acting sail maker, J. T. Tatem.

List of the officers attached to the U. S. frigate *Constellation*, on her arrival from the coast of Mexico.

Commodore A. J. Dallas, captain Jas. McIntosh; lieutenants Farragut, Mitchell, McKinstry, Wurts; acting lieut. Spotswood; fleet surgeon, Edwards; acting master, Decatur; secretary, Miller; professor, Coffin; passed midshipman, Gardner; ass't. surgeons, Mously, Greer; midshipmen, Murry, Blanton, Barnett, Gibbon, Bryson, Henson, Guest, Brice land, Judson, Eagar, Creighton; masters mate, Hoban; clerk, Palmer; gunner, City; boatswain, Bryan; sailmaker, Burline; carpenter, McRay.

Change since her arrival.

Lt. Mitchell, to naval Hospital, sick; Lt. Chandler from Grampus; Lt. McKinstry, leave of absence; Lt. Walden, of marine corps from Middle Florida; passed midshipmen, Gardner to Grampus, as acting master.

The French brig of war *Dunois* of 12 guns, arrived here on Thursday last, from Vera Cruz, and exchanged salutes with the flag ship of the squadron; after which the brig saluted the city and her salute was again returned, by the *Constellation*. We understand the object of her visit, is to procure water and other supplies for the blockading squadron on the Mexican coast.

The U. S. ships *Vincennes* and *Peacock* came down from the navy yard very prettily under foretopsails Friday afternoon, and anchored off the naval hospital. These fine looking ships, with the more stately *Macedonian*, made quite a show from the town. [Norfolk Beacon.

A letter from com. John B. Nicholson, dated on board the U. S. ship *Independence* at Montevideo, on the 19th February, states that the officers and crew of that vessel, and also of the United States brig *Dolphin*, continued to enjoy excellent health.

Promotions in the navy. Lieutenant Stephen Champlin, to be commander, from the 22d June, 1838.

Passed midshipman, M. G. L. Claiborne, to be lieutenant, from the 22d June, 1838.

A marine general court martial convened at the navy yard, Philadelphia, on Monday, June 18, 1838, and was composed of captain John Harris, president.

Captains Thomas A. Linton, James McCauley; lieutenants J. G. Williams, A. Edson, G. F. Lindsay, and L. N. Carter, members.

Zalegman Phillips, Esq., judge advocate. Second lieutenant James Broom was tried on sundry charges and specifications, found guilty, and sentenced to be cashiered. Sentence approved July 6, 1838. [Army and Navy Chronicle.

ARMY BILL.

AN ACT, to increase the present military establishment of the United States, and for other purposes.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That there shall be added to each of the four regiments of artillery, one company, to be organized in the same manner as authorized by existing laws, with the exceptions hereafter mentioned: that there be added to every company of artillery sixteen privates, and to every company of infantry one sergeant and thirty-eight privates, and that the number of second lieutenants of a company of artillery to be reduced to one, and that this reduction be so made, in connection with the appointment of officers to the four additional companies authorized as aforesaid, and the transfer to the ordnance department hereafter directed, that all the present second lieutenants shall be retained in service; and there shall be raised and organized, under the direction of the president of the United States, one regiment of infantry, to be composed of the same number and rank of officers, non-commissioned officers, musicians, and privates, composing the regiments of infantry now in the service of the United States, who shall receive the same pay and allowance, and be subject to the same rules and regulations which now apply to other regiments of infantry, as provided for in this act.

Sec. 2. And be it further enacted, That the president of the United States be, and he is hereby authorized to add to the corps of engineers, whenever he may deem it expedient to increase the same, one lieutenant colonel, two majors, six captains, six first and second lieutenants; and that the pay and emoluments of the said corps shall be the same as

those allowed to the officers of the regiments of dragoons.

Sec. 3. And be it further enacted, That so much of the act passed the twenty-eighth day of April, one thousand eight hundred and twelve, entitled "An act making further provision for the corps of engineers," as provides that one paymaster shall be taken from the subalterns of the corps of engineers, be, and the same is hereby, repealed; and that the paymaster so authorized and provided be attached to the pay department, and be, in every respect, placed on the footing of other paymasters of the army.

Sec. 4. And be it further enacted, That the corps of topographical engineers shall be organized and increased by regular promotions in the same, so that the said corps shall consist of one colonel, one lieutenant colonel, four majors, ten captains, ten first lieutenants, and ten second lieutenants.

Sec. 5. And be it further enacted, That vacancies created by said organization, over and above those which can be filled by the present corps, shall be taken from the army, and from such as it may be deemed advisable of the civil engineers employed under the act of the thirtieth of April, eighteen hundred and thirty-four; that the pay and emoluments to the officers of said corps shall be the same as are allowed to officers of similar rank in the regiments of dragoons.

Sec. 6. And be it further enacted, That the authority to employ civil engineers, in the act of the thirtieth April, eighteen hundred and twenty-four, be, and the same is hereby, repealed, after the passage of this act.

Sec. 7. And be it further enacted, That the president of the United States shall be, and he is hereby, authorized to appoint so many assistant adjutants general, not exceeding two, with the brevet rank, pay, and emoluments of a major, and not exceeding four with the brevet rank, pay, and emoluments of a captain of cavalry, as he may deem necessary; and that they shall be taken from the line of the army, and, in addition to their own, shall perform the duties of assistant inspectors general, when the circumstances of the service may require.

Sec. 8. And be it further enacted, That the officers to be taken from the line and transferred to the staff, under the last preceding section, shall receive only the pay and emoluments attached to their rank in the staff; but their transfer shall be without prejudice to their rank and promotion in the line, according to their said rank and seniority; which promotion shall take place according to usage, in the same manner as if they had not been thus transferred.

Sec. 9. And be it further enacted, That the president of the United States be, and he is hereby, authorized, by and with the advice and consent of the senate, to add to the quartermaster's department not exceeding two assistant quartermasters general, with the rank of colonel, two deputy quartermasters general, with the rank of lieutenant colonel, and eight assistant quartermasters, with the rank of captain; that the assistant quartermasters now in service shall have the same rank as is provided by this act for those hereby authorized; and that the pay and emoluments of the officers of the quartermaster's department shall be the same as are allowed to officers of similar rank in the regiments of dragoons: Provided, That all appointments in the quartermaster's department shall be made from the army; and when officers taken for such appointments hold rank in the line, they shall thereupon relinquish said rank, and be separated from the line of the army; and that promotion in said department shall take place as in regiments and corps.

Sec. 10. And be it further enacted, That the quartermaster general be, and he is hereby authorized, from time to time, to employ as many forage-masters and wagon-masters as he may deem necessary for the service, not exceeding twenty in the whole, who shall be entitled to receive each forty dollars per month, and three rations per day, and forage for one horse; and neither of whom shall be interested or concerned, directly or indirectly, in any wagon or other means of transport employed by the United States, nor in the purchase or sale of any property procured for or belonging to the United States, except as an agent for the United States.

Sec. 11. And be it further enacted, That there be added to the commissariat of subsistence, one assistant commissary general of subsistence, with the rank, pay, and emoluments of a lieutenant colonel of cavalry; one commissary of subsistence, with the rank, pay, and emoluments of a quartermaster of the army; and three commissaries of subsistence, with the rank, pay, and emoluments of assistant quartermasters.

Sec. 12. And be it further enacted, That the stewards of hospitals at posts of more than four companies be hereafter allowed the pay, clothing, and

rations of a sergeant of ordnance, and, at all other posts, the pay, clothing, and rations of the first sergeant of a company of infantry.

Sec. 13. *And be it further enacted*, That the president of the United States be, and he is hereby, authorized to add to the ordnance department, whenever he may deem it expedient to increase the same, by and with the advice of the senate, two majors, and that he be further authorized to transfer ten first lieutenants and ten second lieutenants from the artillery to the ordnance department; and that the pay and emoluments of the officers of the said department shall be the same as those allowed to the officers of the regiments of dragoons.

Sec. 14. *And be it further enacted*, That so much of the fourth section of the act passed fifth of April, eighteen hundred and twenty-two, for the organization of the ordnance department, as authorizes the officers of ordnance to receive the same pay and emoluments now allowed artillery officers, shall be construed to include the ten dollars per month additional pay to every officer in the actual command of a company, as compensation for the duties and responsibilities with respect to clothing, arms, and accoutrements of the company, under the authority of the second section of the act passed second of March, eighteen hundred and twenty-seven, giving further compensation to the captains and subalterns of the army of the United States in certain cases: *Provided*, That the officers of the ordnance department claiming the compensation for such duties and responsibilities shall have been actually in the command of enlisted men of the ordnance, equal to a company of artillery, and thereby incurred the aforesaid responsibilities.

Sec. 15. *And be it further enacted*, That every commissioned officer of the line or staff, exclusive of general officers, shall be entitled to receive one additional ration per diem for every five years that he may have served, or shall serve, in the army of the United States: *Provided*, That, in certain cases where officers are entitled to and receive double rations, the additional one allowed in this section shall not be included in the number to be doubled.

Sec. 16. *And be it further enacted*, That from and after the passage of this act, all enlistments in the army of the United States shall be for five years, and that the monthly pay of non-commissioned officers and soldiers shall be as follows: to each sergeant major, quartermaster sergeant, and chief musician, seventeen dollars; to each first sergeant of a company, sixteen dollars; to all other sergeants, thirteen dollars; to each artificer, eleven dollars; to each corporal nine dollars; and to each musician and private soldier, eight dollars: *Provided*, that two dollars per month of said pay be retained until the expiration of his term of service.

Sec. 17. *And be it further enacted*, That the allowance of sugar and coffee to the non-commissioned officers, musicians, and privates, in lieu of the spirit or whiskey component part of the army ration, now directed by regulation, shall be fixed at six pounds of coffee and twelve pounds of sugar to every one hundred rations; to be issued weekly when it can be done with convenience to the public service, and, when not so issued, to be paid for in money.

Sec. 18. *And be it further enacted*, That it shall be lawful for the officers composing the council of administration at any post, from time to time, to employ such person as they may think proper to officiate as chaplain, who shall also perform the duties of schoolmaster at such post; and the person so employed shall, on the certificate of the commanding officer of the post, be paid such sum for his services, not exceeding forty dollars per month, as may be determined by the said council of administration, with the approval of the secretary of war; and, in addition to his pay, the said chaplain shall be allowed four rations per diem, with quarters and fuel.

Sec. 19. *And be it further enacted*, That an additional professor be appointed to instruct in the studies of chemistry, mineralogy, and geology, with the pay and emoluments now allowed to the professor of mathematics; and that the secretary of war may assign to the said professor an assistant, to be taken from the officers of the line or cadets; which assistant professor will receive the pay and emoluments allowed to other assistant professors.

Sec. 20. *And be it further enacted*, That, whenever suitable non-commissioned officers or privates cannot be procured from the line of the army to serve as paymasters' clerks, paymasters be, and hereby are, authorized and empowered, by and with the approbation of the secretary of war, to employ citizens to perform that duty, at salaries not to exceed five hundred dollars per annum, each.

Sec. 21. *And be it further enacted*, That all letters and packages on public business, to and from the commanding general, the colonel of ordnance,

the surgeon general, and the head of the topographical corps, shall be free from postage.

Sec. 22. *And be it further enacted*, That the president shall be, and he is hereby, authorized, whenever he may deem the same expedient, to cause not exceeding two of the regiments of infantry to be armed and equipped, and to serve as a regiment of riflemen, and one other of the regiments of infantry to be armed and equipped, and to serve as a regiment of light infantry.

Sec. 23. *And be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be, and the same are hereby, repealed.

Sec. 24. *And be it further enacted*, That hereafter the officers of the pay and medical departments of the army shall receive the pay and emoluments of officers of cavalry, of the same grades respectively, according to which they are now paid by existing laws.

Sec. 25. *And be it further enacted*, That, when volunteers or militia are called into the service of the United States, so that the paymasters authorized by law shall not be deemed sufficient to enable them to pay the troops with proper punctuality, it shall be lawful for the president to appoint as many additional paymasters as he shall deem necessary, who shall perform the same duty, give the same bond, be subject to the same liability, and receive the same pay and emoluments, as are now provided for paymasters of the army: *Provided, however*, that the number so appointed shall not exceed one for every two regiments of militia or volunteers: *And provided, also*, That the persons so appointed shall continue in service only so long as their services are required to pay militia and volunteers.

Sec. 26. *And be it further enacted*, That the compensation hereafter to be allowed to such ordnance storekeepers as shall be designated as paymasters, shall not exceed the pay and emoluments of a captain of ordnance.

Sec. 27. *And be it further enacted*, That it shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; and, as a compensation therefor, may be allowed by the secretary of war at the rate of two dollars per diem, during the continuance of such disbursements: *Provided*, That the whole amount of emolument shall not exceed one per cent. on the sum disbursed.

Sec. 28. *And be it further enacted*, That the term for which cadets hereafter admitted into the military academy at West Point shall engage to serve, be, and the same is hereby, increased to eight years, unless sooner discharged.

Sec. 29. *And be it further enacted*, That, in lieu of the bounty now provided by the law for reenlistment, every able-bodied non-commissioned officer, musician, or private soldier, who may reenlist into his company or regiment within two months before, or one month after the expiration of his term of service, shall receive three months' extra pay; and also, any non-commissioned officer or soldier who shall have served ten consecutive years and shall obtain from the commanding officer of his company battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, shall be allowed one hundred and sixty acres of land, to be designated, surveyed, and laid off at the public expense, in such manner and upon such conditions as may be provided by law; which land shall be patented to the soldier or his heirs, and be not assignable until patented.

Sec. 30. *And be it further enacted*, That so much of the eleventh section of the act of the sixteenth March, eighteen hundred and two, and so much of the fifth section of the act of the twelfth of April, eighteen hundred and eight, as fix the height of enlisted men at five feet six inches, be, and the same are hereby, repealed.

Sec. 31. *And be it further enacted*, That the officers of the army shall not be separated from their regiments and corps for employment on civil works of internal improvement, or be allowed to engage in the service of incorporated companies; and no officer of the line of the army shall hereafter be employed as acting paymaster or disbursing agent for the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper: *Provided*, That where officers of the army are now employed on civil works or in the Indian and pay departments as contemplated in this section, they may be continued therein not exceeding one year, unless the convenience of the service will admit of their withdrawal sooner.

Sec. 32. *And be it further enacted*, That the superintendents of the armories at Springfield and Harper's Ferry shall hereafter receive each the sum

of fifteen hundred dollars, and rations, fuel, and quarters, as at present authorized; and that the master armorers of the same shall each receive the sum of twelve hundred dollars, and fuel and quarters as at present authorized; and that the aforesaid sums and allowances to the officers aforesaid shall be in full compensation for their services respectively.

Sec. 33. *And be it further enacted*, That the president be, and he is hereby, authorized, by and with the advice and consent of the senate, to appoint seven additional surgeons; and that the officers whose appointment is authorized in this section, shall receive the pay and allowances of officers of the same grades respectively.

ARMY GENERAL ORDER.

GENERAL ORDERS, } War Department,
No. 23. } Adjutant General's Office,
Washington, July 12, 1838.

I. Promotions and appointments in the army, made by the president; and by and with the advice and consent of the senate, in conformity with the existing laws, and the provisions of the act to increase the peace establishment of the United States, approved July 5, 1838.

GENERAL STAFF—ADJUTANT GENERAL'S DEPARTMENT.

Assistant adjutants general.

Captain S. Cooper, of the 4th artillery, with the brevet rank of major of cavalry, 7 July, 1838.

Captain L. Thomas, of the 4th infantry, with the brevet rank of major of cavalry, 7 July, 1838.

First lieutenant R. Anderson, of the 3d artillery, with the brevet rank of captain of cavalry, 7 July, 1838.

First lieutenant E. D. Keyes, of the 3d artillery, with the brevet rank of captain of cavalry, 7 July, 1838.

First lieutenant Edmund Schriver, of the 2d artillery, with the brevet rank of captain of cavalry, 7 July, 1838.

First lieutenant G. H. Griffin, of the 6th infantry, with the brevet rank of captain of cavalry, 7 July, 1838.

QUARTERMASTER GENERAL'S DEPARTMENT.

Major Henry Stanton, quartermaster, lieutenant colonel by brevet, to be assistant quartermaster general, with the rank of colonel, 7 July, 1838.

Major Trueman Cross, quartermaster, to be assistant quartermaster general, with the rank of colonel, 7 July, 1838.

Major Joshua B. Brant, quartermaster, to be deputy assistant quartermaster general, with the rank of lieutenant colonel, 7 July, 1838.

Major Henry Whiting, quartermaster, to be deputy assistant quartermaster general, with the rank of lieutenant colonel, 7 July, 1838.

Quartermasters, with the rank of major.

Brevet major Thomas F. Hunt, of the 5th infantry, 7 July, 1838.

Brevet major Isaac Clark, of the 6th infantry, 7 July, 1838.

Brevet major Aeneas Mackay, of the 3d artillery, 7 July, 1838.

Captain Charles Thomas, of the 7th infantry, 7 July, 1838.

Assistant quartermasters, with the rank of captain.

Captain Samuel McRee, of the 1st infantry, 7 July, 1838.

Captain D. D. Tompkins, of the 1st artillery, 7 July, 1838.

Captain Carlos A. Waite, of the 2d infantry, 7 July, 1838.

Captain Thomas Swords, of the 1st dragoons, 7 July, 1838.

Captain George H. Crosman, of the 6th infantry, 7 July, 1838.

Captain David H. Vinton, of the 3d artillery, 7 July, 1838.

Captain John L'Engle, of the 3d artillery, 7 July, 1838.

Captain E. B. Alexander, of the 3d infantry, 7 July, 1838.

Captain O. Cross, of the 1st infantry, 7 July, 1838.

Captain J. A. Chambers, of the 2d artillery, 7 July, 1838.

Captain M. M. Clark, of the 2d artillery, 7 July, 1838.

Captain J. P. Davis, of the 7th infantry, 7 July, 1838.

First lieutenant F. Searle, of the 4th artillery, 7 July, 1838.

First lieutenant S. P. Heintzelman, of the 2d infantry, 7 July, 1838.

First lieutenant J. R. Irwin, of the 1st artillery, 7 July, 1838.

First lieutenant E. S. Sibley, of the 1st artillery, 7 July, 1838.

First lieutenant E. B. Babbitt, of the 3d infantry, 7 July, 1833.
 First lieutenant B. A. Terrett, of the 1st dragoons, 7 July, 1833.
 First lieutenant R. E. Clary, of the 5th infantry, 7 July, 1833.
 First lieutenant C. O. Collins, of the 4th artillery, 7 July, 1833.
 First lieutenant A. R. Hetzel, of the 2d infantry, 7 July, 1833.
 First lieutenant R. H. Peyton, of the 2d artillery, 7 July, 1833.
 First lieutenant R. S. Dix, of the 7th infantry, 7 July, 1833.
 First lieutenant B. Alvord, of the 4th infantry, 7 July, 1833.
 First lieutenant J. W. McCrabb, of the 4th infantry, 7 July, 1833.
 First lieutenant E. A. Ogden, of the 8th infantry, 7 July, 1833.
 First lieutenant J. M. Hill, of the 8th infantry, 7 July, 1833.

SUSTENANCE DEPARTMENT.

Major J. H. Hook, commissary of subsistence, to be assistant commissary general of subsistence, with the rank of lieutenant colonel of cavalry, 7 July, 1833.

Captain J. P. Taylor, of the 2d artillery, commissary of subsistence, to be commissary of subsistence, with the rank of quartermaster, 7 July, 1833, vice Hook, appointed assistant commissary general of subsistence.

Captain T. W. Lendrum, of the 3d artillery, to be commissary of subsistence, with the rank of quartermaster, 7 July, 1833.

Commissaries of subsistence, with the rank of assistant quartermaster.

Captain R. B. Lee, of the 3d artillery, major by brevet, 7 July, 1833, vice Taylor, promoted.

First lieutenant J. B. Grayson, of the 2d artillery, 7 July, 1833.

MEDICAL DEPARTMENT.

Assistant surgeon Benjamin King, to be surgeon, to rank from 13th July, 1832.

Assistant surgeon Charles S. Tripler, to be surgeon, 7 July, 1833.

Assistant surgeon Philip Maxwell, to be surgeon, 7 July, 1833.

Assistant surgeon Henry L. Heiskell, to be surgeon, 7 July, 1833.

Assistant surgeon Charles McDougall, to be surgeon, 7 July, 1833.

Assistant surgeon Burton Randall, to be surgeon, 7 July, 1833.

Assistant surgeon Nathan S. Jarvis, to be surgeon, 7 July, 1833.

CORPS OF ENGINEERS.

Major Sylvanus Thayer, lieutenant colonel by brevet, to be lieutenant colonel, 7 July, 1833.

Captain John L. Smith, major by brevet, to be major 7 July, 1833, vice Thayer appointed lieutenant colonel.

Captain W. H. Chase, to be major, 7 July, 1833.

Captain Richard Delafield, to be major, 7 July, 1833.

First lieutenant George Dutton, to be captain, 7 July, 1833, vice Smith promoted.

First lieutenant Joseph K. F. Mansfield, to be captain, 7 July, 1833, vice Chase promoted.

First lieutenant Alexander H. Bowman, to be captain, 7 July, 1833, vice Delafield promoted.

First lieutenant Robert E. Lee, to be captain, 7 July, 1833.

First lieutenant Alexander J. Swift, to be captain, 7 July, 1833.

Second lieutenant Frederick A. Smith, to be captain, 7 July, 1833.

Second lieutenant Jonathan G. Barnard, to be captain, 7 July, 1833.

Second lieutenant George W. Cullum, to be captain, 7 July, 1833.

Second lieutenant William Smith, to be captain, 7 July, 1833.

Second lieutenant John Sanders, to be 1st lieutenant, 7 July, 1833, vice Leslie transferred to the pay department.

Second lieutenant Charles H. Bigelow, to be first lieutenant, 7 July, 1833, vice Dutton promoted.

Brevet second lieutenant George L. Welcker, to be first lieutenant, 7 July, 1833, vice Mansfield promoted.

Brevet second lieutenant James L. Mason, to be first lieutenant, 7 July, 1833, vice Bowman promoted.

Brevet second lieutenant Henry W. Benham, to be first lieutenant, 7 July, 1833, vice Lee promoted.

Brevet second lieutenant Danville Leadbetter, to be first lieutenant, 7 July, 1833, vice Swift promoted.

Brevet second lieutenant Montgomery C. Meigs, to be first lieutenant, 7 July, 1833.

Brevet second lieutenant Daniel P. Woodbury, to be first lieutenant, 7 July, 1833.

Second lieutenant W. H. Wright, of the first artillery, to be second lieutenant, 7 July, 1833.

Second lieutenant P. G. T. Beauregard, of the first artillery, to be second lieutenant, 7 July, 1833.

Second lieutenant James H. Trapp, of the first artillery, to be second lieutenant, 7 July, 1833.

Second lieutenant Stephen H. Campbell, of the second artillery, to be second lieutenant, 7 July, 1833.

Second lieutenant Jeremiah M. Scarritt, of the sixth infantry, to be second lieutenant, 7 July, 1833.

CORPS OF TOPOGRAPHICAL ENGINEERS.

Brevet major John J. Abert, topographical engineer, lieutenant colonel by brevet, to be colonel, 7 July, 1833.

Brevet major James Kearney, topographical engineer, lieutenant colonel by brevet, to be lieutenant colonel, 7 July, 1833.

Brevet major Stephen H. Long, topographical engineer, lieutenant colonel by brevet, to be major, to rank from 29th April, 1816.

Brevet major Hartman Bache, topographical engineer, to be major, to rank from 1st August, 1832.

Brevet major James D. Graham, topographical engineer, to be major, to rank from 14th September, 1834.

Brevet major William Turnbull, topographical engineer, to be major, to rank from 23d November, 1837.

Brevet captain Wm. H. Swift, assistant topographical engineer, to be captain, to rank from 1st August, 1832.

Brevet captain Wm. G. Williams, assistant topographical engineer, to be captain, to rank from 28th January, 1834.

Brevet captain Augustus Canfield, assistant topographical engineer, to be captain, to rank from 14th September, 1834.

Brevet captain Campbell Graham, assistant topographical engineer, to be captain, to rank from 23d November, 1837.

First lieutenant John Mackay, of the 2d artillery, to be captain 7 July, 1833.

W. B. Guion, of Mississippi, to be captain 9 July, 1833.

G. W. Hughes, of New York, to be captain 9 July, 1833.

First lieutenant Thomas B. Linnard, of the 2d artillery, to be 1st lieutenant 7 July, 1833.

First lieutenant John N. Macomb, of the 4th artillery, to be first lieutenant 7 July, 1833.

First lieutenant Wm. W. S. Bliss, of the 4th infantry, to be first lieutenant 7 July, 1833.

First lieutenant J. Edmund Blake, of the 6th infantry, to be first lieutenant 7 July, 1833.

First lieutenant Augustus P. Allen, of the 3d artillery, to be first lieutenant 7 July, 1833.

H. Stansbury, of New York, to be 1st lieutenant 9 July, 1833.

J. E. Johnston, late of the army, to be first lieutenant 9 July, 1833.

Second lieutenant William H. Warner, of the 1st artillery, to be second lieutenant 7 July, 1833.

Second lieutenant Israel C. Woodruff, of the 3d artillery, to be second lieutenant 7 July, 1833.

Second lieutenant John W. Gunnison, of the 2d artillery, to be second lieutenant 7 July, 1833.

Second lieutenant Eliakim P. Scammon, of the 4th artillery, to be second lieutenant 7 July, 1833.

Second lieutenant Robert McLane, of the 1st artillery, to be second lieutenant 7 July, 1833.

C. N. Hagner, of the District of Columbia, to be second lieutenant 9 July, 1833.

W. R. Palmer, of New Jersey, to be second lieutenant 9 July, 1833.

C. Frimont, of South Carolina, to be second lieutenant 9 July, 1833.

J. D. Webster, of Massachusetts, to be second lieutenant 9 July, 1833.

ORDNANCE DEPARTMENT.

Brevet major Rufus L. Baker, captain, to be major, 7 July, 1833, vice Worth, appointed colonel of infantry.

Brevet major Mann Page Lomax, captain of the 3d artillery, to be major, 9 July, 1833.

Captain J. W. Ripley, to be major, 9 July, 1833.

First lieutenant W. Maynattier, of the 1st artillery, to be captain, 9 July, 1833.

First lieutenant W. A. Thornton, of the 4th artillery, to be captain 9 July, 1833.

To be first lieutenants.

First lieutenant J. Williamson, of the 1st artillery, 30th September, 1833.

First lieutenant R. H. K. Whiteley, of the 2d artillery, 28th December, 1833.

First lieutenant R. E. Temple, of the 3d artillery, 22d June, 1836.

First lieutenant G. H. Talcott, of the 3d artillery, 15th September, 1836.

First lieutenant J. F. Lee, of the 1st artillery, 17th December, 1836.

First lieutenant J. M. Morgan, of the 2d artillery, 31st May, 1837.

To be second lieutenants.

Second lieutenant P. V. Hagner, of the 1st artillery, 6 August, 1836.

Second lieutenant R. A. Wainwright, of the 4th artillery, 22 October, 1836.

Second lieutenant A. B. Dyer, of the 3d artillery, 1 July, 1837.

Second lieutenant A. H. Dearborn, of the 2d artillery, 1 July, 1838.

Second lieutenant J. T. Metcalf, of the 3d artillery, 1 July, 1838.

FIRST REGIMENT OF ARTILLERY.

Captain Francis S. Belton, of the 2d artillery, to be major, 7 July, 1833, vice Pierce, appointed lieutenant colonel of infantry.

First lieutenant Francis Taylor, to be captain, 7 July, 1833, (company K.)

Second lieutenant Martin J. Burke, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant John S. Hatheway, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant William E. Aisquith, to be first lieutenant, 7 July, 1833, vice Taylor, promoted.

Second lieutenant James L. Donaldson, to be first lieutenant, 9 July, 1833, vice Maynattier, appointed captain of ordnance.

Second lieutenant William W. Mackall, to be first lieutenant, 9 July, 1833, vice Williamson, transferred to the ordnance.

Second lieutenant I. Vogdes, to be first lieutenant, 9 July, 1833, vice Lee, transferred to the ordnance.

Second lieutenant H. C. Wayne, of the 4th artillery, to be second lieutenant, 1 July, 1833.

Brevet second lieutenant Irwin McDowell, to be second lieutenant, 7 July, 1833.

SECOND REGIMENT OF ARTILLERY.

First lieutenant James A. Chambers, to be captain, 7 July, 1833, vice Belton promoted.

First lieutenant Charles F. Smith, to be captain, 7 July, 1833, (company K.)

First lieutenant M. M. Clark, to be captain, 7 July, 1833, vice Taylor, appointed commissary of subsistence.

Second lieutenant John F. Roland, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant M. L. Shackelford, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant Robert Allen, to be 1st lieutenant, 7 July, 1833, vice Chambers, promoted.

Second lieutenant Charles B. Daniels, to be first lieutenant, 7 July, 1833, vice Smith, promoted.

Second lieutenant Edwin W. Morgan, to be first lieutenant, 7 July, 1833, vice Clark, promoted.

Second lieutenant William W. Chapman, to be first lieutenant, 7 July, 1833, vice Mackay, appointed captain topographical engineers.

Second lieutenant Lewis G. Arnold, to be first lieutenant, 7 July, 1833, vice Linnard, appointed first lieutenant topographical engineers.

Second lieutenant Francis Woodbridge, to be first lieutenant, 9 July, 1833, vice Whitely, transferred to the ordnance.

Second lieutenant Edward D. Townsend, to be first lieutenant, 9 July, 1833, vice J. M. Morgan, transferred to the ordnance.

Brevet second lieutenant W. F. Barry, of the 4th artillery, to be second lieutenant, 7 July, 1833.

Brevet second lieutenant William A. Nichols, to be second lieutenant, 7 July, 1833.

Brevet second lieutenant Leslie Chase, to be second lieutenant, 7 July, 1833.

THIRD REGIMENT OF ARTILLERY.

First lieutenant William B. Davidson, to be captain, 7 July, 1833, (company K.)

First lieutenant David H. Vinton, to be captain, 7 July, 1833, vice Mackay, appointed quartermaster.

First lieutenant John L'Engle, to be captain, 7 July, 1833, vice Lendrum, appointed commissary of subsistence.

First lieutenant Hezekiah Garner, to be captain, 9 July, 1833, vice Lomax appointed major of ordnance.

Second lieutenant Christopher Q. Tompkins, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant William Frazer, to be first lieutenant, 7 July, 1833, (company K.)

Second lieutenant William Mock, to be first lieutenant, 7 July, 1833, vice Davidson, promoted.

Second lieutenant B. Bragg, to be first lieutenant, 7 July, 1833, vice Vinton, promoted.

Second lieutenant Robert T. Jones, to be first lieutenant, 7 July, 1833, vice L'Engle, promoted.

Second lieutenant John A. Early, to be first lieutenant, 7 July, 1833, vice Allen, appointed first lieutenant topographical engineers.

Second lieutenant George Taylor, to be first lieutenant, 9 July, 1838, vice Garner, promoted.

Second lieutenant George C. Rodney, to be first lieutenant, 9 July, 1838, vice Temple, transferred to the ordnance.

Second lieutenant Edward J. Steptoe, to be first lieutenant, 9 July, 1838, vice Talcott, transferred to the ordnance.

Brevet second lieutenant Milton A. Haynes, to be second lieutenant, 7 July, 1838.

Brevet second lieutenant Rowley S. Jennings, to be second lieutenant, 7 July, 1838.

Second lieutenant W. A. Brown, of the second dragoons, to be second lieutenant, 1 July, 1838.

FOURTH REGIMENT OF ARTILLERY.

First lieutenant Samuel B. Dusenbery, to be captain, 7 July, 1838, (company K.)

Second lieutenant William G. Freeman, to be first lieutenant, 7 July, 1838, (company K.)

Second lieutenant Joseph Roberts, to be first lieutenant, 7 July, 1838, (company K.)

Second lieutenant James H. Stokes, to be first lieutenant, 7 July, 1838, vice Dusenbery promoted.

Second lieutenant John P. J. O'Brien, to be first lieutenant, 7 July, 1838, vice Macomb, appointed first lieutenant topographical engineers.

Second lieutenant John W. Phelps, to be first lieutenant, 9 July, 1838, vice Thornton, appointed captain of ordnance.

FIRST REGIMENT OF INFANTRY.

First lieutenant Osborne Cross, to be captain, 7 July, 1838, vice Hitchcock, appointed major of the 8th infantry.

First lieutenant Joseph H. Lamotte, to be captain, 7 July, 1838, vice Gwynne, transferred to the 8th infantry.

Second lieutenant Samuel M. Plummer, to be first lieutenant, 7 July, 1838, vice Cross, promoted.

Second lieutenant John M. Scott, to be first lieutenant, 7 July, 1838, vice Lamotte, promoted.

Second lieutenant R. Bennett, to be first lieutenant, 7 July, 1838, vice Ogden, transferred to the 8th infantry.

SECOND REGIMENT OF INFANTRY.

First lieutenant Hannibal Day, to be captain, 7 July, 1838, vice Russell, transferred to the 8th infantry.

Second lieutenant I. R. D. Burnett, to be first lieutenant, 7 July, 1838, vice Day, promoted.

Second lieutenant H. W. Wessells, to be first lieutenant, 7 July, 1838, vice Hill, transferred to the 5th infantry.

THIRD REGIMENT OF INFANTRY.

First lieutenant Edmund B. Alexander, to be captain, 7 July, 1838, vice Wright, transferred to the 8th infantry.

Second lieutenant Henry Swartwout, to be first lieutenant, 7 July, 1838, vice Alexander, promoted.

Second lieutenant George P. Field, to be first lieutenant, 7 July, 1838, vice Birdsall, transferred to the 8th infantry.

Second lieutenant Joseph L. Coburn, to be first lieutenant, 7 July, 1838, vice Bonnell, transferred to the 8th infantry.

Second lieutenant Philip N. Barbour, to be first lieutenant, 7 July, 1838, vice Montgomery, transferred to the 8th infantry.

Second lieutenant William S. Henry, to be first lieutenant, 7 July, 1838, vice Kello, transferred to the 8th infantry.

FOURTH REGIMENT OF INFANTRY.

First lieutenant Richard B. Screven, to be captain, 7 July, 1838, vice McCall, transferred to the 8th infantry.

Second lieutenant I. V. D. Reeve, to be first lieutenant, 7 July, 1838, vice Screven, promoted.

Second lieutenant Henry Prince, to be first lieutenant, 7 July, 1838, vice Bliss, appointed first lieutenant topographical engineers.

FIFTH REGIMENT OF INFANTRY.

First lieutenant Ephraim K. Smith, to be captain, 7 July, 1838, vice Hunt, appointed quartermaster.

First lieutenant Alexander S. Hooe, to be captain, 7 July, 1838, vice Denny, transferred to the 8th infantry.

Second lieutenant Daniel Ruggles, to be first lieutenant, 7 July, 1838, vice Smith, promoted.

Second lieutenant I. Chester Reid, to be first lieutenant, 7 July, 1838, vice Hooe, promoted.

Second lieutenant Joseph H. Whipple, to be first lieutenant, 7 July, 1838, vice Davies, transferred to the 8th infantry.

SIXTH REGIMENT OF INFANTRY.

First lieutenant Albemarle Cady, to be captain, 7 July, 1838, vice Clark appointed quartermaster.

First lieutenant Thomas L. Alexander, to be captain, 7 July, 1838, vice Worth, transferred to the 8th infantry.

Second lieutenant James Monroe, jr., to be first lieutenant, 7 July, 1838, vice Cady, promoted.

Second lieutenant Charles S. Lovell, to be first lieutenant, 7 July, 1838, vice Alexander, promoted.

Second lieutenant William D. Berrien, to be first lieutenant, 7 July, 1838, vice Blake, appointed first lieutenant topographical engineers.

SEVENTH REGIMENT OF INFANTRY.

First lieutenant Stephen W. Moore, to be captain, 7 July, 1838, vice Thomas, appointed quartermaster.

First lieutenant John P. Davis, to be captain, 7 July, 1838, vice Phillips, transferred to the 8th infantry.

Second lieutenant Forbes Briton, to be first lieutenant, 7 July, 1838, vice Moore, promoted.

Second lieutenant Alexander Montgomery, to be first lieutenant, 7 July, 1838, vice Davis, promoted.

Second lieutenant Weightman K. Hanson, to be first lieutenant, 7 July, 1838, vice McKavett, transferred to the 8th infantry.

EIGHTH REGIMENT OF INFANTRY.

Major William J. Worth, of the ordnance, lieutenant colonel by brevet, to be colonel, 7 July, 1838.

Major Benjamin K. Pierce, of the 1st regiment of artillery, lieutenant colonel by brevet, to be lieutenant colonel, 7 July, 1838.

Captain Ethan A. Hitchcock, of the 1st infantry, to be major, 7 July, 1838.

To be captains.

Captain Thomas P. Gwynne, of the first infantry, to rank from the 4th of March, 1838, (company A.)

Captain J. A. Phillips, of the 7th infantry, to rank from the 4th of May, 1836, (company B.)

Captain St. Clair Denny, of the 5th infantry, to rank from the 1st of April, 1836, (company C.)

Captain Samuel L. Russell, of the 2d infantry, to rank from the 28th of June, 1836, (company D.)

Captain George A. McCall, of the 4th infantry, to rank from the 21st of September, 1836, (company E.)

Captain George Wright, of the 3d infantry, to rank from the 30th of October, 1836, (company F.)

Captain Joseph S. Worth, of the 6th infantry, to rank from the 31st of July, 1837, (company G.)

First lieutenant Egbert B. Birdsall, of the 8d infantry, to be captain, 7 July, 1838, (company H.)

First lieutenant Joseph Bonnell, of the 3d infantry, to be captain, 7 July, 1838, (company I.)

First lieutenant Wm. R. Montgomery, of the 3d infantry, to be captain, 7 July, 1838, (company K.)

To be 1st lieutenants.

First lieutenant William O. Kello, of the 3d infantry, to rank from the 15th of November, 1836, (company A.)

First lieutenant Edmund A. Ogden, of the 1st infantry, to rank from the 17th of December, 1836, (company B.)

First lieutenant James M. Hill, of the 2d infantry, to rank from the 31st of December, 1836, (company C.)

First lieutenant Camillus C. Daveiss, of the 5th infantry, to rank from the 31st December, 1836, (company D.)

First lieutenant Henry McKavett, of the 7th infantry, to rank from the 25th of December, 1837, (company E.)

Second lieutenant James V. Bomford, of the 2d infantry, to be first lieutenant, 7 July, 1838, (company F.)

Second lieutenant Thomas Johns, of the 2d infantry, to be first lieutenant, 7 July, 1838, (company G.)

Second lieutenant W. M. D. McKissack, of the 5th infantry, to be first lieutenant, 7 July, 1838, (company H.)

Second lieutenant Collinson R. Gates, of the 4th infantry, to be first lieutenant, 7 July, 1838, (company I.)

Second lieutenant Larkin Smith, of the 3d infantry, to be first lieutenant, 7 July, 1838, (company K.)

To be 2d lieutenants.

Second lieutenant John M. Harvie, of the 2d infantry, to rank from the 1st of July, 1837, (company A.)

Second lieutenant John T. Sprague, of the 5th infantry, to rank from the 3d of July, 1837, (company B.)

Second lieutenant Lucius O'Brien, of the 3d infantry, to rank from the 3d of September, 1837, (company C.)

Second lieutenant George Lincoln, of the 4th infantry, to rank from the 14th of September, 1837, (company D.)

W. C. Browne, of Pennsylvania, to be 2d lieutenant, 7 July, 1838, (company E.)

John A. Riel, of New York, to be 2d lieutenant, 7 July, 1838, (company F.)

A. L. Sheppard, of the District of Columbia, to be 2d lieutenant, 7 July, 1838, (company G.)

W. B. Heyward, of Maryland, to be 2d lieutenant, 7 July, 1838, (company H.)

Joseph Selden, of Virginia, to be 2d lieutenant, 7 July, 1838, (company I.)

T. S. J. Johnson, of Missouri, to be 2d lieutenant, 7 July, 1838, (company K.)

PROMOTIONS BY BREVET.

Major Sylvanus Thayer, of the corps of engineers, lieutenant colonel by brevet, to be colonel by brevet, to rank from 3d March, 1833, having served faithfully a brevet lieutenant colonel, and performed the appropriate duties of that grade for ten years.

Lieutenant colonel William Davenport, of the 1st infantry, to be colonel by brevet, for meritorious services in Florida, 7th July, 1838.

Lieutenant colonel James Bankhead, of the 4th artillery, to be colonel by brevet, for meritorious conduct in the campaigns in Florida, 7th July, 1838.

Captain Thomas Noel, of the 6th infantry, to be major by brevet, for gallant conduct in the battle of Kiamissee, to rank from 25th December, 1837.

TRANSFERS.

Second lieutenant Henry C. Wayne, of the 4th artillery, to the 1st artillery, to take place next below lieutenant Reeves.

Second lieutenant W. A. Brown, of the 2d dragoons, to the 3d artillery, to take place next below lieutenant Jennings.

Second lieutenant W. F. Barry, of the 4th artillery, to the 2d artillery, to take place next below lieutenant Pitkin.

II. Acceptance or non-acceptance of all appointments will be promptly reported to the adjutant general of the army; and the officers, whose stations are changed by promotion or otherwise, will join their proper regiments and companies, without delay, and report for duty accordingly. Officers of the general staff and of engineers will report to the chiefs of their respective departments.

III. Officers of the artillery and infantry, (now serving with the army and on the frontier,) appointed in the general staff and in the ordnance, will continue on duty with the troops until the commanding general under whom they may be serving can dispense with their services, when he will order them to join their respective departments.

IV. The additional company (K) to be raised for each regiment of artillery will be immediately organized and equipped; those for the 1st, 2d, and 4th regiments, in the harbor of New York, and that for the 3d, at Fort Monroe; to which posts the respective captains and lieutenants, not serving on the staff, or at the military academy, will repair without delay, where they will receive the recruits that are to constitute their several companies.

V. The colonel of the 8th infantry will proceed without delay to the northern frontier, and take prompt measures to organize and equip his regiment. The ten companies have already been organized from the recruits now serving on the frontier. Companies A and B are stationed at Detroit; companies C and D on the Niagara; companies E, F, G, and H, at Sackett's Harbor and near the St. Lawrence; company I at Plattsburg; and company K at Swanton, Vermont; to which several stations the respective captains and subalterns of the regiment will repair without delay, and report for duty. The lieutenant colonel of the regiment will repair to the Sackett's Harbor station, and the major to Detroit, until otherwise directed. All officers of the 8th regiment, absent on the recruiting service, or on leave, are ordered to join.

VI. The captains and subalterns temporarily serving on the frontier will be relieved by the company officers of the new regiment, when they will proceed to join their proper stations, and report for duty.

By order: R. JONES, adj. general.

LATER FROM EUROPE.

By the arrival at New York on Friday the 18th inst. of the packet ships *Virginia*, Harris, from Liverpool, and *Burgundy*, Rockett, from Havre, the editors of the Commercial Advertiser have received files of English and French papers to the latest dates, which are from London to the 7th, Liverpool and Paris to the 8th, and Havre to the 9th June.

Great Britain. The most prominent topic of the London papers is the fatal riot near Canterbury. The subject had been brought up in parliament, in consequence of certain serious charges alleged against the magistrates of Kent and the keepers of the lunatic asylum in which Courtney had been confined, for allowing him to go at large. The charge was made in the Chronicle. Courtney's real name, it seems, was John Nicholas Tom.

The affair was investigated by the magistrates on the 4th, at Faversham in Kent, fifteen of the prisoners being before them, four of whom were committed on the charge of wilful murder. Nine of the rioters were killed in the affray.

The papers give portraits of Tom, or Courtenay, in his rich velvet gown covered with gold chains, his long black beard, &c. He appears to have deluded his followers much as Matthias did some in this city, making them believe that he was the Deity, able to work miracles, &c.

Mr. and Mrs. Stevenson left London on the 4th of June, on a short visit to Earl Spencer.

The London Chronicle of June 7 contains a full report of the dinner given to sir Francis Head, on the 6th. When the health of sir Francis was proposed, he rose and commenced a speech in which, he said, he was anxious to explain what had been the conduct of the North American colonies, and that of the United States and their citizens; but before he had entered upon the details of his exposition, "he was so much overcome by his embarrassment that he was utterly unable to go on, and after several unavailing attempts, resumed his seat amidst loud cheers."

The Royal William, steam-packet, it is stated in the Liverpool Mail, was to sail from that port for New York on the 5th July. She is said to be a vessel of great speed, and first rate accommodations.

Martin, the lunatic who set fire to the York Minster some years ago, died in Bedlam on the 3d of June. Although quiet in his deportment, he was obliged to be closely watched, having a strong propensity for mischief. He was between 50 and 60 years of age.

We copy the following rumors from the London Herald. It is not likely that there is much truth in them.

On dils. It is reported in high quarters that the following modifications, additions, and omissions, are contemplated in ministerial arrangements: The duke of Sussex to go as lord lieutenant to Ireland; lord Mulgrave to have the home-office; lord J. Russell to be first lord of the treasury; lord Melbourne to retire; sir F. Lamb, his lordship's brother, now ambassador at Vienna, to be made a peer.

Lady C. Buggin, who manages the duke of Sussex's household, to be made a peeress by the style and title of countess of Enniskillen. On the duke's late fete to the queen, her ladyship did the honors, and presided at the head of the table.

The lady C. Buggin referred to, it is well known is married to the duke of Sussex. It is also rumored that lord Glenelg is to retire to the colonial office, and be succeeded by Mr. Spring Rice.

The Br. steamer sir Lionel Smith which sailed from New York on the 13th May for London, had not arrived on the 7th June.

Her Majesty's coronation robes. During the whole of yesterday vast crowds of respectable people were attracted to the house of Mr. Edward Howe, a silk weaver, in Castle street, not far from Shoreditch church, to view the splendid robes to be worn by her majesty at the approaching coronation, and which were just finished and out from the loom on that morning.

The contract for the manufacture of the robes as well as 660 yards of the most beautiful silk for the hanging and decoration of Westminster Abbey, was taken by Mr. Stilwell, of White Lion street, Norton Folgate, who confided the task to Mr. Edward Howe, and Mr. William Coe, two of the most ingenious operatives in the silk trade.

The robe, which is one of the most superb pieces of manufacture that can be imagined, is 10 yards in length and of the same pattern as that worn by George IV. at his coronation. It appears that a number of different patterns had been submitted to her majesty for inspection, and the one chosen by the queen, as above stated, was that worn by her royal uncle, George IV.

It also appears that Mr. Howe was the artist who had executed the order on that occasion, and having by him many of the cones and patterns then used, he was enabled to accomplish the task much better, and with much greater ease, than any other person could have done. The ground or warp is of the most rich gold colored silk, and the shoot consists of gold and silver twist, and rich silks of various shades.

Some idea may be formed of the variety when no less than twenty different shuttles were obliged to be in work at the same time. The principal surface appears to be massive gold, and the figures which are bold and considerably raised, are of the most magnificent description. Those of the real crown, the rose, the shamrock and the thistle, are truly beautiful.

The eagle, the fleur-de-lis, and other foreign national emblems, are also very prominent and beautifully executed, and do infinite credit to the skill,

taste, and judgment of the manufacturer. The hangings are of a less costly description, but are still of a most tasteful kind. The ground is of blue satin, and the shoot of gold colored rich silk.

The fact of the order for these splendid articles having been sent to Spitalfields has given the greatest satisfaction to the whole of the industrious operatives of that district.

The Coronation. The preparations at Westminster Abbey are advancing with much rapidity, the chief portion of the carpenter's work having been completed. The oriel and side galleries are now under the decorative hands of the upholsterers, and report speaks of the silks and stuffs which are to be used as coverings for the seats, canopies, &c., as most costly and elegant. The orchestral gallery is in forwardness, and when it is completed, and the new organ, which is described as an instrument of surpassing power and rich tone, is in its destined place, it is expected that the interior of the abbey will present a *coup d'oeil* of magnificence and architectural grandeur equal to any thing attempted in Europe on a similar occasion.

The important ceremony is fast approaching; and although the ministry would not have the day made one of rejoicing on the usual scale of splendour, yet it appears that the whole population of the united kingdom will devote the day to festivity.—London perhaps, will not be so crowded with illustrious foreigners as when the continental sovereign visited this country at the general peace; but many individuals of distinguished rank will come over in the capacity of ambassadors extraordinary, and numerous officers of rank will accompany them as aides-de-camp.

It is stated that his imperial highness the grand duke Alexander, son of the emperor of Russia, who was to be present at this august ceremony, attended by prince Lieven and a brilliant suite of Russian nobles, has not declared whether he will visit this country, in consequence of the early day fixed. The report that his royal highness the prince of Orange would come over, accompanied by his sons, turns out to be unfounded.

His royal highness prince Adelbert, nephew of the king of Prussia, it is thought, will accompany his highness prince Putbus. It is said his royal highness is possessed of brilliant talents, and is fond of naval architecture, and that the dock-yards of this country were as great an attraction as the coronation. The landgrave of Hesse Homburg has signified his intention of being present at the coronation, and is expected daily in London.

Of the embassies, many will be of less splendor than at the coronation of George IV, but those of Austria, Prussia, France, and Russia, are expected to be most splendid. His highness prince Swartzenburg, ambassador extraordinary from Austria, is expected in the course of a fortnight, and will have the high honor of presenting her majesty with the insignia of the grand cross of the order of St. Stephen, of Hungary, from the emperor of Austria. The jewels are diamonds, emeralds, and rubies, of enormous magnitude and great value.

In the wealthy nobleman's suite will be the landgrave of Furstemberg, Prince Archer Squarte, count Charles de Grunne, count Alex. Erody, &c. A suit of apartments have been engaged for his highness at one of the principal hotels, where a series of grand banquets will be given to the *elite* of the nobility, on a scale of princely magnificence. His royal highness, the duke de Nemours will be the bearer of a present from his august father the king of the French.

France. The Paris papers of June 3d announce the arrival at that city of Mr. Muhlenberg, envoy extraordinary, &c. to the court of Austria from the United States. He was presented to the king of France with Mr. Clay, his secretary, on the 2d.

The railroad committee of the chamber of deputies had reported the bill for the Havre and Paris rail-road, without amendment.

The bill for the reduction of the 5 per cent. was to be reported to the chamber of peers on the 9th.

The chamber of deputies was engaged upon a bill granting an extraordinary credit of 18,171,408 francs, for keeping up the French possessions in the north of Africa.

The king was to review the National Guards of Paris on Sunday, the 10th of June.

A Toulon letter dated June 2d states that the brig of war Dupetit Thouars was ordered to sail immediately on a secret mission, supposed to Mexico.

The London papers state that the sloop of war Perle, the brig Voltigeur, and the transport Indienne, had received orders to sail for the coast of Mexico, and that the brig Badine had sailed for the same destination.

There was a rumour current in Paris that the duke of Orleans was about setting out for the Northern frontier. Also that general Bernard was to

be appointed commandant general in Africa, and be succeeded in the war department by marshall Soult.

The Journal des Debats announces the death of the duchess d'Abrantes, widow of Junot, on the 7th June.

Belgium and Holland. The Commerce Belge announces that the cabinet of the Hague has made known to the conference in London, that the king of Holland is ready to evacuate forte Lille and Leisikenshoek, which, under the treaty of November 15, are to belong to Belgium. The king of Belgium continued protesting against the arrangement of the conference. Much diplomatic activity existed between Paris, Brussels and London.

It was reported in the Paris journals that Prussia was preparing to enforce the surrender by Belgium of Vanloo and other strong places awarded to Holland; but these reports were not credited at Berlin. It was not doubted, however, that the combined cabinets were disposed to enforce a final settlement of the disputes between Belgium.

There had been several attempts at riot in Brussels—all put down, however, by the military. They originated in political feelings.

Hanover. The Hamburg correspondent affirms that the opposition in the second chamber is strong enough to ensure a vote in favor of the constitution of 1833.

Hamburg, June 1. The Nicholas I. steamboat captain Stahl, bound from Petersburg to Travemunde, with 132 passengers and a crew of 33 men, was destroyed by fire on the night of the 31st of May, between 11 and 12 o'clock, off Gross Klutz, about five English miles from the road of Travemunde. The ladies and children had retired to rest, and the gentlemen were still at supper or at cards when the alarm of fire was given. The captain with great presence of mind, steered towards the coast, and ran the vessel aground about 100 paces from shore.

The confusion was of course very great, but all the passengers and crew were saved, except five persons, viz. two passengers and two of the crew, who are missing. Of eleven carriages on board, two were thrown overboard, and the others burned and most of the passengers' effects are lost. The mail bag and the despatches of three couriers could not be saved. The only money on board was a barrel of gold, which it is hoped may be recovered.

Captain Stahl, employed in saving the passengers, has lost his effects and his papers. Most of the passengers arrived at Travemunde without shoes and bare headed. The vessel is burnt down to the water's edge. Every exertion is making to save as much as possible out of the hull. The vessel was insured in London. The origin of the fire is uncertain. Some think it was caused by the coals being taken on board wet, and mixed with ice, others that it commenced in the machinery.

Spain. Don Carlos left Estell, with his ministers, on the 29th of May. Just before his departure, he caused the bishop of Leon, the auditor general, and the fiscal, to be arrested. The auditor-general, senor Barriacari, it is said, was shot two hours afterward, and it was reported that the same fate awaited the bishop and the fiscal.

Don Carlos arrived at Toulouse on the 31st, and on the next day reviewed his troops. Generals Zarategui and Elio had been condemned to death.—General Guergue was disgraced, and was to be succeeded by gen. Maroto.

Portugal. The London papers affirm that the Portuguese government has refused its assent to the treaty for the suppression of the slave trade.

Austria. Ali Effendi, second secretary of the Turkish embassy at Vienna, drowned himself in the Danube on the 27th of May. Cause unknown, but supposed to be a violent attack of home sickness.

TWENTY-FIFTH CONGRESS.

SECOND SESSION—HOUSE OF REPRESENTATIVES.

Friday, July 6. Mr. Adams had the floor on the subject of Texas, but yielded it to Mr. Stuart, who moved that the committees be called for reports immediately after the recess; which motion prevailed, and the order was made accordingly. Mr. Adams then proceeded, and occupied the morning hour in discussing the Texas question. When the hour elapsed, he had not concluded his remarks. Mr. Howard asked whether, if the gentleman from Massachusetts should not conclude his remarks at this session, it would be in order, under the rules of the house, to answer him hereafter?—[i. e. as the reporter understood it, at a future session.] The Chair said that that would be for the decision of the house when the case contemplated should arise. Mr. Adams. Mr. Speaker, that gentleman has the time of this house at his command. I have not.

The house then proceeded to the orders of the day.

The steamboat bill came down from the senate with an amendment, to the effect that the collapse of a line, or other injurious escape of steam, shall be *prima facie* evidence of negligence in the officers of the boat upon which it shall occur. This amendment was to take the place of Mr. Childs' amendment to the bill, which the senate proposed to strike out. Mr. Childs hoped the house would insist upon its own amendment: Mr. Robertson proposed to add, as an amendment to the amendment proposed by the senate, the following proviso:

"Provided, That nothing in this act contained shall be held to apply to steamboats employed in plying between a port or place in any state to another port or place in the same state, and not employed in commerce with any foreign nation, or among the several states, or to any persons owning or navigating such steamboat, or employed on board the same."

The amendment to the amendment of the senate was rejected; and the amendment of the senate to the amendment of the house [above stated] was adopted.

Mr. Carter offered a petition from citizens of Tennessee, praying for a national bank. Laid on the table and referred, under the order of Monday last.

The house took up sundry bills from the senate, on the speaker's table, on their engrossment or third reading.

An act for the relief of the representatives of Henry Fisher. Read a third time, and passed.

An act for the relief of Mary A. Patrick. Read a third time, and passed.

An act for the relief of Everarde Meade. Ordered to lie on the table.

An act for the relief of Francis Cazeau. The senate had sent down this bill, with the enacting clause stricken out.

Mr. White said that this had been done for want of time. The claim had been rigidly scrutinized by the proper committees, and was found to be a good one. He hoped the house would non-concur with the senate in striking out the enacting clause. Mr. Thomas made a concise statement of the character of the claim of Cazeau, who was a revolutionary soldier, and devoted his whole property, and pledged his life and fortune, for the benefit of this country. Mr. Petrikin said he was no lawyer, but he would ask any man to examine the papers forming the evidence upon which this claim is based, and then to say if that evidence be sufficient to carry the claim through that house. It was a character, they would find, which would not stand in a court of justice, or before a board of arbitrators. He moved that the bill do lie on the table.

This motion was decided in the affirmative, by a vote of 88 to 56. So the bill lies on the table.

An act for the relief of John Brooks. Ordered to lie on the table.

An act for the relief of Robert White. Ordered to lie on the table.

An act to revive an act to incorporate the medical society of the District of Columbia. A motion was made to lay this bill on the table. Mr. Petrikin hoped that motion would be withdrawn to enable him to present a remonstrance against the bill, which he took from his pocket. [A general laugh.] The Chair said that such a proceeding would not be regular. The amendments proposed being read, Mr. Petrikin asked leave to have the remonstrance he had alluded to read. This was refused. Mr. P. then opposed the bill. He had practised medicine twenty-one years, and he would like the people of the country to know who were for establishing monopolies, and who were not. Mr. P. then proceeded to read the remonstrance he held in his hand, which, so far as the reporter could hear its contents, appeared to be a defence of the Botanic or Thompsonian, against the alleged monopoly of the regular system.

Mr. Reed made a few observations in favor of the bill. It was proper to protect the people of the District against the humbuggery of quack doctors. Mr. Bouldin, chairman of the committee on District affairs, said a few words in favor of the bill. Mr. Taylor made some statements in relation to the danger of unlicensed and uneducated practitioners of medicine, and offered an amendment to the bill, requiring of the practitioner to produce a certificate of having gone through a proper course of medical study. Mr. Boon was opposed to what he called this abominable aristocratic bill. Nine-tenths of the time he had rather trust himself in the hands of an old woman with her herbs, than with those of the regular practitioners. After a few words in support of the bill by Mr. Mallory, the amendments were concurred in. An ineffectual attempt was made to lay the bill on the table. The bill was then ordered to be read a third time, Mr. Petrikin having failed to obtain the yeas and nays. Having been read a third time, the bill was passed.

An act to authorize John E. Metcalf and others

to locate certain pre-emption claims to lands in Indiana. Read a third time; and the question being on its passage, Mr. Harlan made some remarks in opposition to it, and moved to lay it on the table, but withdrew the motion at the request of Mr. White, who made some explanation of the justice and propriety of the provisions of the act. The bill was rejected.

The bill of the house granting to the Falmouth and Alexandria rail road company the right of way through the District of Columbia, had come down from the senate with an amendment, proposing to appropriate towards this work the sum of three thousand dollars, upon certain conditions, as carrying the mails free of cost, &c. In this amendment the committee of the whole had non-concurred, and the bill was now brought into the house for final action. Mr. Mercer made an earnest and argumentative speech in defence of this amendment. Mr. Cushman was opposed to the amendment and bill, as was Mr. Mallory. The latter moved to lay the bill on the table, but withdrew the motion at the request of his colleague, Mr. Banks, who was in favor of the bill, and spoke at some length in defence of the amendment, and in reply to the objections adduced by different members against it. Mr. Wise said that this bill would save the government seven thousand dollars a year, if passed, for the carrying of the mails. It was a work of national importance, and he would move the previous question. There was a second; and the main question was ordered to be put, viz. Will the house concur with the senate in the amendment?

Mr. Cushman demanded the yeas and nays; which were ordered.

A motion was made to lay the bill on the table, and the yeas and nays demanded and ordered thereon; and the motion was carried by the following vote: Yeas 88, nays 73. So the bill was ordered to lie on the table.

An act for the relief of certain settlers on the public lands who are deprived of the benefits of the pre-emption act of the 19th June, 1834. This bill, having come down from the senate, had been amended by the committee of the whole, and the first question was upon that amendment; which was concurred in. Some desultory debate occurred between Messrs. Wise, Chapman, Shields, Fillmore, Harlan, and Lewis. Mr. Wise was in the act of replying to some remarks of Mr. Lewis, when the hour arrived to take the usual morning recess.

EVENING SESSION.

The house met, after recess, when reports of committees being called for, the following reports were received, viz.

Mr. Johnson, of Louisiana, from the committee on public lands, reported, without amendment, senate bills to create a new land office in the state of Mississippi, and for the relief of Jane Waller. Mr. Chapman, from the same committee, reported, with amendment, the senate bill for the relief of William Jones. Mr. Casey, from the same committee, reported, without amendment, senate bill for the relief of Isabella Hill and the minor heirs, &c. of Samuel Hill. Mr. Lincoln, from the same committee, reported, without amendment, senate bills to relinquish to the state of Mississippi the two per cent. land reserved by the act for the admission into the union, to be applied to the making of a road or roads leading to said state. Also, for the relief of Alvarez Fisk and the legal representatives of Thomas P. Eskridge.

Senate bill to change the location of the office of surveyor general of the district composed of Ohio, Indiana, and Michigan, and for other purposes, was reported from the committee on public lands, with an amendment, changing the location of the office from St. Joseph's in Michigan, to Michigan city.

Mr. Duncan moved to lay the bill on the table. Lost. Mr. Cray opposed the amendment. Mr. Boon demanded the yeas and nays. Mr. Duncan moved to postpone the consideration of the bill to Monday next, and moved a call of the house. The call was refused, and the motion negatived. The amendment was concurred in: Ayes 83, nays 47. Mr. Harlan demanded the previous question. The demand was seconded, and the previous question put and carried. The bill was ordered to a third reading, read a third time, and passed. On the bill for the relief of John Brahan, late receiver at Huntsville, a discussion of much animation took place. The bill was advocated by Messrs. Martin and Chapman, of Alabama, and warmly opposed by Mr. Wise and Mr. W. Thompson. Mr. E. Whittlesey made a statement of the facts of the case, and the grounds on which the committee of claims had reported against the bill some years ago. Mr. Lincoln made a counter statement as to the facts, and warmly advocated the bill. Mr. Whittlesey moved that it be referred to a committee of the whole, and take the ordinary course. Mr. Lincoln warmly op-

posed this, as did the Alabama members. Mr. W. Thompson again opposed the bill as one of the fruits of a sub-treasury system, and a sample of a multitude of cases that might be expected. Mr. Howard, though indifferent as to the fate of the bill, was somewhat indignant at an attempt to give it precedence over sixty other bills which stood before it on the calendar. He moved to lay it on the table; which motion prevailed. On motion of Mr. Aikerton, the committee of ways and means were discharged from the petition of Joseph Harris and Wm. Lamphier. Mr. Whittlesey, of Ohio, from the committee of claims, reported against senate bill to provide for the uniform payment for horses lost in the military service of the United States, and bills for the relief of John M. Hernandez, Woodburne Potter, and John L. McCarty. Mr. Stuart, from the same committee, reported a bill for the relief of James Tongue. Mr. Williams, of New Hampshire, from the same committee, reported against the petition of Thomas D. Morrison. Mr. Phillips, from the committee on commerce, reported, with amendments, senate bill making appropriations for light-houses, beacon-lights, &c. &c.; and against a late bill to divide the state of Delaware into two collection districts. Also, Bills for the relief of the assignees of Jacob Clements, Jacob Valencia, and Smith and Town.

Mr. Boon, from the committee on public lands, reported, with an amendment, senate bill for the benefit of the Mount Carmel and New Albany rail-road company, in Indiana.

Mr. Toland, from the committee on commerce, made a report upon the subject of the erection of a break-water on Crow Shoal, at Cape May roads, in Delaware bay.

Mr. Cushman, from the same committee, reported, without amendment, senate bill to exempt from duty coal on board of steamboats in any part of the United States. The said bill was ordered to a third reading, and read a third time and passed.

Mr. Thomas, from the committee on the judiciary, moved to discharge the committee of the whole from the further consideration of the bill from the senate to prohibit the re-issue of the notes of a corporation whose charter had expired, that it might be brought into the house and acted on.

Mr. Garland, of Louisiana, and Mr. Wise objecting. Mr. Thomas explained. Unless the course which he had proposed was taken; there was a probability that the bill would be overlaid and lost. If a majority of the house wished the bill to pass, they would vote for the motion. Mr. Wise contended that when the judiciary committee had reported this bill, and moved its reference to a committee of the whole on the state of the union, their jurisdiction over the bill ceased, and they had no right, as a committee, to make the present motion. The Speaker pronounced the motion in order. It was controllable to the ordinary usage of the house. Mr. McKennan remonstrated. If this subject was to be taken up, it must necessarily postpone all other business, as it would inevitably lead to much discussion. Mr. Stanley advised Mr. Thomas, according to his own doctrine laid down a few days since, to wait and make his appeal to the people. In the meanwhile, he would move to lay his motion on the table; and on this he demanded the yeas and nays. They were taken and resulted as follows: Yeas 79, nays 93. So the house refused to lay the motion on the table. Mr. Mercer moved to postpone the motion until to-morrow. Lost: Ayes 77, nays 85. Mr. Curtis moved a call of the house. Mr. Mucil demanded the yeas and nays; which were ordered, and resulted: Yeas 84, nays 96. So the house refused to order or the call.

The question was then put on discharging the committee of the whole on the state of the union from the further custody of the bill, and bringing it now into the house for action, and decided in the affirmative by yeas and nays: Yeas 100 nays 93. Mr. Parris, of Maine, instantly rose, and demanded the previous question. Mr. Prentiss, of Miss., made a question of order. Could the previous question be moved before the question pending was stated and put to the house? The Chair replied in the negative, and pronounced the motion of Mr. Parris to be out of order. Mr. Prentiss then took the floor, and with great animation opposed the bill, commenting with severity on its introduction at this late moment, and the preconcerted movement (which, owing to the awkwardness of the instrument, had fortunately failed) to force it through the house without a moment's discussion. He pronounced the bill to be the last struggle of the sub-treasury scheme, the last hair on its hide, the last puppy of the litter, the jump of the sub-treasury-bill. That bill itself had been dead, dead, dead and buried, and the locusts and worms were feeding luxuriously upon it. This bill was of the same family; let it go down, and be gathered to its fathers. He contended that the bill

was absurd, inasmuch as it was directed against that which had no longer any existence. The United States Bank was dead; it now had neither soul nor body to be punished. But if the bill was meant to punish the Pennsylvania bank, this government had jurisdiction in the case. He made an earnest appeal, on this point, to the advocates of state rights doctrine, calling them to the rescue. If the government could punish one state corporation, it might punish another, and so no state bank or state institution of any kind was safe. As to the old dead bank, he believed there were many around him who would gladly turn resurrectionists, dig up the dead body, turn that ball into a dissecting room, and never lay down the scalpel till every muscle, tendon, artery, vein and nerve had been laid bare, and neither form or substance left.

Mr. Cushman called Mr. Prentiss to order. Mr. Prentiss demanded that his words, to which exception was taken, should be taken down. The Chair decided that he was not out of order.

Mr. P. then proceeded in a still warmer strain, alluding to the irritability of conscience of gentlemen, which obscured their notions of order, &c. He contended that the bill must be practically in operation. In whom was it to act? on Mr. Biddle? Well, if they seized him for issuing these notes, and brought him before the house to answer, his first plea would be to the jurisdiction, and he would contend that he was amenable to the penal laws of his own state alone. Congress had not chartered his bank, and had no cognizance of it or him. Had the government furnished the people with so good a currency that they wanted to take away these last remnants of what was left them? It had been studying the mysteries of the black art, and trying to make gold plenty as paving stones; but, like the alchemists, had succeeded only in causing what the country did to go off in the times of its alambic.

He here gave some ludicrous illustrations of the scarcity of gold and silver at the south, which produced much merriment in a part of the house. He commented with severity on the plea that the government was opposed to the reissue of the five-dollar good old bank as being immoral; and, still more, on the bill as a measure of economy. The great administration whale had been harpooned to death, and was now in its dying flurry; he was for backing his boats a little, and enjoying the spectacle of its dunces and plunges while it kept the whole sea in foam. This bill was one of the last blows of its ill. As to these five-dollar bills, the people were the best judges whether they were good money or not; if not, they would not take them, and the bank could issue no more of them, and so the bill was needless. If the bills were good money, and the people liked it and wanted it, then the bill made war on the wishes of the people; and as to the sin of the matter, they did not need that the government should act as chancellor, to take care of their conscience. Could the great Virginia state-rights, strict construction gentlemen suffer a bill to pass which made aagrant attack on the rights of the citizens of an independent state? Would the gentlemen from Pennsylvania stand tamely by and witness such an assault to their state sovereignty? This bill forbade one of their banks to issue a certain description of bills. Now, suppose the legislature of Pennsylvania should direct and require the bank to issue that kind of bills; whose will was to be law? Must the state go down? Must she knuckle? Must she see her citizens punished for obeying her laws? Mr. P. was comparing the bill to Satan wading through seas, when he gave way to a motion made by Mr. Jenifer to adjourn.

On this motion Mr. Bronson demanded the yeas and nays, which were ordered. Mr. Adams inquired the chair whether, if the house should refuse to adjourn, the gentleman from Mississippi would lose his right to the floor? The Chair replied that, in strictness, he would; by courtesy, however, it had been unusual to allow a gentleman, in such circumstances, to retain the floor. He had no right to it under the rules.

Mr. Adams made a point of order.

The Chair said this was out of order, pending a motion to adjourn. The yeas and nays were taken on the question of adjournment, and resulted as follows: Yeas 16, nays 142. So the house refused to adjourn.

Mr. Adams now made his point of order. He said it had been decided by the house that this bill was to be rammed down the throats of the minority without any discussion, and now the gentleman from Mississippi was presuming to discuss it. He wanted to know if the gentleman was in order.—laughter.]

The Chair required Mr. Adams to reduce his motion of order to writing.

Mr. A. did so, and offered it in the following manner:

"It having been determined by a majority of the members of this house that this bill, a highly penal bill, subjecting the citizens of the United States to fine and imprisonment, should be passed by the operation of the previous question, without debate or discussion, is the gentleman from Mississippi (Mr. Prentiss) in order in obtaining the floor, and consuming the time of the house, against the sense and intention of a majority of said members?"

The Chair decided that Mr. Prentiss was in order. Mr. Adams inquired whether his question and the speaker's decision would be entered on the journal. The Chair replied in the affirmative. Mr. Prentiss obtained the floor, and went on with increased animation, expressing his joy that he had roused the game, and called up the hunters, and that the noble bounds stood on every side straining in their slips, and ready to spring.

Mr. P. spoke a good deal too fast for us to report him. He compared the old currency, before the experiment, to the bread of the people; this the administration had taken away, and given them a stone. But, not satisfied with this, they now envied them their little ginger-cakes of these poor five dollar bills, (that were as good as gold, and better,) and wanted to take this last remnant of the good times away. It was cruel. It was monstrous. He could not but fancy that he heard in the language of this bill the last growls of the old Tennessee lion. How would it make his eyes flash and lighten, to witness this last attack on Biddle and Biddle's bank! It would awaken the "gaudia certaminis," the old long-loved joys of the fight, and be almost equal to a glance at the field of New Orleans.

This administration had tried to wield his armor, but they might as well take David's course, and put it off, for it was too heavy for them. They wanted to play the part of Sampson, but they seized hold on the strong pillars of the state after their locks were shorn. It was vain to strive against the will and wants of the people. The government might as well attempt to enforce an assize of bread as to control the bills of state banks. He appealed to the compassion of gentlemen. He hoped, if they had any thing of the milk of human kindness in them, they would consider the state of the people of Mississippi. When lately travelling through the state, he had discovered that the silver ninepences, that used to be hung round babies' necks by a string, had all been cut off and used up, so that the infants of Tennessee could not get one of them to cut their teeth upon. [Loud laughter.] The administration, by this bill, were passing a tacit compliment on the dead bank; the paper even of the dead bank of the U. S. was better than the paper of this living government. The dead Percy was better than the live Falstaff. It was said that when great julep drinkers died, the mint was seen springing on their graves: it seemed so of this bank of the United States; though it was dead, its money still continued to supply the people with their best currency. Mr. P. continued to speak with great earnestness for some time longer, when he resumed his seat, and was followed by

Mr. Wise, who, after a discursive preamble, in which he glanced at various matters and things connected with the policy and practice of the administration, set himself to work to dissect the bill, going through it's provisions seriatim. On first rising he said that if he could have a clear understanding that the house would now, without further discussion, or calling of the previous question, give a vote on the bill, he would, with that view, move that the bill do lie on the table. Much noise and confusion ensued. Some cried "agreed!" Others "no, no." Others "go on."

Mr. Adams, deeming the bill too important to pass without deliberate discussion, wished to make a motion to strike out the enacting clause. Mr. Wise, however, concluded not to resign the floor, and avowed his resolution to speak till he had destroyed every bill which would otherwise go to the senate, unless the advocates of the bill would give up their purpose of rushing such a measure through the house at this hour of the session.

Some cried "very well—go on and do it."

Mr. Thomas explained about the postponement of his motion to solate a moment. He had been urged to make it earlier, but his reply was; that the house could take this up after it had despatched the senate bills, &c.

Mr. Naylor rose, and with great warmth exclaimed this is no explanation. [Cries of order, order!] I am a Pennsylvanian, [order!] and I will not sit tamely here and see her institutions stabbed to the heart. [The cries of order and the confusion in the house were increasing, when the speaker ordered Mr. N. to take his seat.] Mr. Wise then proceeded, comparing the proceedings of the house to the game of "catch-who-catch-can," and characterized the bill as the last grapple of the

administration for the purse strings of the people. He said he should go on and speak till morning, if necessary, or to the end of the session, if his strength would hold out. They should loose this bill before they got another still more needful to them through the house.

Mr. Cambreleng. And who will suffer?

Mr. Wise expressed great indignation at this attempt to force a measure by the threatening the suffering of the nation; but warned Mr. C. that his victim was not within the reach of his spring. There remained a bill behind, a money bill, on which the house had still a hold; and he trusted they would resort to the stronghold of their Saxon ancestors, and withhold the supplies until their tyrants let go their grasp. The administration would yet have to come to the house as suppliants before the session elapsed, or they could not keep their wheels agoing for ninety days. The very measure which the chairman had so earnestly deprecated, and about the evils of which he had uttered such doleful predictions, as throwing the government into the hands of Nick Biddle, &c., that very measure was now his only hope; and the gentlemen would come begging the house to adopt it as a last resort, viz. the sale of the United States Bank stock. He then went into the analysis of the bill, and continued to speak against it with great vehemence till half past 8 o'clock; when he gave way for a motion by Mr. Jenifer to adjourn.

Mr. Prentiss asked for the yeas and nays, but the house refused to order them: Yeas 17, nays 73. No quorum. The question on adjournment was taken by tellers; when the yeas being but 42, the motion was abandoned.

Mr. Wise was about to proceed, when Mr. Taylor Webster insisted on the rule which forbids a member to speak more than once on the same question without leave.

The Chair, said if a gentleman yielded the floor for a motion to adjourn, he could not, in strictness, retain any right to resume it after that question should be decided in the negative; but if he then first addressed the chair, (as Mr. W. had now done,) he was entitled to proceed.

Mr. Wise thanked the speaker for the decision, and commented, with some severity, on such an attempt to violate a practice established by a courtesy of the house for forty-nine years. He was happy to find that he was still among gentlemen. He then proceeded in his dissection of the bill, taking various grounds of exception to it, but the reporter was too much exhausted to be able to secure a minute report of the speech.

Mr. Jenifer next addressed the house, commenting with great severity not only on the bill, but on the course of the administration generally, its influence over the house, the rewards of favorites, especially of such as had been discarded by the people; alluding in terms which could scarcely be misunderstood, and, in some cases, by name, to those not now members of either house, but who held office as a recompense for votes given, &c. (A full report of Mr. J.'s remarks will be given hereafter.) Mr. J. spoke till half past 10; when

Mr. Andrews, of New York, moved the previous question. Mr. Sergeant, of Pennsylvania, appealed to him to withdraw the motion, but in vain. Mr. Martin moved a call of the house, and demanded the yeas and nays, but subsequently withdrew that demand; which was immediately renewed by Mr. Robertson.

Mr. McKennan made an appeal to Mr. Andrews to withdraw his call; but with no better success than Mr. Sergeant. Mr. Duncan called him to order.

Mr. Naylor, amidst the cries of order! order! and much noise, made the same appeal. The Speaker ordered Mr. N. to take his seat.

The motion for a call of the house was negatived by yeas and nays: Yeas 54, nays 115.

The previous question was seconded, put, and carried; and the main question being on the engrossment of the bill, it was decided by yeas and nays as follows:

YEAS—Messrs. Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bicknell, Birdsall, Brodhead, Cambreleng, Casey, Chaney, Chapman, Cleveland, Coles Connor, Crary, Cushman, Davee, D-Graff, Duncan, Edwards, Elmore, Farrington, Fairfield, Fry, Gallup, J. Garland, Grantland, Gray, Griffin, Haley, Hammond, Hawkins, Holt, Hopkins, Howard, Hubley, W. H. Hunter, T. B. Jackson, J. Johnson, N. Jones, J. W. Jones, Keim, Kemble, Klingensmith, Leadbetter, Lewis, Martin, McKay, R. McClellan, A. McClellan, McClure, Miller, Montgomery, Moore, Morgan, S. W. Morris, Noble, Palmer, Parker, Parmenter, Parris, Paynter, Petrikin, Phelps, Pratt, John H. Prentiss, Reily, Rives, Sheffer, Spencer, Stuart, Taylor, Thomas, Titus, Towns, Turney, Vail, Vanderveer,

Wagener, Webster, Weeks, T. T. Whittlesey, J. W. Williams, Worthington, Yell—87

NAYS—Messrs. Alexander, Heman Allen, Ay-crigg, Bell, Bond, Briggs, W. B. Campbell, Chain-bers, Cheatham, Corwin, Cranston, Darlington, Dawson, Davies, Dennis, Dromgoole, Dunn, Evans, Everett, Ewing, Fillmore, R. Garland, Goode, J. Graham, Grennell, Hall, Halsted, Harlan, Harper, Hawes, Henry, Herod, Hoffman, Jenifer, W. C. Johnson, Kennedy, Legare, Lincoln, J. M. Mason, S. Mason, Maury, McKennan, Menefee, Mercer, Milligan, Mitchell, Calvary Morris, Naylor, Noyes, Ogle, Patterson, Pearce, Peck, Phillips, Potts, S. S. Prentiss, Rariden, Randolph, Ridgway, Robert-son, Robinson, Russell, Sergeant, Slade, Southgate, Stanly, Stratton, Taliaferro, Tillinghast, Toland, Albert S. Waite, Elisha Whittlesey, Lewis Wil-iams, Joseph L. Williams, C. H. Williams, Wise, Word, Yorke—79.

So the bill was ordered to its third reading; and having been read a third time by its title, and the question being on its passage—

Mr. Connor moved the previous question. Mr. Wise demanded the yeas and nays on seconding it; but they were again refused. The motion was se-conded: the previous question was then put and carried; and the bill was passed. Mr. Wise gave notice of a motion to reconsider the vote just taken, (he having voted in the affirmative with this in-tent.)

A motion to adjourn was made and negatived: Ayes 70, noes 85.

Mr. Parker now moved a reconsideration, and demanded the previous question, which was se-conded, put, and carried; and the main question being on reconsidering, it was negatived without a count.

The house then, at half past 11 o'clock, ad-journed.

Saturday, July 7. Mr. Adams resumed the floor in support of his amendment on the subject of Texas, and continued to occupy the morning hour till it ex-pired. He was in that part of his argument in which he charges on the last and present administrations a course of duplicity and hostility in regard to Mex-ico, and a covert design from the beginning to wrest from her the province of Texas. In illustration of this position he read several documents, and in par-ticular a letter from president Jackson to Mr. Ful-ton, now of the senate, proving that he was at the time it was written (Dec. 10, 1830) fully apprized of the existence of a secret conspiracy, with gov. Houston at its head, to effect this object, and was utterly hostile to its accomplishment. The reading of this letter was listened to with profound atten-tion. Mr. A. had not finished his remarks when the morning hour expired.

Mr. Howard suggested that the rules be suspend-ed for the reception of reports from committees, which was done by general consent, when several reports were made.

Mr. Dromgoole moved to suspend the rules to enable him to move that, immediately after recess, Mr. Adams be allowed to proceed and conclude his remarks, and that time be allotted for a reply, and on this motion he asked the yeas and nays, but the house refused to order them, and then refused to suspend the rules.

The senate bill supplementary to the army bill was reported by the military committee with cer-tain amendments.

After some debate concerning the amendments between Messrs. Ewing, McKay, and Mercer,

Mr. Garland, of Louisiana, moved the previous question, which was seconded, put, and carried, and the bill was then passed.

Mr. Howard called up the motion made by Mr. Robertson, of Virginia, yesterday, to reconsider the vote laying on the table a motion to print the docu-ments accompanying the president's message in re-lation to the correspondence between this govern-ment and that of Mexico.

The resolution was agreed to.

Mr. H. disclaimed all wish to suppress any part of this correspondence which was of any import-ance, his object having been merely to avoid the expense of printing a vast mass of what was of no moment to the subject. He had not the remotest desire to prevent the fullest and freest inquiry. He desired not to be on the committee.

After some remarks from Messrs. Robertson and Everett, Mr. Robertson's resolution for referring the papers to a committee of three, to select such as should be printed, prevailed; and Messrs. Robert-son, Everett, and Cray were appointed the com-mittee.

Mr. Robertson moved the consideration of the re-solutions moved by him calling for information on the subject of fraudulent combinations and conspi-racies to keep down the price of public lands.

The rules were suspended, and the resolutions

adopted; but the motion was subsequently read-considered, and the resolutions modified by leaving out certain expressions, to which Mr. Cushing strenu-ously objected, and substituting others, when the resolutions, as modified, were agreed to.

The house then took up the senate bills.

The bill under consideration yesterday, suppl-ementary to the act for the appointment of commis-sioners to adjust the claims to reservations under the 14th article of the treaty of 1830 with the Choctaw Indians, was again taken up, and debated at length by Messrs. Wise, Lyon, W. C. Johnson, and Lewis; when, on motion of Mr. Johnson, it was laid on the table.

The bill to confirm certain purchases of the pub-lic lands under the act of the 19th June, 1834, was taken up, debated by Messrs. Prentiss, Johnson, and Lyon, and, having been amended so as to allow time for inquiry, was passed.

The following senate bills were passed with little or no debate, viz.

An act to authorize Charles Day, of Macon, and James R. Potts, of Columbus, Georgia, to import free of duties two iron steamboats, &c.

An act to refund to the Georgia Railroad and Banking Company certain duties paid upon railroad iron.

An act to refund certain duties upon railroad iron, paid by the New York and Harlem Railroad Company.

The bill to restrict the circulation of small notes as a currency in the District of Columbia, came up next in order; but, before any action was had upon it, the hour of recess arrived, and

The house took the ordinary recess.

EVENING SESSION.

An act relating to restricting the circulation of small notes as a currency in the District of Colum-bia. This pending question being taken up after the recess,

Mr. Thomas made some remarks in favor of the bill, and moved to strike out "April next," as the time after which small notes are not to be issued, and insert "August next."

Mr. R. Garland was opposed to the occupation of another evening session by the penal bills of the gentleman from Maryland, (Mr. Thomas.) The last evening had been so spent, and that, Mr. G. thought was enough; he moved to lay the bill on the table; and asked the yeas and nays. Ordered. Mr. Mercer requested that the speaker would as-certain if there was a quorum present. The *Speaker* counted, and ascertained that there were 112 members present. Mr. Mercer asked a call of the house. Refused. A reconsideration of this vote was next asked. Decided in the affirmative: Ayes 51, noes 45. The house again refused the call. The *Speaker* again counted the house; there was exactly a quorum (122) of members present. The question was then put on the motion of Mr. Gar-land, to lay the bill on the table, and it was de-cided in the negative by the following vote: Yeas 54, nays 74.

Mr. Chapman demanded the previous question, which was seconded, and the main question order-ed to be put, Shall the bill be read a third time? De-cided affirmatively. When? Decided to be read a third time now. The bill was then read, and it was passed as it came from the senate.

This bill came back from the senate, with an amendment, which was referred to the committee of the whole. And, on motion of Mr. Cambreleng, the house went into the committee of the whole.

Mr. Cambreleng moved to take up senate bill 321, being an act to authorize the sale of certain bonds belonging to the United States. Mr. Mer-cer, suggested that the harbor bill being under consideration when the committee rose before, that bill had better be taken up. Mr. Cambreleng thought it would not be in order, as that bill was a house bill, and the time had passed for the senate to re-ceive it. The *Chair* decided that the (new) har-bor bill was in order, if the house chose to act upon it. Mr. Whittlesey suggested that the afternoon ought not to be spent in a fruitless debate upon priority of business. Mr. Cushman moved to lay the (new) harbor bill aside. Mr. Mercer said that an amendment to it was pending. The *Chair* said that the question was to strike out the enacting clause of the (new) harbor bill. Mr. Duncan rose to support that motion. Mr. Mallory raised a point of order, that a motion to lay a bill aside in commit-tee was equivalent to laying it on the table in the house, and was of course now first in order. Mr. Bond supported this view. Mr. Mercer, Mr. Dun-can, and other gentlemen, were all addressing the chair at the same time, and there was much confu-sion, and loud cries of order!

The *Chair* decided that the motion to lay a bill aside was in order, and now debateable. An ap-

peal was taken from this decision. Mr. Polk sup-ported the decision of the chair.

The house confirmed that decision: and the (new) harbor bill was laid aside; and the bill moved by Mr. Cambreleng, as above, was taken up.

Mr. Wise asked the chairman of the committee of ways and means, what change had occurred in the affairs of the country, to remove the objections to this measure which that gentleman had himself so recently urged? It had been denounced by him as a measure favorable to the schemes of Nicholas Biddle, &c.; and why had it become so great a fa-vorite so suddenly?

Mr. Cambreleng was opposed, in principle, to this mode of making a loan, and had come into the measure reluctantly, and only as a matter of neces-sity. This necessity arose from the large amount of appropriations which had been made by this congress already, and from the probability that the United States Bank of Pennsylvania would purchase up the treasury notes which are to be re-issued under the law of congress. He hoped mem-bers of both parties would unite, and put it in the power of government to make use of this stock, for the purpose of meeting the appropriations.

Mr. Underwood was glad to see that the chairman of the committee of ways and means was disposed to regard this measure with a better temper than at the extra session, when he had denounced it (order-ed by members of the opposition) as emanating from the mint of Nick Biddle. He had said that the effect of the measure would be to place the gov-ernment in the power of the Bank of the United States.

Mr. Cambreleng said he thought so now; but this bill provides that these bonds may be sold abroad.

Mr. Underwood could not see that the explanation affected the argument at all. He was glad to see that the chairman of the committee of ways and means had shown that he could change his opinions to suit occasions and circumstances, and he (Mr. U.) hoped that by this time that gentleman was convinced that his (Mr. U.'s) course at the extra session was not so outrageous as he had then repre-sented it.

Mr. Bell made some statements as to the absence or indefiniteness of the estimates laid before the house as to the actual state of the treasury, and as to the extent of that necessity which was alleged as the motive for raising money by forcing the sale of this stock. Since the extra session, the question had been whether the wants of the government should be met by issuing treasury notes, or making a loan. The chairman of the committee of ways and means had stated that no loan was necessary; and that the resources of the government were ade-quate without such an expedient. And now it was seriously proposed by him to resort to that very expedient. Mr. Bell then proceeded to examine the evidence of the assertion made by Mr. Cam-breleng, at the extra session, that the resources of the government were adequate to meet its wants, without a loan. He reminded the house that this stock had been alluded to by the chairman of the committee of ways and means as a part of the funds upon which the issue of the new treasury notes was based, and that that stock could not (if there was any thing in that argument,) be withdrawn, in good faith. He read from Mr. Cambreleng's speeches, in order to corroborate this allegation of inconsis-tency.

Mr. Pope said the question was not what this member said, nor what that member said, on this subject last fall; but whether the measure now pro-posed was or was not expedient and proper to be adopted at this time. Is it necessary to sell this stock to meet the current expenses of the govern-ment? That is the true question which was now to be settled. Nor was there any need, in his opin-ion, of so much talk about Biddle and the bank, in connexion with this argument. Biddle's bank had nothing more to do with the treasury notes than Girard's bank, or any other bank. All had the same opportunity to buy them up for their interests, and probably would do so, if they pleased. He was opposed to the sale of this stock, unless the case were clearly made out that it was necessary to do so.

Mr. Wise said that the chairman of the committee of ways and means had charged, as usual, the con-gress of the nation with the bankruptcy of the gov-ernment; and now he (Mr. W.) would ask the gentleman if there was any communication from the executive as to the necessity of selling this stock?

Mr. Cambreleng replied by recapitulating the ap-propiation bills that had been already passed by this congress, some of which were of a novel and unusual character; four and a half millions of such appropriations had been made within ten days, and of course could not have been contemplated in the

estimates upon which the communications from the treasury to congress were founded.

Mr. *Wise* commented upon the course of the administration as to this and kindred measures, and replied at large to the arguments in vindication of bringing forward this proposition, adduced by the chairman of the committee of ways and means.

The bill was then laid aside, and ordered to be reported to the house.

The committee then took up and acted upon the following senate bills:

An act to allow a drawback on imported hemp when manufactured into cordage and exported. On motion, laid aside.

An act to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York. On the motion to lay this bill aside, there were ayes 40, noes 52. No quorum.

Another count was called for, and the house being counted again, there were ayes 42, noes 82. So the motion to lay the bill aside was rejected. The bill was then read at large by the clerk. Mr. *Hoffman* defended this bill with great zeal and earnestness, and stated the circumstances upon which the claims of the sufferers by the New York conflagration for the remission of the duties upon the burnt goods were based. He hoped it would be acted upon at once by the house. Mr. *Petrik* would not say many words on this subject. He was opposed to the bill, and would move to strike out the enacting clause. Mr. *Cushman* was opposed to the bill as a proposition that the United States congress should resolve itself into an insurance office.

If this bill were to be passed, the next thing that would be heard would be a similar application for relief from the consequences of the recent conflagration in Charleston, South Carolina. Mr. *Cambreleng* answered these objections, and showed the distinction between the principle assumed by Mr. *Cushman*, and that on which this bill was based. He explained that so far from the monstrous sums being remitted, which Mr. *Cushman* had stated, the whole amount of such bonds was but \$911,000, and that the bill proposed a commission to inquire into the title for relief of claimants under the bill. He defended the bill with some particularity, and hoped that the committee would report it to the house. Mr. *Underwood* opposed the bill; though, if it were modified in some particulars which he suggested, he would go for it. Mr. *Chambers* would vote against the motion to strike out the enacting clause; he wished the bill to be modified before he could vote for it. Mr. *Everett* took the same ground, and sent an amendment to the chair, which he should move to the bill, if the pending motion should not prevail. Mr. *Curtis* stated that the gentleman from New Hampshire had been greatly in error as to the amount the bill would keep out of the treasury. He stated the effects to be attained by this bill. He was in favor of Mr. *Everett's* amendment. Mr. *Phillips* hoped that the committee would not strike out the enacting clause, but would pass the bill with the amendment of Mr. *Everett*. Mr. *Atherton* could see no principle upon which this bill should be passed. Mr. *Reed* said that goods had been imported to take the place in the market of those destroyed by fire, and duties had been paid on them. The government did not want to collect the duties twice. He could see no principle upon which this bill should not be passed. Mr. *Adams* contended that the principle of the bill was one of mere justice. To collect the duties on goods destroyed under these circumstances would be an act of most tyrannical injustice; and it would be a disgrace to the nation to extort these duties from those who have already suffered so much.

The motion to strike out the enacting clause was rejected.

The amendment of Mr. *Everett* was adopted.

Mr. *Chambers* moved the addition of an amendment, of which we could not obtain a copy, but which made exceptions in case of goods insured. Mr. *Curtis* hoped this amendment would not be adopted. The question of insurance had nothing whatever to do with the matter. He was proceeding to explain this, when he yielded to the suggestion of a member, and said he would leave the house to vote upon the amendment, without further discussion. Mr. *Pope* was understood to be opposed to the bill, as one of dangerous precedent, and as extending to every case of individual loss. Mr. *Hoffman* said a word by way of explanation, and then the amendment of Mr. *Chambers* was rejected. Mr. *Chambers* opposed the whole bill. There was no principle in it which did not apply to the second purchaser equally well with the importer; and it would be an act to put the money of the government into the pockets of individual merchants. A motion was made to lay aside [not to report] this bill. Tellers were ordered—Ayes 53, noes 61. So the motion to lay the bill aside was rejected.

Mr. *Chambers* offered another amendment, which, after debate, was adopted, and the bill ordered to be reported to the house. Mr. *Sergeant* moved that the committee rise. The motion prevailed. The bill authorizing the sale of the bonds of the Bank of the United States was passed.

The New York fire bill, as amended, came up in order.

Mr. *Cushman* moved to lay the bill on the table, and asked for the yeas and nays on his motion. On the question of ordering the yeas and nays, no quorum voted. After a while, the same question was again put, and the yeas and nays on Mr. *Cushman's* motion (to lay on the table) were ordered. That question was decided in the negative by the following vote: Yeas 53, nays 87. So the bill was not laid on the table. Mr. *Harrison* demanded the previous question. Ordered; put: Shall this bill pass? Carried in the affirmative without a count. So the bill was passed.

Mr. *Sherrod Williams* moved to reconsider the vote whereby the house yesterday laid on the table the bill from the senate with regard to the Falmouth and Alexandria Rail Road company.

Mr. *Mallory* moved to lay the motion to reconsider on the table—Ayes 75, noes 64. So the motion to lay on the table to reconsider prevailed.

The harbor bill came back from the senate, amended.

A motion was made to lay it on the table, which did not prevail. On motion, the amendments of the senate were referred to a committee of the whole.

The post route bill came back from the senate, amended.

The amendments as to routes were first acted on, and concurred in.

That making railroads post-roads, and regulating the cost of carrying the mails thereon, came next in order. It was amended, and then this amendment was adopted.

That proposing to strike out the section going to abolish the express mail came next, and, pending the same, Mr. *Hopkins* moved to postpone the further consideration of the bill until Monday next. Mr. *Briggs* hoped the amendment would be concurred in, and that the motion to postpone would not prevail. After some further discussion of this amendment, Mr. *Chapman* moved the previous question. Ordered. Put. And the house concurred with the senate in the amendment, striking out the house section, abolishing the express mail. Ayes 82, noes 53.

On motion of Mr. *Cambreleng*, the house went into committee of the whole, (Mr. *McKenna* in chair.)

Mr. *Rice Garland* hoped the committee would proceed in order with the calendar of bills before them. Mr. *Cambreleng* moved to take up the Indian annuity bill as it came back, amended, from the senate. This motion prevailed, and the amendments of the senate were read.

Mr. *Everett* moved an amendment to the amendments; which was adopted, and the amendments of the senate were concurred in.

On motion of Mr. *White*, the harbor bill was next taken up, and the amendments of the senate, referred to the committee, were read. Some of them having been read and concurred in, Mr. *Petrik* hoped that the amendments would not be concurred in. The amendment of the senate, to strike out \$20,000 for the improvement of the Cumberland river, above Nashville, having been read, Mr. *Sherrod Williams* moved to non concur, and went into a somewhat lengthened opposition to the amendment. Mr. *Underwood* hoped that the house would insist on the clause proposed to be stricken out. Mr. *Duncan* was understood to favor the amendment of the senate. He was going into a general reply to Mr. *Bond's* speech upon retrenchment, delivered some time ago, when Mr. *Jenifer* and Mr. *Sibley* called him to order for irrelevancy. He resumed, and had made some more progress in the same strain, when Mr. *Reed* called him to order for irrelevancy. Mr. *Duncan* proceeded, insisted on his right to do so, and seemed determined to do so.

A motion was made that the gentleman be permitted to proceed. The committee decided that he be not permitted to proceed, and Mr. *Duncan* still persisted; at which there were loud and prolonged cries of order from all parts of the house. The Chairman, the gentleman from Ohio will take his seat. Mr. *Duncan* resumed his seat. Mr. *Pope* spoke in favor of the clause in the bill proposed to be stricken out by the senate. He was making an allusion to something said by Mr. *Duncan*, when Mr. *Lincoln* called him to order for irrelevancy. Mr. *Titus* objected to Mr. *Pope's* proceeding further, having been called to order. Mr. *Pope* would not put the committee to the trouble of saying whether or not he was in order. He resumed his seat. Mr. *Petrik* and Mr. *Sherrod Williams* claimed

the floor. After some effort, the former proceeded, but was not heard by the reporter. He had proceeded, but a little way, when Mr. *Harrison* called him to order. The Chair asked him to reduce his point of order to writing. He did so; and called the gentleman from Pennsylvania (Mr. *Petrik*) to order for saying "the price of the Kentucky delegation is \$20,000." This the Chair decided out of order, and the committee, by a large vote, refused Mr. *Petrik* leave to go on. Mr. *Luncan* rose, but, having been refused permission to proceed, objection was made to his going on. He said he held a book in his hand, [understood to be Mr. *Bond's* speech,] out of which he wished to make a speech. But, if the committee would permit him to write it out, and call it his speech in committee of the whole, he would desist. Loud cries of agreed! from all quarters of the house ensued, and Mr. *Duncan* sat down.

Mr. *Bond* hoped that his colleague would state in such written speech that it was not delivered in the presence of the member to whom it was a reply. The pending amendment of the senate was then adopted.

The next amendment was a proposition to strike out \$70,000 for the improvement of Red river.

Mr. *Rice Garland* opposed this amendment. He was of opinion that it had been adopted from a misapprehension of the senate as to the adequacy of a former appropriation for the same purpose. Mr. *Henry Johnson* earnestly hoped the committee would non concur in the amendment. The amendment was, however, concurred in.

And the committee, on motion, rose, and reported the bills acted on.

The Indian annuity bill was taken up, the amendments of the committee to the senate's amendments concurred in, and the latter were then adopted.

The harbor bill was next taken up; and Mr. *Sherrod Williams* proposed an amendment to the amendments of the senate, which was decided to be out of order. Mr. *Grant* demanded the previous question; which was ordered to be put. Mr. *Pope* would like the question to be taken on concurrence with the senate in two of the amendments. Ordered. Mr. *Robertson* moved that the bill do lie on the table. Lost. The amendments proposed by the senate were then concurred in.

The fortification bill came back from the senate amended, by adding a proviso that, for the current year, only 50 per centum of any appropriation over \$15,000 should be expended. Mr. *McKay* moved an amendment. Mr. *Crary* demanded the previous question. Ordered. Put. Senate amendments concurred in. Some private bills from the senate, whose amendments were then taken up and concurred in.

An act to confirm certain purchases of the public lands under the act of the 19th June, 1834. This bill came back from the senate, where it originated, with a house amendment [proposing delay for inquiry:] non-concurred in.

Mr. *Word* hoped that the house would recede from its amendment, and that this bill would pass as it came from the senate. He defended the claimants from the aspersions against them, upon which this amendment had been based, with earnestness and zeal. Mr. *Prentiss*, of Mississippi, moved that the house recede from its amendment. Mr. *Harlan* moved to lay the bill on the table. Ayes 69, noes 40. Another count was then made by tellers: Ayes 68, noes 54. So the bill was laid on the table.

Some other private bills were then acted on, as amended by the senate; and the speaker declared his table to be clear.

On motion, Mr. *McKenna* resumed the chair, in committee.

Mr. *Bell* moved to take up the senate bill 150 being an act granting half-pay and pensions to certain widows. The motion prevailed. Amendments were proposed, considered, and rejected. And the bill was laid aside and ordered to be reported to the house.

On motion of Mr. *Henry Johnson*, senate bill 330, "to establish an additional land office in Louisiana," was taken up.

Mr. *Rice Garland* moved to amend so as to alter certain limits mentioned in the bill, which amendment was adopted. Mr. *Yell* moved an amendment, proposing a new land district, officers, &c. The amendment was adopted; and the bill was laid aside and ordered to be reported.

Mr. *Phillips* moved to take up the senate bill 380, being an act providing for the erection of certain light houses, &c. &c. Tellers were appointed on this motion: Ayes 64, noes 46; no quorum voting.

[The Speaker took the chair to receive a message (with bills) from the senate; after which the chairman resumed the chair.]

The pending question being on the motion of Mr. Phillips to take up the light-house bill, 79 votes in the affirmative, 40 in the negative no quorum. Tellers were appointed: Ayes 80, noes 44. So the committee decided to take up the bill, and it was read.

Some amendments, proposed by the committee on commerce, proposing sundry additional appropriations, were then stated, and their adoption urged by Mr. Phillips.

Mr. Duncan moved that the bill be laid aside [not to report.] Lost. Mr. White proposed an amendment to the amendments of the committee on commerce; this, he said, involved no appropriation, and only ordered a survey of a particular spot for the location of a light. Lost. The amendments were adopted. Mr. Garland, of Virginia, made an ineffectual attempt to strike out the enacting clause; and then the bill was ordered to be laid aside, and reported to the house.

The military academy bill came down with a large number of senate amendments, embracing a great variety of propositions on multifarious subjects. Several amendments to those of the senate were proposed by different members, upon almost every possible subject. This being disposed of, the committee rose and reported the bills acted on.

An act granting half-pay and pensions to certain widows was passed.

An act to establish an additional land office in Louisiana was also passed. The title of this bill was amended, by adding "and Arkansas."

An act providing the erection of certain light-houses, &c. The amendments of the senate, as amended, being proposed to be concurred in, and to be engrossed.

Mr. Garland, of Va., said, that, considering the hour at night, the paucity of members present, and the large amount proposed by the bill to be expended, he felt impelled to demand the yeas and nays on this motion. They were ordered; and being taken, the bill passed: Yeas 65, nays 56.

Mr. Bell moved that the house go into committee of the whole; which motion prevailed. Mr. Bell moved to take up and consider the bill from the senate to continue the commission for investigating Choctaw land frauds; which motion prevailed. Mr. Word moved an amendment to the amendments. Lost. The committee adopted the amendment of the senate to the bill.

The committee rose, having passed some other bills, and reported them, and a motion to go again into committee of the whole was unsuccessful. Mr. Cushing moved a resolution, making certain additional payments to messengers, &c. Several amendments were offered, so as to include chaplains, officers of library, &c. Mr. Coles moved that the resolution lie on the table, with the amendments: Ayes 34, noes 73. No quorum.

A call of the house was moved. Ordered. And 97 having been found to be present on the first call, Mr. Noyes said that all the bills were in which had passed either house. An adjournment was moved.

Mr. Wise hoped the house would not adjourn without bringing those members out of their beds, who had kept the house in session all night counting for a quorum. The motion to adjourn was lost, and the call proceeded till after sunrise.

There were several efforts made to suspend the call, but in vain. Excuses were offered. Mr. Harlan rose and asked if absence from the house were a political or a civil offence? The Chair referred him to the rule of the house upon the subject. Mr. Wise said it was an uncivil offence.

The officers of the house having been ordered to bring in a member who had not answered and who had not been excused, some of the members who had been absent were brought in and gave their excuses. Mr. Grennell had been for some time in ill-health. He was excused. Mr. Cushman had been here from ten o'clock yesterday till five this morning. Mr. Wise said that, in consideration of the peculiar standing of the gentleman from New Hampshire, he thought he ought to be charged with fees, and he (Mr. W.) moved the previous question. [A laugh.] Mr. Cushman was permitted to take his seat on payment of fees.

Mr. Samson Mason was next in order, and was permitted to take his seat, on payment of fees. Mr. Davies, of Pennsylvania, on being brought in, gave his conscientious conviction of duty not to break the Sabbath, by sitting during that day. The validity of this excuse was discussed, and Mr. Davies was permitted to take his seat without the payment of fees.

Mr. Graham, of North Carolina, had remained till 12 o'clock last night. He had been ill, and apprehended that the impure air of the hall would make him so again. He was one of those who believed that the house ought not to sit after 12 o'clock Saturday night, except in great emergency. He had

not retired to break up a quorum, but had gone home for the reasons he had stated, and had come back voluntarily this morning.

Mr. Gray, who had moved the call of the house, urged that the gentleman was not entitled to be excused.

Mr. Stanly saw no reason why his colleague should have an exemption over all others from the operation of the rule requiring members' attendance. He hoped that he might be permitted to take his seat, with payment of fees. Mr. Montgomery moved that he be permitted to take his seat without payment of fees. Some other remarks were made by different members, and then the question was put on Mr. Stanly's motion, and the gentleman permitted to take his seat, upon payment of fees.

Mr. Briggs was next placed at the bar. His excuse was, that he remained here till one or two o'clock, and, finding himself exhausted, and with a headache, he went home to bed. Mr. Wise moved that he be permitted to take his seat, upon payment of fees. Ordered.

Mr. Spencer, had been sick yesterday, and sat here till very late, and was returning when he met the sergeant-at-arms. Mr. Parker moved that his colleague take his seat without fees. Mr. Wise would ask if this sickness was any thing more than that of all the members, who are obliged to sit here till midnight. Mr. Spencer was permitted to take his seat without fees. Mr. Webster, of Ohio, was brought up, and asked for his excuse. He said he had no excuse to offer; he had sat till two in the morning, and had been waiting two hours to be admitted to the hall. Permitted to take his seat, upon payment of fees.

Mr. Mercer rose, and said he had staid in the house all night, and was exhausted. He asked to be excused from further attendance this day. The request was complied with, and Mr. Mercer left the hall.

Mr. Moore made the same request in favor of Mr. Spencer, which was also granted.

Mr. Brodhead was placed at the bar by the sergeant-at-arms, and plead indisposition as the reason why he had left the house after twelve o'clock last night. Permitted to take his seat, on the payment of fees.

Mr. Mitchell was excused, and permitted to take his seat without paying fees.

Mr. Palmer was excused, without fees.

Mr. Parris had retired from exhaustion after a laborious session. Excused, upon payment of fees.

Mr. Cushing inquired whether there be not a quorum present in the house?

Mr. Robinson, being placed at the bar, said that he had answered at the call of the house. No proceeding were had with regard to this case.

Mr. Howard said something in excuse of Mr. Thomas; Mr. Stanly, in favor of Mr. Rencher, and Mr. Grantland, of Mr. Jabez Jackson. But the chair decided that these excuses were out of the regular order.

Mr. Shields, of Tennessee, being placed at the bar, stated that he had sat till one o'clock, and had gone home completely exhausted, and on his way to the house had been so unwell as to be obliged to sit down frequently.

The Speaker stated that sixteen gentlemen, notified by the sergeant-at-arms of the house, left the city in the morning cars, this morning, a list of whose names the sergeant-at-arms handed to the chair as follows:

Messrs. Anderson, Birdsell, Chambers, Chany, Hamer, Harper, Kennedy, Murray, Petrikin, Plummer, Southgate, Turney, White, of Ky., Yell, and Grant. On motion of Mr. Lincoln, that report was entered on the journal.

Mr. Jones, of N. Y. pleaded sudden illness as the result of this long night's session, and was excused, without fees.

Mr. Wise asked whether or not the sixteen above alluded to were liable to be fined for contempt of the rules of the house? The Speaker was not understood to give any decision on this point. Messrs. Rencher and Thomas, who were absent, were excused on motion. Mr. Vandever was placed at the bar. He said he had been indisposed; and had left the house at 11 or 12 o'clock. Excused, without fees. Mr. C. Shepard plead, on being arranged, that he was broken down with his long attendance to his duty in the house. He had never been absent before; and had left the house on this occasion from indisposition. Excused, with fees.

Mr. Carter. This gentleman said he had been in attendance till after 12 o'clock, and, not feeling very well, he had left the house from that cause. Excused, with fees.

Mr. Beatty then offered an order, by which the sixteen gentlemen who had been reported as having left the city, were held to answer for their absence. The order was adopted. Mr. Bouldin understood

there was no quorum; and he suggested that the proceedings under the call be suspended. Mr. Lewis was of opinion that all absent members ought to be punished, as well as those brought in by the sergeant-at-arms. Mr. Menfee did not propose to dispense with the call; he hoped it would be postponed, and that it would be ascertained whether or not there was a quorum. Mr. Cray moved that the house (half past 7, Sunday morning) do now adjourn. Lost. Mr. Fillmore was placed at the bar, and being called on for his excuse, said that he had staid here till between 3 and 4 in the morning, and had then left from a sense of duty to his health, to obtain some rest. Excused, with fees.

Mr. Shields, upon motion of a colleague, was permitted to retire from the hall from extreme indisposition.

Mr. Wise offered the following resolution: "Resolved, That all members now absent, except such as have been excused, and the sixteen members who have been reported by the sergeant-at-arms as having defied the execution of the order of the house, be required, upon the re-assembling of congress, to give excuses for their absence at this time, and it shall be the duty of the clerk to enter their names on the journal for that purpose, and the speaker shall bring the same to the notice of the house."

Mr. Howard moved to amend, so as to resume the call for excuses to-morrow (Monday) morning. This was immediately after withdrawn, however. Mr. J. L. Williams was excused, with fees. Reason, unwillingness to sit on the Sabbath. Mr. Jones, of Virginia, moved that Mr. Pennybacker be excused. Reason, illness in his family. Excused.

Mr. Prentiss, of Mississippi, then spoke to the resolution of Mr. Wise. The sixteen who had disobeyed the mandate of the house, and left the city in contempt of it, were in a different position from those who were absent, not knowing of such order of the house. Mr. Wise said a resolution had already been adopted touching that point, upon the motion of Mr. Beatty, of Pennsylvania. Mr. Miller, of Missouri, gave severe indisposition as his excuse. Excused, without fees. Mr. Mallory, having left the house at three o'clock in the morning, and gone to bed, was excused, with fees; as was Mr. Jas. Mason.

Mr. Williams, of North Carolina, moved the previous question on Mr. Wise's resolution. Seconded. Ordered. Put. Carried. So the proceedings under the call were discontinued, and the doors of the hall were opened. Mr. Bronson moved an adjournment. Mr. Graham, of North Carolina, demanded the yeas and nays. Not ordered. The house decided the motion in the affirmative. Ayes 74, noes 51. And so the house, at nearly 8 o'clock Sunday morning, adjourned till nine o'clock to-morrow.

Monday, July 9. On motion of Mr. McKim, the reading of the journal was dispensed with.

Mr. Bell moved that the following resolution of Mr. Wise, which was adopted yesterday morning, be rescinded:

"Resolved, That all members now absent, except such as have been excused, and the sixteen members who have been reported by the sergeant-at-arms, as having defied the execution of the order of the house, be required, upon the re-assembling of congress, to give excuses for their absence at this time, and it shall be the duty of the clerk to enter their names on the journal for that purpose, and the speaker shall bring the same to the notice of the house."

Mr. Bell said that this was a censure in his own case, and in that of many others, who had waited till all the public business had been transacted, and had not gone to their lodgings till after the speaker had declared his table cleared, and till it seemed likely that an immediate adjournment might take place.

At the suggestion of Mr. Whittlesey, this motion was so modified by Mr. Bell as to permit all who were then absent, but are now present, to offer excuses, or, not being present, to have excuses rendered for them.

Mr. Underwood, was understood to express some doubt as to whether that could be done.

Mr. Bell then presented his resolution in this shape:

"Resolved, That so much of the resolution of the 7th instant, adopted upon the motion of Mr. Wise, as requires certain members of the house to give excuses for their absence at the next session, be rescinded, and that excuses be now heard in behalf of such absentees."

Mr. Potts moved to strike out all but the declaration merely that Mr. Wise's resolution be rescinded.

Mr. Adams moved to amend the amendment by striking out all after the word "resolved," and in-

setting a provision that all resolutions of censure and orders for payment of fees by the members of this house, for absence on the call of the house on the morning of the Sabbath day, be, and are hereby, rescinded.

Mr. Fillmore thought the effect of this proceeding would not be such a one as would subvert justice. The publication of the names of those members who were absent on Sunday morning would be a partial proceeding, inasmuch as many members whose names had not been given in the papers as absent, had left the city several days or weeks before.

Mr. Potts withdrew his amendment. Mr. Adams offered his. Mr. Cushman was making some statements as to the circumstances attending his own absence on yesterday morning, when he was called to order on all sides, the chair deciding that an individual case could not now be considered. Mr. Wise said that if the gentlemen from Tennessee and Massachusetts would withdraw their propositions, he would move to reconsider the vote whereby his (Mr. W.'s) resolution had been adopted by the house. Mr. Bell withdrew his resolution. The chair decided that the amendment of Mr. Adams fell at once. Mr. Wise then moved to reconsider the resolution in question, and moved the previous question. Seconded. Ordered to be put. Mr. Brodhead moved a call of the house. The chair. Not in order, the previous question having been seconded. Mr. Keim demanded the yeas and nays on reconsideration. Ordered. The motion to reconsider prevailed by the following vote: yeas 109, nays 35.

Mr. Wise moved the previous question, (on agreeing to the resolution of Mr. Wise.) In reply to a question of Mr. Sergeant, the chair said that if this resolution were now rejected, the journal would only present the usual case of a call of the house. The previous question was then ordered and put, and the resolution was rejected without a count.

Mr. Wise moved a reconsideration of the resolution offered by Mr. Beatty yesterday, by which the sixteen gentlemen who had been reported as having left the city were held to answer for their absence. Mr. W. moved the previous question. Mr. Mercer said that no member had a right to combine two motions in one. The chair decided that that was not the case in this instance. The motions were distinct, and perfectly in order. Mr. Mercer took an appeal from this decision; saying we must have some rules of order in this house. Many of the most valuable are always destroyed. After some conversation, the question was taken on the appeal by tellers: Ayes 83, noes 45. So the decision of the chair was sustained as the judgment of the house. The question recurred on seconding the demand for the previous question. It was seconded, and ordered to be put.

The question then recurred on the reconsideration of Mr. Beatty's [yesterday's] resolution.

Mr. Brodhead called for the yeas and nays. Not ordered. The house refused to reconsider. Mr. Adams then offered his resolution as above. Mr. Adams demanded the previous question. Seconded.

Mr. Mercer and Mr. Lincoln said that they had objected to the offering of the resolution at the time it was read. The chair had not heard these objections made. Mr. Howard said that it was a question of privilege, and the offering it was in order. The chair confirmed that opinion. The main question was ordered to be put. Mr. Adams and Mr. Foster demanded the yeas and nays on the resolution of Mr. Adams. They were ordered, and the resolution was rejected by the following vote: Yeas 47, nays 90.

A message was received from the president of the United States, by the hands of his private secretary, containing a list of the acts to which he had affixed his signature.

Mr. Howard asked if the unfinished business of the morning hours was not now in order? The chair decided that it was not. It had been the usage of the house to suspend the rules as to reports, resolutions, &c. on the day of adjournment. The resolution under consideration on Sunday morning, when the call of the house began, for allowing extra pay to messengers, &c. was resumed, on motion of Mr. McKennan. Mr. McKennan demanded the previous question. Seconded. Ordered. On the adoption of the resolution, Mr. Tolson asked for the yeas and nays; which were ordered; and the resolution was adopted by the following vote: Yeas 97, nays 32.

Mr. Bronson asked for leave to offer a resolution giving two months' extra pay to the sergeant-at-arms, clerks, and postmaster of the house, for services rendered during this session. This had been done by the senate with regard to their officers this session, and a similar one had just

been passed with regard to the messengers, chaplain, &c.

Mr. Gray made some remarks in opposition to the resolution as starting a new principle. He had been in favor of the resolution just passed, because extra work had been done by the subjects of it. This was not the case with the subjects of the resolution under consideration. He moved that the resolution do lie on the table.

Which motion prevailed?

On motion of Mr. Pope, the house went into committee of the whole, (Mr. DeGraff in the chair,) and took up the joint resolution from the senate authorizing the library committee (at an expense of \$5,000) to cause the Madison papers to be printed.

Mr. Adams hoped the joint resolution would be changed into a bill. Mr. Pope agreed to this. The amendment prevailed. The committee then rose, and reported the joint resolution as amended. The amendment was concurred in, and the bill ordered to a third reading. It was read, and passed.

The chair suggested that the 16th and 17th joint rules must be suspended before this bill could be returned to the senate. On motion of Mr. McKennan, this was done, and the bill sent to the senate for concurrence.

Mr. Bynum offered a resolution making it the duty of the clerk of the house to provide for the safety of the public stables attached to the house. Adopted.

Mr. Carter, (by leave,) presented the memorial of sundry citizens of Cocke county, Tennessee, protesting against the sub-treasury project, and praying the establishment of a national bank.

The usual joint resolutions were received from the senate, declaring that, having finished the business before them, the two houses were ready to adjourn.

Mr. Garland, of La., hoped the resolution would declare the fact. This house had not "finished the business" before them; and it would be improper to say so. He moved to strike out that part of the resolution. On the suggestion of Mr. McKennan, (as the senate had before them an amendment of the house,) this subject was suspended for a moment. A message was then received from the senate, concurring with the house, in suspending the 16th and 17th joint rules so far as regards the resolution as to the Madison papers, and adopting the amendment of the house thereto, (changing the joint resolution into a bill.)

Mr. Adams moved a resolution remitting the fees for absence, without leave, to absentees yesterday. This had been usually done in similar cases; and he hoped that it would be done now, in a generous spirit, at parting. Mr. McKennan supported this proposition; as did Mr. Pope. Mr. Reed said that the good effects of the proceedings of yesterday, as to absentees, had appeared in the attendance of a quorum to day. He hoped that now the fees might be remitted.

The joint resolution on adjournment was again taken up. Mr. Garland's motion to amend was next in order. Mr. Cushing said, in support of this amendment, that had a quorum been present on Saturday night, some portion of the scores of bills, &c. now lying untouched upon the calendar might have been attended to.

The amendment of Mr. Garland was rejected and the order passed.

Mr. Thomas, from the joint committee appointed to wait upon the president, to apprise him of the readiness of the senate and house to adjourn, returned an answer from the president, that he had no further communications to make to congress and that he wished each and every member thereof a safe return to their several homes.

On motion of Mr. Cushman, the house then (at 12 o'clock) adjourned until the first Monday of December next.

We are enabled now to lay before our readers some particulars of proceedings in the house of representatives during the two last days of the session, which we have not published before, from not being able to get access to the journal of the house. The following is the residuum, taken from the journal, of the proceedings of Saturday and Monday last.

[Nat. Int.] Mr. Mercer, from the committee on roads and canals, reported at length upon senate bill making appropriations for the completion of certain roads in the state of Michigan, concluding that the said bill ought not to pass; and the bill was thereupon ordered to lie on the table.

Mr. Whittlesey, of Ohio, from the committee of claims, reported against bills from the senate for the relief of Alfred Westfall, for the relief of Jacob Hanks, and for the relief of George I. Knight.

Mr. Robertson from the committee on the judiciary, reported a bill "for the relief of the heirs of Peyton Randolph, deceased," and a bill "to amend

the acts for the encouragement of learning, by securing the copies, maps, charts, and books, to the authors and proprietors of such copies." These reports of course lie over.

Mr. Mercer, from the committee on roads and canals, upon the subject of survey or improvement of roads and canals, and the navigation of rivers, according to the terms of a standing rule of the house instituting said committee, and prescribing their duties, made a report at length, recommending the adoption of the following amendment of the 80th standing rule of the house, viz.

Resolved, That the standing rule of the house, instituting a committee on roads and canals, be amended so as to read as follows:

"1st. That the denomination of that committee shall hereafter be, 'The committee of public improvements.'

"2d. That the duties of that committee shall be to take into consideration all such petitions, resolutions, bills, and reports, or other matters or things relative to surveys and estimates for roads, canals, or for the construction or improvement of harbors and brackwaters; the improvement of the navigation of rivers, or the construction, improvement, or continued prosecution of any such public works, whether by the appropriation thereto of lands or money."

The consideration of this report, made on Saturday, was postponed until Monday, but was not then acted upon.

Mr. Hull, from the committee on the post office and post roads, reported against the cases of Silas Hale and the surety of John McClellan, late postmaster at Abingdon, Virginia.

Mr. Harlan, from the committee on private land claims, reported against the case of Elihu Hull Bay. The same committee was then discharged from the consideration of the several cases before that committee not reported on.

Mr. Everett laid before the house an estimate from the war department of the sums necessary to be appropriated for the service of the year 1838, for carrying into effect the treaties with various Indian tribes, ratified during the present session of congress, and at the extra session of 1837.

Mr. Halsted, from the committee on military affairs, reported against the case of John Caylerd.

Mr. Bronson, from the committee on the territories, reported a bill to authorize the people of Florida to form a constitution, and to provide for the admission of said state into the union. The bill was not acted upon.

Mr. Mercer, from the committee on roads and canals, made a report on the memorial of citizens of Indianapolis, in the state of Indiana, in relation to the Cumberland road, and the propriety of confining the attention of the chief superintendent of the same to the work required in one state; and the report was ordered to lie on the table.

On motion of Mr. Johnson, of Maryland,

Resolved, That the select committee on the subject of a national foundry have leave to adjourn at the close of the present session, and resume their investigation and report at the next session of congress.

Mr. Lincoln, from the committee on the public buildings and grounds, reported a joint resolution authorizing an examination and payment of the claims of the workmen upon the public buildings; but it was not acted upon.

On motion of Mr. McKay,

Resolved, That the select committee to which was referred the memorial of F. P. Blair, on the subject of the printing done for congress, have leave to adjourn at the close of the present session of congress, and resume the investigation and report at the next session of congress.

Mr. Durlington from the committee of claims, made a report upon the case of Gamaliel E. Smith, concluding with the following resolution, which was read, and agreed to, viz.

"Resolved, That the solicitor of the treasury ascertain the value of the labor performed by the said Gamaliel E. Smith, under a contract made with the United States to build a light-house and dwelling-house on Mount Desert Rock, in the state of Maine, and the value of the materials furnished by him for said buildings, and used by him for that purpose, or, being prepared by him, used by his successor, under a contract for constructing said buildings. In making an estimate of the value of the labor performed, or the materials used, as aforesaid, regard is to be had to the price fixed by the parties in the contract for constructing said buildings, and the price for the labor done, and the materials delivered, to be in proportion to the labor and materials for completing the entire buildings."

Mr. Graham, of North Carolina, from the committee on Indian affairs, made an unfavorable re-

port upon the petition of Samuel Douthet and Polly Douthet.

The house considered the resolutions of Mr. Robertson, of Virginia, of the 25th June ultimo; and the said resolutions, being modified, on motion of Mr. Cushing, were agreed to, and are as follows:

Resolved, That the president of the United States be requested to communicate to this house, on the first day of the next session, all the information, not heretofore communicated, now in the possession of the executive, or which may be procured before that time, touching undue attempts or practices, if any, since May 29, 1830, to keep down the price of the public lands, or prevent purchases or entries thereof, at public or private sale, by force, threats, or fraud, and the measures taken, since the date aforesaid, to prevent, defeat, or punish such fraudulent practices and illegal entries upon the public lands.

Resolved, That the secretary of the treasury prepare, and lay before this house, on the first day of the next session, a statement of all grants and donations of public lands, or of the proceeds of sales thereof, to the states by the United States, distinguishing the amount made to each, and the purposes and considerations upon which made.

Secondly. A statement of the whole quantity of public land now surveyed, and an estimate of the quantity unsurveyed, distinguishing each, and where situated; and accompanying the same with separate plans for dividing said lands, and the proceeds of sales thereof, among the states, according to their respective rights, and on such conditions as to time and manner of division and sale, graduation, reduction of price, and reservation of title in the United States, and final disposition, as may be best calculated to effect the objects of this resolution, in conformity with the rights of the several states and the United States relating to said land.

Thirdly. A plan for reorganizing the land system on such principles as will best secure the public against loss from illegal entries, frauds, &c., pointing out the defects or advantages of the present system, more particularly in reference to pre-emption and sales at public auction, and in general, suggesting such alterations as experience may have shown to be necessary.

The *Speaker* laid before the house a letter from the secretary of the treasury, transmitting the annual statements of the transactions and operations of the mint establishment of the United States for 1836, prepared in accordance with the act of 2d April, 1792.

Mr. *Robertson*, from the select committee appointed to select portions of the correspondence between the United States and Mexico, such as they should consider material to be printed, reported the following resolution:

Resolved, That the clerk of the house deliver to the public printer, to be printed for the use of the house, all the papers transmitted with the message of the president of the 4th instant, except evidences of private claims, papers of a character merely formal, and papers in the Spanish language, of which there are English translations.

On motion of Mr. *Calhoun*, of Massachusetts,

Resolved, That the president of the United States be requested to cause to be laid before this house, during the first week of the next session of congress, all such communications, papers, documents, &c. now in the possession of the executive, or which can be obtained, as shall elucidate the origin and object of the Smithsonian bequest, and the origin, progress, and consummation of the process by which that bequest has been recovered, and whatever may be connected with the subject.

On motion of Mr. *Howard*,

Resolved, That the secretaries of state, the treasury, war, navy, and the postmaster general, be directed to report to this house, at an early period of the next session, what number of clerks have been employed, and how long they have been so employed, in their respective departments, in replying to the various calls for information which have been made by this house at the present session, and, if any extra clerks have been employed under such calls, how many, and at what expense.

The *Speaker* laid before the house a communication from the postmaster general, in compliance with the post office law of 1836, stating the expenses of that department for the year ending 30th June, 1837, as follows, viz.

Compensation to postmasters, -	\$891,352 54
Transportation of the mail, -	1,996,727 43
Ship, steamboat, and way letters, -	28,188 16
Wrapping paper, -	20,172 14
Office furniture, -	5,472 77
Advertising, -	35,897 12
Mail bags, -	51,600 97
Blanks, -	29,679 29
Mail locks, keys, and stamps, -	8,798 28

Depredations and special agents, -	10,998 97
Clerks for offices, -	175,742 09
Miscellaneous, -	58,858 26
	\$3,803,428 03

The *Speaker* laid before the house a communication from the secretary of the treasury, in obedience to a resolution of the house of the 11th instant, directing him to report a statement of the amount of money received and expended by the United States in each state in the years 1833, 1834, 1835, 1836, and 1837.

AFFAIRS OF MEXICO.

A slip from the office of the New Orleans Bulletin, dated July the 6th, furnishes some additional intelligence brought by the schr. *Creole*, at New Orleans. Capt. Page, of the U. S. sloop of war *Natchez*, writes, that before he left Tampico, (which was the 21st of June,) a letter had arrived from Mexico, stating that the French had presented another ultimatum to the Mexican government, declaring that if their claims were not met in twenty days counting from the 13th of June, (i. e. by the third of July,) they would, after that, make an attack on Vera Cruz and Tampico—how soon after was not known. He learned, further, from captain Tourme, commander of the French brig *La Perouse*, then blockading Tampico, that an order had come out from the French government, (a copy of which he produced) directing that all vessels, excepting men-of-war and British packets, should be made prizes of, immediately on their appearance on the Mexican coast. On hearing this, (a fact of which the people of Tampico were uninformed) "I despatched," he says, "several letters to the American consul and others at that place; and immediately got under weigh, intending to keep the track of vessels for Mexico, and give them warning, if not already informed, that the terms of the blockade were changed." This object I have kept constantly in view; designing to run on in the track till we strike the mouth of the Mississippi.

American citizens are treated with respect and attention in Mexico. We have carried five passengers this trip—making in all twenty that have been transported to and from Mexico in this ship, since the 10th May last.

Another letter says:—"I believe that the blockade will continue for three or four months longer, and if the affair is not regulated by the French ministers in Paris, referring it to the arbitration of other powers, the injury to foreigners in this country will be immense. The war, as I understand the Mexican character, will not be concluded by the taking of Vera Cruz, Tampico, Metamoros nor Jalapa. These people seem indifferent to consequences, so long as they support the resolution laid down upon the receipt of admiral Bazoches declaration.

Whether this internal revolution can so far alter the course of the government as to bring about a reconciliation, founded upon contrary principles, appears to me, to say the least, improbable, as the insurrections in Sonora and Aguas Calientes have been completely subdued by the government. In the mean time, the nation is without resources from its custom houses, its only revenue, and the people are beginning to feel the scarcity of foreign produce.

The French blockade of Mexico excites jealousy in England. The London Courier says:

England and the United States are equally interested in looking at this affair with some jealousy. The trickery by which the duke of Wellington was imposed on, when a French fleet was sent to Algiers to demand satisfaction for an affront offered to a consul, ought not to be forgotten. If the French obtain possession of a strong hold on the Mexican coast, it will be no easy matter to induce them to relinquish it; and with the half civilized Mexicans for their neighbors, there will never be a difficulty in finding pretexts for new demands of satisfaction. Mexico might then become as completely a French possession as Algiers is now, for there would be immediately a strong colonization party in the chambers.

From the New Orleans Bee of July 6.

The Mexican papers to the 8th June, received by us, contain, as usual, a large infusion of coarse diatribes against the French minister, whose departure for France we announced on the 12th of June. The passports of the consul, at Vera Cruz, had been abruptly sent to him, with orders to quit the country, for having, as it is said, greatly offended the Mexican authorities; it would, perhaps, be justice to say, for having defended his government against the ignoble attacks of the Mexican press. However this may be, the expulsion of M. Gloux, without previous explanation, can only be considered in the light of a new insult to a nation which only exacts

what is right, and only claims satisfaction for past injuries.

The Mexican papers laud the condescension of the president of the United States to the skies, for having consented to submit to the arbitration of a third power, the differences between the two countries, and profit by this circumstance to draw insulting comparisons between this country and France. But they entirely forget that the president, by admitting the arbitration, signifies positively that he cannot suspend the action upon the decrees of congress until after a definite arrangement, whence it results that with regard to the United States, affairs continue in precisely the same state.

Different statements are given in the journals of the capital, concerning the insurrection at Sinaloa, at the head of which is Urrea, who has assumed the title of protector; the revolt at St. Louis de Potosi seems to have been of greater importance than was anticipated, and at Aguas Calientes a pronouncement appeared to have excited the more alarm, as the rebels were marching towards Zacatlan, where they hoped to stir up the populace, who were already disposed to take part with them.

From these demonstrations we conclude that but little tranquillity prevails in the country; but that at the same time nothing very decisive has yet occurred. If, however, the news from Yucatan, which came to us by the north, be confirmed; and if the government troops have been compelled to abandon Merida, we may with justice infer the ultimate triumph of the federal party. The report which had gone forth, that Santa Anna had been appointed to the government of Vera Cruz, was without foundation.

General Risco still commands at that port, and unless president Bustamante has abandoned all prudence, he will not recall to political eminence a man like Santa Anna, whose perfidy and faithlessness have injured this country as much as Bustamante himself. From time alone can any improvements in the civil and military policy of Mexico be expected. The departure of baron Defaudis evinces a determination to prolong the blockade. The large number of vessels at the isle of Sacrificios proves that the severity of the blockade is increasing; but we do not anticipate a speedy bombardment. It is the *ultima ratio*, and will only be employed when all other means have proven unavailing.

CHRONICLE.

Governor Wolf is on a visit to Bedford springs.

On the 27th June the mercury stood at 103 in the shade at New Orleans.

Dr. Ruschenberger, the American traveller, has left New York for England.

The patriots of Canada, were by the latest accounts collecting in numerous parties on the borders of Michigan, preparatory to another demonstration upon the royalists.

The new ship *Sea, Fisher*, from Baltimore, has arrived at City Point, to take a cargo of cotton and tobacco for Liverpool. It is believed the *Sea* is the largest merchant vessel (above 830 tons) that ever floated in the upper waters of James river.

The whigs of Washington county (Pa.) have nominated Joseph Lawrence, for congress, in place of Mr. McKennan, who declines a re-election.

Large collections. During the late anniversary of the Wesleyan missionary society, held in London, upwards of thirty thousand dollars were collected. A sum unprecedented at any charitable festival. The amount was in the following sums, in sterling money:

April 25—Public meeting at Great Queen street -	£51.5.3
27—Annual sermons in the London chapel -	714.8.0
30—Collection at Exeter hall -	260.1.6
Donations and new subscriptions, do -	1,898.4.3
An aged friend, do -	3,000.0.0
Francis Riggall, esq., do -	1,000.0.0
	£6,933.19.0

Moral effects of marriage. The statistics of the eastern penitentiary of Pennsylvania, are curious in the great inequality, which they exhibit between married and unmarried convicts. Of the one hundred and sixty prisoners received the last year, one hundred and ten were unmarried. Six were widowers, and forty-five only were married. I have never seen a stronger illustration of the moral influence of marriage. It is too late to eulogize the marriage institution, after the world's experience of its ameliorating influence upon the human condition for six thousand years. But we may take the instance as an evidence of its effects, in promoting good habits, morality and virtue amongst the lowest classes of society.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 22.—VOL. IV.]

WASHINGTON CITY, JULY 28, 1838.

[VOL. LIV.—WHOLE No. 1,400.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

¶ The steam-ship *Royal William*, arrived at New York on Tuesday evening last, in about eighteen and a half days from Liverpool. She brought advices from London to the 4th, and Liverpool to the 5th of July, including an account of the coronation of queen *Victoria*, which took place on the 28th of June. See page 350.

¶ A public dinner was given to Mr. Webster by the citizens of Boston on Tuesday last, on which occasion he delivered an address in his usual eloquent manner. Among the guests were Messrs. *Premias*, of Miss., and *Menefee*, of Ky., both of whom addressed the company in reply to complimentary toasts. We will give some account of the proceedings in our next.

¶ The hon. *William Allen*, of Ohio, at the earnest invitation of his political friends, attended a meeting at the "Third street House" in Philadelphia on Monday evening last, and addressed the assembly which filled the large saloon. The Pennsylvanian says—"He rapidly reviewed the political contest that has been raging in the republic for the last six years, exposing the enemies of popular liberty in all the various disguises which they have assumed, and which they now wear, and pointed out the struggles yet to come, expressing his firm reliance in the virtue of the people, for the continued defeat of their indefatigable and insidious foes. The effect of this address was such as we have rarely seen equalled. The speaker was frequently interrupted by bursts of prolonged and enthusiastic applause; and the cheering, when he concluded, forcibly told the impression he had made."

BANKS, CURRENCY, &c. It will be seen by the proceedings of the bank convention, inserted below, that the banks of the states of *Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, Kentucky, and Missouri* have resolved to resume specie payments on the 13th of next month. Their example will, no doubt, be imitated by all the solvent banks in the country, and thus the people will be relieved of the evils of an irredeemable paper currency. Sincerely do we congratulate our friends upon the prospects which are now opened to industry and enterprise; for we feel assured that the recuperative energies of the country will speedily efface all traces of the ruin and desolation with which it has been visited, and that the general prosperity will be placed on such a basis that none will hereafter dare to disturb it.

Bank convention. The following is the official report of the proceedings of the bank convention held in Philadelphia on Monday last:

Philadelphia, July 23d, 1838.

At a convention of delegates from the banks of Maryland, Delaware, Pennsylvania, and Missouri, held this day at the bank of Pennsylvania, in the city of Philadelphia, John B. Morris, esq., of Baltimore, was appointed president, and Elihu Chauncey, of Philadelphia, secretary.

The following communication from the committee of banks in the city and county of Philadelphia, was read:

"The undersigned, a committee authorized by the associated banks of the city and county of Philadelphia, to invite the banks of Boston, Providence, Baltimore, and Richmond, and such others as the time admits of, to meet the banks of Philadelphia, in convention in this city, on Monday the 3d July instant, to consult upon the measures to be adopted for an early and simultaneous resumption of specie payments,

Report, That in compliance with the foregoing instructions, a copy of the resolutions, and an invitation to meet this convention were immediately transmitted to the cities enumerated above, to all the banks of Pennsylvania, to Connecticut, to Delaware, to Charleston, and to several of the western states, from whom communications had been received on a former occasion. Answers having been received from Boston, Providence, Norwich, Baltimore, Winchester, Richmond, Lexington, Ky., Pittsburgh, and other parts of Pennsylvania, are hereto annexed. From this correspondence will be seen, that all the banks consulted, have concurred in the opinion that their respective institutions, whether actually represented in this convention or not, will cordially co-operate with the

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banks of Philadelphia, and assent to such period as shall be selected by the convention for the resumption of specie payments.

(Signed)

THOMAS DUNLAP,
WM. D. LEWIS,
H. F. HOLLINGSHEAD,
CHARLES S. BOKER,
ELIHU CHAUNCEY,

Committee.

The communications from banks in Massachusetts, Rhode Island, Connecticut, Virginia, and Kentucky, referred to in the above report, were read; and the convention decided that the letters from the banks of those states to the chairman of the above committee, are sufficient to authorize him to vote in their behalf on the questions which shall come before this convention.

On motion made and seconded, it was decided that the vote on all questions in this convention shall be taken by states, each state having one vote.

The following resolution was offered by Joseph Baily, esq., president of the Bank of Delaware, and seconded by Mr. Chauncey of Philadelphia:

Resolved, That the banks represented in this convention, will resume specie payments on the 13th day of August next, and recommend that day for the resumption by the banks generally.

This resolution being under consideration, Mr. Evans, of Baltimore, moved that the word "thirteenth" be stricken out, and the word "ninth" inserted in its place. The motion being seconded by J. Smith, esq., president of the State Bank of Missouri, the vote was taken on striking out, and decided in the negative. Those voting for the motion were Maryland and Missouri, 2; and those voting against it were Pennsylvania, Delaware, Virginia, Massachusetts, Connecticut, Rhode Island, and Kentucky, 7.

The question being then taken on the resolution, as offered by Mr. Baily, it was unanimously adopted.

On motion it was ordered, that the proceedings of this convention be published, and communicated to the banks generally throughout the United States.

Attest, JOHN B. MORRIS, President.

ELIHU CHAUNCEY, Secretary.

ELISHA WHITTLESEY, OF OHIO. It is stated in the Cincinnati (O.) Evening Post, that Mr. Whittlesey has not only refused to be a candidate for re-election, but has resigned his seat in the present congress. This announcement will, no doubt, be received with pain and regret throughout the whole country; for all acquainted with the proceedings of congress, know that Mr. W. was one of the most industrious and indefatigable members of that body, and that, as chairman of the committee of claims, he has conferred lasting benefits upon the country in preventing the payment of unjust demands upon the government, and cheered many a drooping heart by the zeal and vigour with which he pressed the payment of those which were just. Notwithstanding the vast labor he bestowed upon the various and intricate duties which devolved upon him in the committee room, he was always punctual in the discharge of his duties in the house, and fully merited the confidence that was reposed in him by men of all parties by his fair and honorable conduct; and we hazard nothing in saying, that there is not another member of that body whose loss will be so severely felt or so much regretted. Nothing, we are satisfied, but the most imperious obligations of private duty have impelled Mr. W. to this step; and while we regret the circumstances which have rendered it necessary, we will heartily rejoice if he finds in the quiet pursuits of private life, that happiness and prosperity which his public services so richly merit.

RECEPTION OF THE PRESIDENT. The Norfolk Herald of Wednesday has the following notice of president Van Buren's reception at Old Point Comfort and Norfolk:

The president of the United States landed at Old Point Comfort yesterday morning from the steamboat Columbia, accompanied by the hon. J. R. Poinsett, secretary of war; the hon. J. K. Paulding, secretary of the navy; and his sons major Van Buren and Mr. Smith Van Buren. On landing, the president and suite were conducted to the quarters of captain Huger, where accommodations had been

prepared for them, and where, after examining the fortifications, the president received the visits of the numerous visitors to the Point until one o'clock. At that hour he was waited on by a joint committee of the court and common council of Norfolk, deputed to invite him to visit the borough and tender him its hospitality. The invitation was accepted, and the president with his suite, attended by the committee came up in the evening, in the steamboat Old Dominion. The president and his cortege landed, about sunset, at the foot of Market square, where the volunteer companies of the borough were drawn up in line to receive them, and on their landing escorted them to French's hotel, where apartments had been prepared for them by the direction of the committee.

The president departed himself most gracefully, and received all who were introduced to him, with a winning ease and affability which could not but inspire them with admiration of his character as the high dignitary and the accomplished gentleman. He will only remain here to-day, as he has made arrangements to leave to-morrow morning in the steamboat Thomas Jefferson for Richmond, whence he will proceed to the White Sulphur Springs. He will be "at home," to those who may call on him from half past eight till ten o'clock, this forenoon, at which latter hour he will visit the navy yard, dry dock, &c. until one, when he will receive the attentions of the citizens of Portsmouth; after which he will return to French's to dinner.

BRAZILIAN MINISTER. St. Deremborgador E. F. Franca, minister from Brazil, has arrived at Washington and been presented to the president.

The Globe says: "It gives us pleasure to state that M. Cavalcanti d'Albuquerque, late chargé d'affaires of the empire of Brazil in the United States, who has discharged his official duties in this country satisfactorily to our government, has received a new proof of the confidence of his own, in his appointment as chargé d'affaires of Brazil to her majesty the queen of Spain.

Mr. C. paid on Tuesday his farewell visit to the secretary of state, having the evening before Mr. Franca's presentation, taken leave of the president of the United States."

FROM BRAZIL. Letters from Rio Janeiro to the 1st of June, with the sight of which we have been favored, mention the receipt of advices from Rio Grande to May 22d, confirming the total defeat of the government troops by the insurgents of that province, with a loss of 2,000 men. Only a few cavalry and three generals escaped. The rebels were marching towards Rio Grande, and there was no hope of the government being able to withstand them. The province (Rio Grande) was considered as lost to Brazil. It is the southernmost province of Brazil, and borders on the Oriental republic, of which Montevideo is the capital.

[N. Y. Journal of Commerce.

MURDER OF A JUDGE. The Louisville Herald states on the authority of a gentleman direct from St. Louis, that judge Dougherty, of the city and county court of St. Louis, was murdered on Saturday, 14th instant, about a mile below that city, by some person unknown. The judge was on his way from a bridge, in the building of which he was concerned. He was killed by a discharge of buck-shot, which lodged in the side of his head, penetrating the brain. The greatest excitement prevailed in that city in consequence of it, and a circular had been issued calling on the citizens to aid in the search for the murderer. A great many accordingly turned out and were scouring the country in every direction. One individual had been arrested and lodged in jail on suspicion.

MAINE. The conservatives of this state have nominated Mr. F. O. J. Smith, the present member of congress from the Cumberland district, now in Europe, for governor. There are now three candidates in the field.

NORTH CAROLINA ELECTION. The election in North Carolina for governor and members of the state legislature commenced on Thursday last, when ten counties voted.

TRADE ON THE CANALS. From the *Pittsburg Gazette*. The trade of the Ohio state canal continues steadily to increase. During the month of June just past there arrived at Cleveland, by way of the canal, 34,218,616 lbs. of produce, of which the following articles constituted the principal part:

190,134 bushels	Wheat,
22,462 do	Corn,
2,489 do	Oats,
71,464 barrels	Flour,
9,506 do	Pork,
2,314 do	Whiskey,
23,731 pounds	Butter,
409,716 do	Lard,
772,483 do	Bacon,
69 hhds.	Tobacco.

Of property on which toll is charged by weight, there were cleared from Cleveland, by way of the canal, during the past month, 4,012,162 lbs. During the corresponding month last year, there were cleared 3,455,983 lbs.

The Pennsylvania canal commissioners are making extraordinary efforts to repair the damages sustained by the public works on the Juniata. A thousand laborers will be engaged in the course of the present week.

The amount of tolls received on the state works from the 1st November to the 2d instant, was \$656,331.76.

New York Canals. We learn from the Albany Argus that the tolls collected on the New York state canals for the 4th week in June, amount to the sum of \$47,123.90—exceeding the receipts for the corresponding week in 1837, by the sum of \$15,034.99. The tolls for the whole month of June exceed the collections in the same month in 1837, by about 37 per cent.

From the opening of navigation to the close of June, there has been received for canal tolls the sum of \$516,081.02. This exceeds the collections up to the same time in 1837, by the sum of \$119,966.87, and is only about \$2,000 less than the collections to that time in 1836.

The quantity of merchandise cleared from Albany and Troy from the opening of navigation to the close of June for the present and the two preceding years, has been as follows, viz:

	1836.	1837.	1838.
Mer. cleared	37,636 tons.	32,169 tons.	37,392 tons.
This shows an increase, comparing this year with last, of 5,223 tons of merchandise, equal to 16 per cent. Besides the merchandise cleared on the canals, they have passed over the rail road this season 1,526 tons.			

The quantity of flour and wheat arriving at tide water up to June 30, for three years, is as follows, viz:

	1836.	1837.	1838.
Barrels flour,	271,070	168,660	276,936
Do wheat	143,358	89,477	194,228

The increase of flour and wheat this year over last, equal to 139,216 barrels of flour, or about 79 per cent.

PRODUCE TRADE OF CLEVELAND IN ELEVEN WEEKS. The Herald states that the earliest receipts of produce this season, at that port, by the Ohio canal, were on the 18th of April, and the quantities received from that date until the 30th of June, embracing a period of less than eleven weeks, were as follows:

Wheat,	457,460 bush. val. at \$1.25	\$571,825
Corn,	34,145 do do	65
Oats,	7,194 do do	40
Flour,	144,124 bbls. do	6.75
Pork,	26,146 do do	14.00
Whiskey,	5,292 do do	13.00
Bacon,	1,288,162 lbs. do	09
Lard,	890,473 do do	08
Butter,	73,346 do do	12½

\$2,201,537

It will be seen that we have affixed an average valuation to each of the descriptions of produce, and that the aggregate value is two millions, two hundred and one thousand, five hundred and thirty-seven dollars!

NARROW ESCAPE FROM DEATH. Miss Mary Clark, daughter of captain Dyer Clark, of Medway, and one of the school teachers in that town, was passing through a pasture containing a number of young cattle, on her way from her school. She was suddenly pursued and attacked with great fury, by a three year old heifer, which soon overtook, and struck her to the ground with her horns. Her screams brought no one to her relief, and the enraged animal stood as in triumph over its prostrate victim endeavoring to gore her. The horns of the furious creature caught in her dress, and she was alternately thrown into the air, and dashed upon

the earth with the greatest violence. Her clothes were literally torn in fragments from her body—and her books, maps, and other articles which she was carrying home, were shivered and scattered to the winds. The wild and fiery eye-balls of the infuriated beast were staring full in her face, preparatory to a more dreadful attack, but still none heard her cry, none came to her rescue, and to use her own significant language, she "thought her hour had come and she commended her soul to God, and believed she must die there alone."

But actuated by that spirit of true female heroism, which the hour of imminent peril will often develop, she resolved to make one effort more, and suddenly springing to her feet, she seized her deadly foe by the horns. The animal immediately plunged at her with all its might, but she held her firm grasp upon the horns, and making what defence she could with her feet, ran backwards till she came to a stone wall, and here in the unequal strife, a kind Providence, she hardly knows how, enabled her to clear the wall and escape—covered with wounds, and blood, and dust—to the nearest house. A physician was called, every attention was paid to her by the kind neighbors, and that evening she was removed to her father's dwelling, and is in a fair way to recover.

The young lady had on a red dress and a red shawl. It is well known that some cattle of peculiar temperament, are attracted and enraged by appearances of this kind, and this sad accident should be a warning to others.

[Boston Advertiser.]

STATUE OF WASHINGTON. The following, from the Cooperstown Freeman's Journal, gives the only definite information we recollect to have seen of the progress making by Greenough, the sculptor, with the statue of Washington, ordered by congress. It will be seen that the figure has been modelled, but that the delay has been mainly owing to the difficulty of procuring, in an entire block, the marble which is to perpetuate the artist's design—weighing as it does in the rough, some sixty tons.

[Albany Argus.]

"Mr. Fennimore Cooper has a letter from Mr. Greenough the sculptor, of a date as late as May 6th, 1838, in which that gentleman, speaking of the statue for the rotunda of the capitol, says—"The statue of Washington, after cruel delays, from cholera, quarantines and the state of the roads, is now in full progress. The marble promises well, and we are near the surface. The block weighed 130,000 lbs. when we commenced on it. It is fast losing its chips." In another part of the same letter the artist says, 'I have just finished Venus Victrix, and am now preparing a statue from the Paradise Lost; Abdiel as described at the close of the Fifth Book.'

"As the art of the statuary is so little understood in this country, it may be well to explain why a statue that was ordered four years since, should now be just commenced in the marble. The figure is first modelled in clay, by the artist himself. In this state it receives its general form with all that is intellectual, or its attitude and expression. A good artist frequently consumes years on a single work, while in the clay. When modelled as it is called, the whole is covered with plaster of Paris, the clay is dug out, and a firm mould is left, with the concave impression of the figure. Fresh plaster is introduced after oiling the inner surface, when the concave mould is broken, a regular statue in plaster remains. This is done to produce a statue in a firm substance like plaster, instead of leaving it in the clay, which requires to be constantly moistened to prevent its falling to pieces. The work in the marble now commences with measurements taken from the plaster cast. When ordinary workmen have wrought the stone down to what Mr. Greenough calls "the surface," the artist takes it in hand again, and gives those finishing touches with the chisel, that produce the appearance of flesh, muscles and bones. This finishing forms the merit of the detail, as the ideal, or the expression constitutes the intellectual character of a work of this sort."

LETTER FROM MR. DUNCAN OF OHIO.

Washington, May 30, 1838.

To the editor of the Western Courier:

Sir: A friend of mine has just furnished me with a number of your useful and patriotic paper by which I find that some of the federal bank editors, in your portion of the state, have made some use of my name for exercising my franking privilege, to aid the distribution of political documents, in districts other than that which I immediately represent.

Now, be it known, that the notice thus taken of the aforesaid, is for the purpose of inciting all good democrats in the state of Ohio, in whatever con-

gressional district they may reside, to forward me their names, county of residence, and post office, and I will furnish them, and each of them, with sound whole-hog Jackson-Van Buren anti-bank democratic documents, by virtue of my franking privilege, while I enjoy it, and so far as documents come to my hand—holding myself responsible for all consequences resulting from the whinnings and snarlings of bank spaniels, and federal tools of the whole editorial corps.

Respectfully,

A. DUNCAN.

MISSISSIPPI ELECTION—OFFICIAL.

Counties.	Whig. Prentiss.	Word.	Claiborne.	Ad. Davis.
Adams,	698	665	299	281
Amite,	835	823	265	266
Atala,	145	142	172	170
Bolivar,	40	40	8	8
Carroll,	500	488	368	362
Copiah,	280	286	312	293
Covington,	48	82	192	181
Claiborne,	410	378	350	320
Choctaw,	154	143	277	261
Chickasaw,	45	43	82	81
Coahoma,	34	32	58	56
Clarke,	53	29	114	98
De Soto,	141	138	118	115
Franklin,	109	118	147	140
Green,	71	63	84	28
Hinds,	1107	1060	403	409
Holmes,	357	345	235	230
Hancock,	129	127	22	21
Itawamba,	27	22	194	197
Jackson,	10	8	71	59
Jefferson,	425	417	121	120
Jasper,	159	121	177	148
Jones,	22	17	114	111
Kenner,	209	184	370	363
Lauderdale,	36	28	228	220
Leake,	150	148	162	155
Lowndes,	604	569	532	494
Lawrence,	81	76	432	426
Lafayette,	247	242	277	273
Marion,	63	61	139	136
Monroe,	327	280	410	403
Madison,	621	603	270	257
Marshall,	571	554	720	707
Noxubee,	351	336	406	396
Newton,	65	53	137	135
Neshoba,	32	19	121	113
Ottobeha,	111	104	155	151
Perry,	60	60	30	31
Pike,	138	127	226	220
Ponola,	188	180	140	129
Pontotoc,	178	173	149	137
Rankin,	277	265	228	222
Smith,	39	24	109	96
Scott,	41	39	104	100
Simpson,	72	64	155	148
Tunica,	11	9	34	34
Tallahatchie,	135	126	99	97
Tishomingo,	67	61	272	262
Tippah,	204	213	327	317
Wayne,	32	16	45	37
Washington,	87	86	29	28
Wilkinson,	518	511	123	128
Winston,	126	121	273	271
Warren,	778	760	264	267
Yalobusha,	506	483	466	447
Yazoo,	522	509	202	210
	12,772	12,077	11,776	11,346

MUNIFICENT BEQUESTS. The Register of wills has published a list of the charitable bequests of the late Mr. Kohne, formerly of Charleston, S. C. but at the time of his death and many years previous a resident of the city and county. The amount bequeathed is about seven hundred and thirty thousand dollars. The Protestant Episcopal church, of which Mr. Kohne was a member, is the principal object of his bounty, in bequests of at least \$163,000, to be variously applied. There are various bequests, of which the principal are, \$60,000 to the orphan asylum, \$100,000 to the house of refuge, \$20,000 to the deaf and dumb institution, \$10,000 to the dispensary at Philadelphia, and several large sums to benevolent societies in Charleston. The remainder, estimated at \$300,000, he devises to "such charitable institutions in Pennsylvania and South Carolina, as his executors, or the survivor of them, shall deem most beneficial to mankind, and so that part of the colored population in each of the said states of Pennsylvania and South Carolina shall partake of the benefits thereof. Well may the pious Episcopalian repeat the oft-repeated declaration of good old Job: "The Lord gave, and the Lord hath taken away, blessed be the name of the Lord." [Phila. National Gazette.]

SOUTH CAROLINA. The following resolutions were passed by the legislature of South Carolina at its recent session:

At a general assembly begun and holden at Columbia, on Monday the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and thirty-eight, and from thence continued by divers adjournments, to the first day of June, in the same year, and in the sixty-second year of the sovereignty and independence of the United States of America.

Resolved, That, in the opinion of this legislature, the resolutions adopted at the last session, recommending the separation of the government from banks, and the eventual collection and disbursement of the public moneys of the United States in the constitutional currency, have received the approbation of the people of this state.

2. *Resolved*, That in the opinion of this legislature, the policy indicated by those resolutions is essential to the best interests of the country; and that any public servant who refuses to promote the same, pursues a course injurious to the welfare and prosperity of the state.

3. *Resolved*, That the presiding officers of this legislature, be requested to transmit copies of these resolutions to the senators and representatives of this state, in congress of the United States.

In the house of representatives, 31st May, 1838.

Resolved, That the house do agree to the resolutions. *Ordered*, That they be sent to the senate for concurrence.

By order: T. W. GLOVER, C. H. R.

In senate, 31st May, 1838.

Resolved, That the senate do concur in the resolutions. *Ordered*, That they be returned to the house of representatives.

By order: JACOB WARLEY, C. S.

THE FOOTSTEPS OF THE PILGRIMS. Among the earliest New England religious observances, were the thanksgiving festivals, and the annual days of fasting. It will be seen by the annexed proclamation, issued in March last by governor Matthias, at Bassa Cove, that the example of the infant colonies of New England has been copied by the infant colonies of western Africa. May the land of the latter be blessed as the former has been:

Proclamation for thanksgiving. The following is a copy of the proclamation issued by the governor of Bassa Cove and Edina, for thanksgiving on the 8th day of March last. We have copied it from the colonial journal kept by the governor—the Colonization Herald.

"The past year has been distinguished for mercies of no ordinary character. The public health has been good. Harmony and peace have prevailed among us. We have been preserved from famine and war. The chiefs of the neighboring tribes respect us, and court our alliance. The seasons have been fruitful.

At no period of the existence of the colonies has the prospect of independence by means of agricultural pursuits been more flattering. Schools are in successful operation, knowledge is increasing, the rights of conscience and the protection of the laws have been enjoyed by all. In a word the colonies, through the divine blessing, are fast rising from infancy to the strength, firmness, independence and self-government of manhood.

In view of these and other blessings, it is our duty to acknowledge the hand of God, whence we derive them, and to return him thanks, and to beg of him a continuation of his blessings. I do therefore, with the advice of the council, appoint Thursday, the 8th of March, as a day of public thanksgiving, and respectfully recommend the good people in this commonwealth to observe it as usual.

Given under my hand, at my office in Bassa Cove, this 26th day of February, 1838.

JOHN J. MATTHIAS."

MORE AMERICAN ANTIQUITIES—ASIATIC ORIGIN OF THE NORTHERN INDIANS. At Sagadahoc, on the Kennebec (Maine,) eleven Indian graves have been found—some of the skeletons 7 feet high—others sitting. On the head of one is a copper kettle; also in the graves, stone arrow heads, and beads, nearly all indicating an existence subsequent to the inroads of the whites upon this continent. In the tribes of the extreme of our north we thus see the Asiatic extraction marked by the grave relics carried with the dead on the voyage to that other world "from whose bourne no traveller returns." The thought is pleasing to the dying leaving this existence, and it is clearly traceable in all that pageantry of ceremony which the Egyptians observed—for they were a nation whose costly mauls, and cemeteries, and embalmments, and sarcophagi, and catacombs, seemed to indicate that their thoughts were more with the dead than the

living—more immortal than earthly—resting in fixed and steadfast faith on the future, and noting time only by its funeral monuments as the true landmarks; as even in the midst of their feasts the corpse and its ceremonies were there to speed the revelry of the banquet, and every act of life, public or private, seemed ever tinged with the dominant idea that soothed and shaded the warm ambition of that heated clime with a subdued philosophy that could look on the inevitable destiny of all with composure, and even welcome it with joy. The spirits of the dead are beautifully painted on the papyrus found in the coffins, under the character of reapers, harvesting with the sickle of eternity the fruits of the good actions in this life; an allegory full of poetry and sublimity. [N. Y. Star.

"**HAIL COLUMBIA.**" We present our readers with an American anecdote, from the pen of a valued correspondent, respecting the composition of 'Hail Columbia,' by judge Hopkinson, which will be new to most of our subscribers. [Waldie's Journal of Belles Lettres.

Mr. Editor: Though you are aware that the honorable judge Hopkinson is the author of 'Hail Columbia,' you may not know the circumstances under which it was written. I have heard the history of the song more than once, and hope it may find a place of record in some corner of your journal, and be rescued from oblivion.

In the year 1798 when patriotic feeling pervaded the country, and when there were several parties in the field, Mr. Fox, a young player, who was more admired for his vocal than histrionic powers, called one morning upon his friend Mr. H., and, after stating that the following evening had been appointed for his benefit, and expressing great fear for the result, as not a single box had been taken, begged his friend to do something in his behalf.

"If," said Fox "you will write me some patriotic verses to the tune of the President's March, I feel sure of a full house. Several of the people about the theatre have attempted it; but they have come to the conclusion that it cannot be done, yet I think you may succeed." Mr. H. consented to make a trial, and requested Fox to call in the evening to judge of the result.

Mr. Hopkinson retired to his study, and in a short time wrote the first verse and chorus, which were submitted to Mrs. Hopkinson, who sung them to a piano accompaniment, and proved the measure and music to be compatible and in keeping. In this way the second and other verses were written, and when Fox returned in the evening, he received with delight the song as it now stands. The following morning small handbills and placards announced that Mr. Fox would sing a new patriotic song, &c.

The theatre was crowded; the song was sung, and received with rapture; it was repeated eight times and again *encored*, and when sung the *ninth* time, the whole audience stood up and joined in the chorus. Night after night 'Hail Columbia' cheered the visitors of the theatre, and in a very few days it was the universal song of the boys in the streets from one end of the city to the other. Nor was the distinguished author of this truly national song—a song which met the entire approbation of all parties of the day—forgotten. The street in which he resided was on the occasion crowded, and 'Hail Columbia' broke on the stillness of midnight from five hundred patriotic voices.

IOWA AND WISCONSIN. It appears by a recent census that the new territory of Iowa has a population of 29,839. Wisconsin territory, since the dismemberment of Iowa, contains 18,149 inhabitants, or did a month or two ago. Even by this time, the population of both these territories has increased considerably, and before the next general census is taken, both will be entitled to admission into the union.

The Racine Argus gives an enthusiastic description of the country composing the present territory of Wisconsin, and especially that in the neighborhood of Racine, bordering Lake Michigan.

The whole of Racine county, (it says,) excepting a tract upon the lake, is undulating prairie and timber, having a soil from one to two feet deep, with a clay sub-stratum. In Walworth and Rock the prairie is more level, having about the same depth of soil with a sandy sub-stratum. There is but a very little stone except upon the rivers, and that is lime-stone. The timber is composed principally of burr oak, white oak, black walnut, hickory, and sugar maple.

All kinds of crops which may be raised in a northern latitude may be cultivated with success. There was a great deal of wheat sown last fall, and it is doing remarkably well. Indeed, as fine pieces of wheat and corn can be shown here as in any

country in the world. Oats, rye, barley, buckwheat, peas and beans, have been very productive. But the root cultivation, owing to the depth and newness of the soil, has been most astonishing. Mr. Pettibone, of Prairie Village, a man of credibility, said that he raised a turnip last year, which was larger than a peck measure. Cows give a great quantity of rich milk, and cattle of all kinds, owing to the great range of pasturage on the prairie, soon become very fat, and furnish the most tender and delicious beef. We hesitate not to say, that as a stock country it is unrivalled. The greatest portion of this tract is supplied with timber, and is well watered, and I do not believe there is a section in the whole which is waste land, and which will not be ultimately inhabited.

Our climate, as to heat and cold, is a little milder than that of the same latitude at the east, we being in about 42 degrees. Our atmosphere is much purer, having fewer rainy or cloudy days, and being always much clearer. Consequently our horizon appears more distant, the sky more lofty, and the heavenly bodies larger and more brilliant. An object the size of an ox-team can be seen eight miles with the naked eye. No case of fever and ague, bilious fever, or of any epidemic, has ever originated in this country since its first settlement. No country can be more healthy.

Gilbert Knapp was the first white settler in this section of the country. He settled in this place in November, 1834. A few came in the following winter, and many more the next spring. The first crops that were raised in this country, were raised in 1835. There are several farmers now who have over 150 acres, and more than twenty who have over 100 acres under cultivation. The choicest breeds of sheep, hogs, horses, and cattle, have been imported here from the state of New York, and other places. The best seeds and kinds of grain have been introduced. Fruit trees of all kinds have been brought in and transplanted, and it is confidently believed to be a good fruit country. We have now over 3,500 inhabitants.

LAW CASES.

Court of Common Pleas. Thursday.—Before judge Ingraham.

Mordecai Meyers, vs. Thomas Powell et al.—This was an action brought against the defendants, owners of the steamboat Highlander, to recover the value of a trunk and contents worth \$127, the property of the plaintiff's son, a minor.

It appeared from the evidence, that in the early part of November last, the plaintiff's son came down from Newburg to this city in the Highlander, and arrived here at 10 o'clock in the evening. Having his trunk on board and not wishing to stay himself he inquired of the captain if it would be safe until morning, and he received an affirmative reply—the captain stating that a watch was kept on board every night for the protection of the property on board the boat. Satisfied with this assurance, the trunk was left on board till the next morning, and the plaintiff's son left the boat. In the morning when he called for his trunk, he was informed that it had been delivered to a black man, who brought an order for it, signed by one Mr. Myers, which order however turned out to be a forgery. The captain and the owner of the trunk then started in search of the negro who had taken the trunk, and they succeeded in finding him in the course of a few hours. He was taken to the police office, but it being clearly proved that he had been made the tool of some rogue, he was discharged, but nothing has ever since been heard of the trunk or contents, and the present action was instituted against the defendants to recover the value.

The above facts were fully proved by the plaintiff's son, as was the value of the contents of the trunk, and the fact of the delivery to the negro was admitted by the defendants.

On the part of the defendants, it was contended that they could not in the present instance be sued as common carriers, inasmuch as common carriers were only liable for the safe delivery of the goods at the place of destination. This it was contended had been done in the present case, as they had only contracted to bring the trunk to this city, and no compensation had been paid to the captain for keeping it one night in safety. The only evidence adduced by the defendants, was that of the negro who had taken the trunk, and he stated that he received the order from a person unknown to him, to whom he took the trunk. He was met in Murray street and paid for carrying it, and the person who had given the order, had shouldered it himself and went off.

The court charged that in the present case the main question to be considered was as to the delivery of the trunk here, and if they believed that it had been delivered, the defendants were entitled

to a verdict. Proprietors of steamboats, &c., were liable as common carriers for any thing entrusted to their charge, and they were bound to deliver it safely. In this case the captain remained in possession of the trunk, and the rule is that a carrier is bound to retain goods in safety and to protect them even in case of the inability or refusal of the owner to call for them immediately. Applying this rule to the present case, there had been no delivery, for the captain assumed the charge of the goods until called for by the plaintiff's son. If the jury thought that the goods had been delivered to the right owner, their verdict would be for the defendants, and if not, they would find a verdict for the plaintiff, and estimate the value of the trunk and contents, according to the testimony. Verdict for plaintiff, \$100 and costs. [N. Y. Cour. & Eng.

Supreme judicial court. Adjourned law term, June. *W. J. Loring vs. The Neptune Insurance company.*

This was an action on a policy of insurance on the cargo on board the bark *Stag*, from Cuba to Hamburg. The plaintiff was part owner of the vessel with J. A. Cunningham, and each had a separate invoice of 350 boxes sugar. The vessel met with bad weather, was obliged to cut away some of her equipments and throw overboard a part of her cargo, and she put into Bermuda. It was found at Bermuda that 88 boxes of plaintiff's sugars were damaged more than 50 per cent. of their value. A general average adjustment was made at Hamburg, by Mr. Oldermann, the despatcheur, who is alone authorized by the law of that place to execute this duty. Among the contributory interests brought into the adjustment, were the 140 boxes of sugars above mentioned, at full invoice cost. The consignee of the vessel, and of the plaintiff's part of the cargo, settled the general average on this basis. The defendants paid plaintiff the value of the sugars which were totally lost, and sixty per cent. of the value of the decayed parcel. The plaintiff claimed to recover the amount assessed on him as owner of the said 140 boxes which the defendants resisted.

This case was argued by C. G. and F. C. Loring for the plaintiff, who contended that a general average adjustment, made in the port of destination, fairly and according to the law of that place, was conclusive on all parties interested in the ship, cargo and freight; and that this adjustment was made in that manner. To prove which they produced the depositions of the despatcheur, the consignee, and Mr. Gossler, an eminent lawyer of Harrisburg; and they contended further, that the plaintiff was entitled by law to recover from the defendants the sum he had lost by such assessment and they cited numerous authorities, both English and American in support of their principles.

C. P. Curtis, esq. on behalf of the defendants, argued, that the assessment on the plaintiff for property which was *not saved* by the sacrifice, was against common justice—and that the clearest evidence ought to be produced that it was made pursuant to the law of the place; he contrasted the testimony of Dr. Gossler, who had no interest in the case, with that of the despatcheur who made up the adjustment, and the consignee who paid the money, and might be called upon to repay it, if the plaintiff did not recover it here. But admitting the general principle, that parties are bound by a general average adjustment, made at the port of destination, conformably to the established laws of that place, and admitting (for the purpose of argument) that this adjustment was so made, the learned counsel argued, that the law was founded in a mistake or disregard of the common principles of justice, and ought not to be recognised as binding in our courts. General average contribution was based on the principle of benefit received by the contributor from the jettison or expenditure or other sacrifice made for the common good, and that property which was finally lost never ought and did not contribute to the payment of general average, except that which was the subject of jettison or sacrifice;—thus it was paid for by the other contributory interests, and was itself brought into the adjustment as one of those interests. If it were not, it would be better for the owner to have his goods thrown overboard in case of storm, than to have them arrive in good safety. If this Hamburg regulation was to prevail, the condition of an owner who lost half his invoice by jettison would be far better off than another owner who should lose an equal quantity by the storm. While the owner of the first was paid for his goods because they were sacrificed, the owner of the others would not only have no claim for payment for his, but would be held to contribute as owner of the very goods which he had lost, to the reimbursement of his fortunate co-shipper, whose goods happened to be more convenient to be thrown overboard.

Chief justice Shaw delivered the opinion of the court. They considered the transaction at Hamburg in the nature of judicial proceedings, and although the rule adopted at that port certainly appeared to be a singular one, yet they felt bound to acquiesce in it, believing as they did, that it was the law of that place. It was difficult to see how the plaintiff could have got rid of paying what he did, and it was but just and reasonable that he should recover in the present action. The adjustment at Hamburg was binding on both parties, and there must be judgment on the verdict.

[Boston Daily Times.

SETTLEMENT OF KENTUCKY.

At the first meeting of the Kentucky historical society, the following anecdote of Indian generosity and magnanimity was related by a gentleman distinguished in the annals of Kentucky, with whose permission we give it to the public through our paper:

About the year 1784 or 1785, Mr. Andrew Rowan* embarked in a barge at the Falls of the Ohio, (where Louisville now stands,) with a party, to descend the river. The boat having stopped at the Yellow Banks, on the Indian side, some distance below, Mr. Rowan, borrowing a rifle of one of the company, stepped on shore and strolled into the bottom, probably rather in pursuit of amusement than game: for, from having always been of a feeble constitution and adverse to action, he knew not how to use a rifle, and besides had with him but the single charge of ammunition which was in the gun. He unconsciously protracted his stay beyond what he intended; and returning to the spot where he had landed, saw nothing of the boat nor the company he had left. It being a time of hostility with the Indians, and suspicions of their approach having alarmed the party, they had put off, and made down the stream with all possible haste, not daring to linger for their companion on shore.

Mr. R. now found himself alone on the banks of the Ohio, a vast and trackless forest stretching around him, with but one charge of powder, and himself too unskilled in the use of the rifle to profit even by that, and liable at any moment to fall into the hands of the savages. The nearest settlement of the whites was Vincennes, (now in Indiana,) distant probably about one hundred miles. Shaping his course as nearly as he could calculate for this, he commenced his perilous and hopeless journey. Unaccustomed to travelling in the forest he soon lost all reckoning of his way, and wandered about at venture. Impelled by the gnawings of hunger, he discharged his rifle at a deer that happened to pass near him, but missed it. The third day found him still wandering, whether towards Vincennes or from it, he knew not,—exhausted, famished and despairing. Several times had he laid down as he thought to die. Roused by the sound of a gun not far distant, betokening, as he well knew the presence of the Indians, he proceeded towards the spot whence the report had proceeded, resolved as a last hope of life, to surrender himself to those whose tender mercies he knew to be cruel. Advancing a short distance he saw an Indian approaching who, on discovering him—as the first impulse was on any alarm with both the whites and Indians on the frontiers in time of hostilities—drew up his rifle to his shoulder, in readiness to fire. Mr. R. turned the butt of his, and the Indian, with French politeness, turned the butt of his also.—They approached each other. The Indian seeing his pale and emaciated appearance, and understanding the cause, took him to his wigwam, a few miles distant, where he cooked for him for several days and treated him with the greatest hospitality. Then learning from him by signs that he wished to go to Vincennes, the Indian immediately left his hunting took his rifle and a small stock of provisions, and conducted him in safety to that settlement, a distance from his cabin of about eighty miles.

Having arrived there, and wishing to reward well the generous Indian to whom he owed his life. Mr. R. made arrangements with a merchant of the settlement, to whom he made himself known, to give him three hundred dollars. But the Indian would not receive a farthing. When made to understand by Mr. R. through an interpreter, that he could not be happy unless he would accept something, he replied, pointing to a new blanket near him, that he would take that; and added, wrapping his own blanket around his shoulders, "when I wrap myself in it I will think of you."

Where was there ever a white man, that even in a time of peace, would have so befriended an Indian?

L. B.

*Uncle of the present hon. John Rowan, of Louisville.

THE UNITED STATES AND MEXICO.

House of Representatives, July 7, 1838. Mr. Howard, from the committee on foreign affairs, made the following report:

The committee on foreign affairs, to which have been referred, during the course of the session, several messages from the president of the United States, and other documents, showing the state of our relations with Mexico, have had the same under consideration, and respectfully offer the following report:

That causes of complaint appear to have existed for many years, on the part of the United States, against the government of Mexico, both on account of insults offered to our flag and national vessels, and injuries committed upon the persons and property of our citizens. Representations were accordingly made of these grievances, attended by demands for redress, by the accredited functionaries of the United States, residing in Mexico; but as that government entirely neglected to repair these outrages, and the ill feeling of their people, or remissness in the execution of their laws, continued to produce fresh causes of dissatisfaction, the list of grievances became enlarged from time to time by the addition of constantly occurring injuries, the remonstrances against which were treated with equal inattention. It is not the design of the committee to enter upon a historical review of our earlier relations with Mexico, although the examination would show an increasing earnestness on the part of the government of the United States, in its calls upon that of Mexico for redress, and a resort to more and more decisive steps to express its dissatisfaction at the delay, until the strong measure of withdrawing the minister of the United States from Mexico, upon the declared ground that his further residence there would be useless, roused the attention of that government for a short time from its apathy, into which, however, it soon again sank.

On the 8th of February, 1837, the president of the United States transmitted to both houses of congress a special message on the subject of Mexico, in which he manifested a strong and proper feeling at the indifference which Mexico had exhibited to the repeated and vigorous remonstrances against insult and injury by the representatives of the United States, and recommended

"The passage of an act authorizing reprisals, and the use of the naval force of the United States by the executive against Mexico to enforce them, in the event of a refusal by the Mexican government to come to an amicable adjustment of the matters in controversy between us, upon another demand thereof, made from on board one of our vessels of war on the coast of Mexico."

This message was referred to the committee on foreign affairs, whose opinion appears to have coincided fully with the president on the aggravated nature of our complaints, and the abstract justice, under the laws of nations, of the step proposed.

The president said, in his message, that—
"The length of time since some of the injuries have been committed; the repeated and unavailing applications for redress; the warlike character of some of the outrages upon the property and persons of our citizens; upon the officers and flag of the United States, independent of recent insults to this government and people, by the late extraordinary Mexican minister, would justify, in the eyes of all nations, immediate war."

The committee on foreign affairs embodied their opinion in the two following resolutions:

"Resolved, That the indignities offered to the American flag and injuries committed upon the persons and property of American citizens by officers of the Mexican government, and the refusal or neglect of that government to make suitable amends, would justify the congress of the United States in taking measures to obtain immediate redress, by the exercise of its own power.

"Resolved, That, as an evidence of the desire of the American government to preserve peaceful relations with the government of Mexico, as long as the same may be compatible with that dignity which it is due to the people of the United States to preserve unimpaired, the president be, and is hereby, respectfully requested to make another solemn demand, in the most impressive form, upon the government of Mexico, for redress of the grievances which have heretofore been ineffectually presented to its notice."

This report was made on the 24th of February, and does not appear to have been acted on by the house of representatives, whose constitutional period of service expired on the ensuing 4th of March.

But, as a strong indication of the opinion of both branches of congress as to the two points presented to the notice of the house in the above resolutions, a clause was inserted in the appropriation bill providing for the outfit and salary of a minister to

Mexico, "whenever, in the opinion of the executive, circumstances would permit a renewal of diplomatic intercourse honorably with that power," which act was approved by the president on the 3d of March, 1837. Language cannot be selected to express more clearly than this the desire of congress that amicable relations should be restored between the United States and Mexico, and its opinion not only that they did not then exist, but could not be renewed, by sending a minister to Mexico, without forfeiting the honor of the United States.

The adjournment of the last congress, whose power had been invoked by the president as the only means of obtaining redress, left the political relations between the United States and Mexico in the following delicate condition. The United States had withdrawn its minister; the executive branch of the government had declared it useless to negotiate further, and called for the interference of the legislative power; and that power, speaking through both branches of congress, had declared its concurrence with the president, by pronouncing it dishonorable for the United States to renew the mission of its minister to Mexico; at the same time clearly indicating a wish for the restoration of friendly intercourse, even in the very act of expressing the above opinion. It is the purpose of the committee to review, briefly, what has since occurred; in which investigation they trust that the house will perceive the reasons why this report has been delayed until this late period of the session.

It appears from the report of the secretary of state to the president, transmitted by him to congress with his annual message, that a formal demand was made upon the government of Mexico, the account of which is as follows:

"Soon after the adjournment of congress, a careful examination was made of the various existing causes of complaint against Mexico, as well those of an individual as of a public character. The archives of the legation of the United States at Mexico having been brought to Washington by Mr. Ellis, the late charge d'affaires to that government, the department was enabled to exclude from the list of claims various, some of them of a doubtful character, and others which, after having been presented to the government for its aid in procuring a settlement, had been adjusted through the efforts of the persons interested in them. A fair and full statement of the remaining causes of complaint, chronologically arranged, was then carefully prepared, (a copy of it is annexed to this report, marked A.) and forwarded, with all the evidence within reach of the department in support of each claim that had arisen since the treaty, to the government of Mexico, by a special messenger, who was the bearer of a solemn demand from this government for redress, (copy annexed, marked B.) This demand, with the accompanying evidence of its justice, was delivered to the Mexican government on the 20th July last."

The president, in his message of the 8th February, had recommended that the solemn demand should be made from on board one of our vessels of war; and the committee now think that such a demand would have suited better than any other with the dignity of the American government, and been more likely to have been listened to by Mexico. But the president had also recommended that the high functionary who should hear this last demand should have large discretionary powers, to be exercised under the direction of the president, in the alternative of failing to rouse the languid sense of justice so often and fruitlessly appealed to before; and these powers could only be granted by congress. The plan of the president was consistent with itself, but the lingering reliance of congress upon the proper feeling of Mexico induced it to withhold the grant of the power to make reprisals.

To have sent an envoy extraordinary and minister plenipotentiary with a squadron, and instructed him to make so formal a demand, remaining for that purpose under the protection of the flag and guns of the American navy, without having the power to proceed further in case of the remonstrance being treated with neglect or contempt, might have been to expose the honor of the nation to severe and perhaps merited imputations by all those who might hear of such lofty pretensions and impotent conclusions.

The pacific spirit of congress, therefore, by abstaining from the passage of an act authorizing reprisals, marred the unity of the plan recommended by the president, and no alternative was left to the executive but to make the demand by a special messenger, in the mode which was actually pursued. The messenger was instructed to remain in the city of Mexico one week; and as this brief stay has been the subject of some criticism, it may be proper to remark, that it would have been perfectly

justifiable to have ordered his immediate return after the delivery of his despatch. The Mexican government might, with entire propriety, have been left to the selection and expense of its own agent to bear its answer; and the delay of a week ought to be considered as a courtesy extended, rather than slight offered, to that government. The committee are not aware that Mexico has ever complained of this; and those who have found fault with it did not perhaps attach sufficient consequence to the reflection, that Mexico had then, and has had ever since, the same facilities of communication with the government of the United States which the latter possessed of communicating with Mexico.—There have always been in this country agents through whom despatches might be sent to the secretary of state, or, if Mexico had preferred it, a special messenger might have been employed to bear the answer.

It is of more importance, however, to inquire what that answer was, than how it might have been, or actually was, transmitted.

The minister of foreign relations of the Mexican republic said on the 29th July—

"The president, notwithstanding it is his most anxious wish not to delay the moment of that final and equitable adjustment which is to terminate the existing difficulties between the two governments, has, however, already ordered that the voluminous series of documents accompanying the said note from the honorable John Forsyth, and by which the claims in question are supported, should be translated and examined in this department. His excellency has also directed that, as this goes on, the results should be compared with those derived from evidence already existing in this department, with regard to all matters connected with each case, and that, where differences should be observed, the local authorities should be called on for new and more distinct information. Finally, it is the desire of his excellency that nothing should be left undone which may contribute to the most speedy and equitable determination of the subjects which have so seriously engaged the attention of the American government. The minister of Mexico in Washington will then have the honor to communicate successively to Mr. Forsyth the opinion of the president upon each case, and the resolution adopted by him in consequence."

After these fair promises in July, it might have been supposed that, in the course of two or three months, some answer would have been given by the Mexican government, anxious as it professed itself to be "not to delay the moment of that final and equitable adjustment which was to terminate the existing difficulties between the two governments;" but August, September, and October came and passed away without a single note. At length, in November, when congress was about to meet, and the silence of the Mexican government would have attracted the earnest attention of that body, presented to their view as it must have been by the president, the Mexican minister informed the secretary of state that "of the fifty-seven subjects of complaint, presented obviously for the last time," his government had only looked into four. It will strikingly illustrate the inattentive, if not contemptuous manner in which the demand made by the United States was treated, that the list transmitted by the secretary of state does not appear to have been examined at all, although it is difficult to imagine what state paper could have been of more solemn import, or entitled to a more prompt and anxious inspection. The third section of the thirty-fourth article of the treaty concluded between the United States and Mexico on the 5th of April, 1831, is as follows:

"If (what indeed cannot be expected) any of the articles contained in the present treaty shall be violated or infringed, in any manner whatever, it is stipulated that neither of the contracting parties will order or authorize any acts of reprisal, nor declare war against the other, in complaints of injuries or damages, until the said party considering itself offended shall first have presented to the other a statement of such injuries or damages, verified by competent proofs, and demanded justice and satisfaction, and the same shall have been either refused or unreasonably delayed."

In conformity with this article of the treaty, the secretary of state of the United States addressed a letter directly to the proper functionary of the Mexican government, "presenting a statement of such injuries, verified by competent proofs," after the appropriate committees of both houses of the American congress had recommended this formal demand to be made, as preparatory to a resort to the exercise of its own power; and yet the circumstances of the case satisfy the committee that this last effort of the American government has never been properly considered. Of the nine cases stated by the Mexi-

can minister, five were not mentioned in the grievances, and the government of Mexico must have arrived at the knowledge of their existence from some other document than that to which reference is now made; others which are contained in it are numbered erroneously; and finally reference is expressly made by the Mexican minister "to the index of the printed pamphlet sent by Mr. Forsyth to the minister of foreign relations of the Mexican republic," when no printed pamphlet whatever was sent. The message of the president of the United States to the house of representatives of the 8th of February, 1837, covered a list of the claims of American citizens upon Mexico, which was printed for the use of the house; and this list must have, by some indirect means, been communicated to the Mexican minister, and been by him transmitted to his government, because the coincidence is perfect between his references and that list. And the secretary of foreign affairs says in his report to congress on the 30th January last, that "some of the claims, unaccompanied by any proof, are limited to a simple indication of the printed list in which they are presented." But that document was merely explanatory of the nature of the claims, to enable congress to judge of their character. The secretary of state, in revising the list, and fortifying each case with proofs, as required by the treaty, when he made a formal demand upon Mexico, left out several cases, and added others; and it must have been an inexcusable liberty or contemptuous neglect for the Mexican minister to use in his correspondence with the executive of the United States, upon so grave a matter as that which furnished the subject of their negotiation, a document which must have been irregularly obtained from the records of the house of representatives.

The committee have already remarked that it was not until the 18th of November last that any notice was taken, by the Mexican government, of the demand made upon it in July, and then but four of the cases mentioned by the secretary of state were commented upon, some superfluous industry having been expended by that government in rejecting five which had not been brought before it. It may be proper to examine what these four cases are, the decisions upon which are the results "of the desire of his excellency (the president of Mexico) that nothing should be left undone that might contribute to the most speedy and equitable determination of the subjects which had so seriously engaged the attention of the American government."

The four cases are—1st. The ship *Louisa*; 2d. *The Cossack*; 3d. The cases of Chouteau and De Mun; 4th. The Gorostiza pamphlet.

The cargo of the *Louisa*, consisting of arms, cordage, and flour, with other provisions, was taken at the port of Acapulco in the year 1821 by orders of Don Augustin de Iturbide, and appropriated to the use of the Mexican government. On the 1st of February, 1822, that government acknowledged the debt, and decreed the payment of the sum of \$48,363, to the owners. A part of this amount (\$14,418) was subsequently paid, but the balance is still due. In August, 1823, the congress of Mexico suspended the payment of this balance, but these proceedings were reversed by the subsequent congress.

Nothing could possibly be more simple than this case. The property of an American citizen was violently seized and converted to the use of the government, which acknowledged the entire debt and paid a part. The result of four months' deliberation is announced by the Mexican minister thus:

"From the records of this department, it appears that after various proceedings, and the payment of a part of the debt to the claimants, the subject had been referred to the general congress for its determination with regard to the remainder. His excellency the president, being desirous that these affairs should be brought to a speedy termination, has been pleased to direct that endeavors should be made to have this matter decided at the next ordinary session of that great august body, for which purpose this department will use every exertion; in the present extraordinary session it could not be discussed, as no subject can be taken up except those specially provided for by the laws.

"I communicate this to your excellency for the information of the honorable secretary of state, and, through him, of the claimants.

"And I, sir, comply with the last direction, by transcribing for you the said note, praying you at the same time to accept my sincere respects.

"FRANCISCO PIZARRO MARTINEZ.

"To the hon. John Forsyth,
Secretary of state of the United States."

At the "next ordinary session of that august body" the secretary for foreign affairs made a report, from which the following is an extract:

"This republic to show that she has been aggrieved, would require nothing else than the gene-

relation existing in Europe and America, that the United States have not conducted themselves as good neighbors. If all the journals and reviews that have been published within the last two years be examined, it will be seen that, notwithstanding the difference of opinion professed by their editors, all agree in qualifying as hostile the conduct maintained by the American cabinet towards Mexico. The official journals themselves of the United States prove this truth, and it is equally proved by the debates in their congress, as well as in the British parliament."

This is the "exertion" which the executive department used, in conformity with its promise, to induce the congress of Mexico to pay a debt to an American citizen which it had itself admitted to be due. Between the promise in November, 1837, that "endeavors should be made to have the matter decided," and that the "department would use every exertion for that purpose," and its fulfilment in the manner contained in the above extract, in January, 1838, no event had transpired, within the knowledge of the committee, to change the political relations between the United States and Mexico, unless the message of the president to congress, in December, 1837, be considered by Mexico as such an occurrence. The insufficiency of this reason need not be examined minutely by the committee, nor the right as well as duty of the president of the United States to communicate freely with congress defended. This principle has been too recently a leading topic in our foreign affairs to need any illustration now; nor does the government of Mexico complain of it. There is, then, no reason why that justice, which had been too long delayed to the American owners of the ship *Louisa*, should have been further, and, apparently, indefinitely postponed.

The committee will not enter upon any detailed examination of the cases of the "*Cossack*," and of "*Chouteau and Du Mun*," two of the four responded to by the Mexican government in November last. The official answer in the case of the *Cossack* says:

"In order to present, in a clear light, this affair, which is now, for the first time, brought forward, to have search made respecting the circumstances, to have the exactness and the justness of the claims determined, and to obtain a declaration whether the treasury of this republic is bound to make good a restitution which is said to have been decreed by an agent of the Spanish government, it was indispensable that the claimants themselves, either in their own persons, or through their attorney, should present the documents required, and should appear in this republic."

The proofs which are presented to the Mexican government, in an authentic form, by the secretary of state, in July, 1837, contain a "copy of a decree of the supreme tribunal of Mexico, dated 22d December, 1821," which orders that the money deposited in the national treasury on account of the sale of the *Cossack* and her cargo should be paid over to the master, and yet the case is said to be brought forward, for the first time, in 1837; and those proofs also show that Mr. Taylor, the American consul at Vera Cruz, was the agent to prosecute the claim, whilst it is gravely asserted, by the Mexican secretary for foreign affairs, that the claimants, or their attorney should appear in the republic.

With respect to the case of *Chouteau and Du Mun*, it is sufficient to remark that if the argument of Mexico be correct, it would become the duty of every nation, whose citizens might be seized and aggrieved whilst in Mexico, to hasten and redress the injury before the government of the country underwent one of those changes to which it is prone.

The fourth and last of the case to which a response is given by Mexico is that of her former minister, Mr. Gorostiza, who, whilst enjoying the privileges attached by the laws of nations to his official station at Washington, circulated secretly amongst the diplomatic corps a pamphlet, written by himself, abusive and slanderous both of the government and people of the United States.

For a particular narrative of this affair, the committee refer to the report of the secretary of state, one of the documents accompanying the message of the president to congress at the commencement of the present session. When the first notice was taken of this transaction, it was merely brought before the Mexican government, unattended by any demand for satisfaction or redress, upon the supposition that so much of it as has given offence to the government of the United States would be voluntarily disavowed as soon as the fact of its having given offence was known.

The committee are of opinion that such a disavowal might have been easily made, without any

abatement of the dignity of the government of Mexico, and view the course of that government, in defending points which might have been easily waived, as indicating a want of respect or an unfriendly feeling to the United States.

The committee concur with the secretary of state in the opinions expressed in his report and think that the president would have been justified, in refusing to receive another minister from the Mexican republic until the conduct of Mr. Gorostiza was disavowed by his government. That he did receive, and continues to accredit him, is another proof of the disposition of the American government to persevere in every effort to restore that harmony between the two nations which their substantial interests require.

At the commencement of the present session of congress, the president of the United States expressed his regret at the unfriendly condition of our relations with Mexico, and concluded as follows:

"Not perceiving in what manner any of the powers given to the executive alone could be further usefully employed in bringing this unfortunate controversy to a satisfactory termination, the subject was by my predecessor referred to congress, as one calling for its interposition. In accordance with the clearly understood wishes of the legislature, another and formal demand for satisfaction has been made upon the Mexican government; with what success, the documents now communicated will show. On a careful and deliberate examination of their contents, and considering the spirit manifested by the Mexican government, it has become my painful duty to return the subject, as it now stands, to congress, to whom it belongs to decide upon the time, the mode, and the measures of redress. Whatever may be your decision, it shall be faithfully executed, confident that it will be characterized by that moderation and justice which will, I trust, under all circumstances, govern the councils of the country."

This part of the message was referred by the house to the committee on foreign affairs, whose early attention was attracted to it. In the latter part of December, the Mexican minister wrote to the secretary of state, and enclosed to him a copy of the following decree:

Department of Foreign Relations.

His excellency the president of the Mexican republic has been pleased to address to me the following decree:

The president of the Mexican republic to the inhabitants. Be it known that the general congress has decreed as follows:

ART. 1. The government is authorized to arrange (or compromise, *transigir*) with regard to the claims preferred, or which may be preferred, by that of the United States of the north, and to commit to the judgment of a friendly power the decision of those upon which they cannot come to a determination, provided the United States themselves agree to this.

ART. 2. The government is also authorized, in case the United States should deny the satisfaction which we should ask on our part, or delay it beyond the time which shall be fixed conformably with the treaty, or should continue the open aggressions already committed, to close the ports to the trade of that nation, to prohibit the introduction and use of its manufactures, to establish a period for the consumption or exportation of those already on hand, and to take all measures required for the purpose, and for the safety of the republic.

MIGUEL VALENTIN, president.

Terso Viejo, }
Rafael de Montalvo, } Secretaries.

Therefore, I order it to be printed, published, circulated, and carried into due fulfilment. *Palace of the national government in Mexico, May 20, 1837.*

ANASTASIO BUSTAMANTE.

Louis Gonzaga Cuevas.

And I communicate it to you, that you may be informed of it, and act accordingly. God and liberty. CUEVAS.

May 20, 1837.

Why this decree was communicated, it is difficult to comprehend. It was passed in Mexico two months before Mr. Forsyth made his demand, as above recited, and in the reply of the Mexican secretary not the slightest allusion is made to its existence. On the contrary, it is said that the "president wishes that a reply to all (of the fifty-seven cases of grievances) should be regularly made, in order that a competent judgment may be formed with regard to each in its turn;" and during the slow process by which four cases were examined in four months, it does not appear to have occurred to the Mexican government that the decree in question was any other than a municipal regulation, with which the United States had nothing to do. Even in the despatch, communicating the decree to Mr. Forsyth, not the slightest intimation is given

of any willingness to refer the decision of the claims to a friendly power: and the secretary of state might, with equal propriety, have sent to the Mexican minister a copy of the acts of congress as bearing upon the subject of their correspondence. Still, there must have been some object in view in transmitting it; and when the committee on foreign affairs remembers the positive assurances of the Mexican government in July, that "nothing should be left undone which might contribute to the most speedy and equitable determination of the subjects which had so seriously engaged the attention of the American government," and the assertion of the Mexican minister, in November, that his government then "began to make known, through his agency, the results of its minute examination," they entertained a hope that, in the course of the winter, responses would be given to more of the claims, especially as many of them are of easy solution. The extraordinary omission or forgetfulness of the secretary for foreign affairs, in his report to the Mexican congress of the 30th January, to inform that "august body" that he had pledged his faith to the United States that every exertion should be used to induce them to pay the claim of the owners of the ship *Louisa*, has been before remarked, in a preceding part of this report.

Two other passages of this Mexican document require a brief notice, in order that the course pursued and feelings entertained by that government towards the United States may be fully understood. The following is one:

"The circumstances, then, of which the department of war and marine has already informed congress, obliged the government to ask for a suitable explanation, and Mr. F. Pizarro Martinez was, to this effect appointed minister plenipotentiary in Washington, after having been furnished with all the instructions necessary for the fulfilment of his mission. It is very painful to be obliged to state to congress that, up to the present moment, this department has not received a single proof of the disposition of the United States to adjust our differences."

The extraordinary difference between the sentiments professed to the United States and those promulgated to the Mexican congress cannot fail to arrest the attention of the house of representatives. In July the United States are "assured that, in its successive answers to the claims now preferred, its (the Mexican government's) conduct will be regulated by a sincere desire to preserve harmony and good understanding with a friendly power;" and November, when it had accomplished the arduous task of examining, however imperfectly, four out of the fifty-seven cases presented to it, the promise is renewed that the investigation of the claims will be continued, and "the result of the researches communicated as soon as possible." But, with fifty-three of the cases undisposed of, the Mexican congress is told that not a single proof of the disposition of the United States to adjust the differences has been received. Perhaps this using of the affair is considered in Mexico as uniting every effort in its power by a department to induce that "august body," the congress, to pay the debt which the records of Mexico itself show to be due, and which the department of state could not avoid admitting.

Another passage of the report is as follows: "We shall soon have officially the result of the mission of Mr. F. P. Martinez, and he will either re-establish our relations, or authorize the government to put into effect the law of May 20th of the last year, and to take the attitude which justice and the fair character of the nation demand. Till now, it has thought proper to exert every effort in favor of peace between two nations whose union and prosperity excite the liveliest interest in both hemispheres."

Mr. Martinez arrived in Washington on the 14th of October, 1837, and was immediately accredited as minister plenipotentiary. In November and December he presented the notes which have been commented upon in this report, and up to the 30th January he had presented no more. His effort, therefore, to re-establish friendly relations consisted in giving negative answers to four out of fifty-seven cases, and in communicating to the government of the United States the Mexican decree of the 20th May. What result of the mission the Mexican secretary expected "soon to have officially," the committee cannot conjecture. As little can they imagine what the minister could have to say which would justify the Mexican government "in closing its ports to the trade of the United States, in prohibiting the introduction and use of its manufactures, and in establishing a period for the consumption or exportation of those already on hand," unless it was that the government of Mexico must be fatigued with the examination of four cases, and would go no further with the list.

The committee are fully aware that in every free government the right of unreserved communication must exist between its several departments, and this right they do not mean to contest for a moment. But they cannot explain to the house of representatives their views of the present and prospects of the future relations between the United States and Mexico, without bringing into notice all the circumstances which may affect those relations; and it is one of so small importance that the actual posture of affairs is not fully explained to the congress of Mexico. As long as that legislative body is taught to consider Mexico as the only aggrieved party, the difficulty of effecting a restoration of friendly feeling is clearly augmented, and it is only for the purpose that the house of representatives may have in its possession the materials of forming an opinion upon this point, that the committee will now refer to a despatch from the Mexican minister to the secretary of state, dated March 2, 1838. After acknowledging the receipt of some more proofs in some of the fifty-seven cases which he had transmitted to the secretary of Mexico, he says:

"The said secretary states in his answer, which I received yesterday, that he was about to enter upon the examination of these claims, and that he would, as speedily as possible, transmit to me the determination of the president upon each in succession, as well as upon the others still pending. I have the honor to communicate this for your information, and to express to you, at the same time, the regret of the Mexican government, that it has, as yet, been able to reply on so few of the claims of the United States. We, however, trust that you will bear in mind the difficulties of procuring all the information necessary for such determinations, as the events to which the greater part of the claims refer happened so long since; and we are also persuaded that you will admit, as circumstances in excuse for the delay, the change which took place in October last in the ministry, which the said Senor Cuevas formed a part."

With the tone and temper of this communication no fault can be found, whatever may be thought of the validity of the excuses for delay. If the information necessary for the determination of the cases was so difficult to be obtained, and the cases themselves happened so long since, it must be remembered that they have been pressed upon the attention of the Mexican government for several years past, and the difficulty which that government now experiences is owing entirely to its own supineness. In many cases sufficient and authenticated proofs were sent by the secretary of state with his demand in July; and even if this view of the matter be unsatisfactory, still it is inexplicable why the department of foreign relations did not recommend to congress the payment of the debt to the owners of the *Louisa*, which it had promised to use every effort to have paid, instead of presenting a report which was calculated to inflame the minds of that congress against the government of the United States.

The committee have now brought their review down to March, 1838, up to which time the Mexican government was supposed to be occupied in examining the proofs transmitted by Mr. Forsyth in the fifty four neglected cases, and those which had been presented subsequently to May, 1837.

But in April, 1838, some sudden impulse seems to have seized upon the Mexican government and to have led them to this belief: that although the papers in the cases were so scattered in the various ports and towns of Mexico that it was impossible to collect them to be examined at home, yet it would be easy to bring them together, transcribe, and submit them to the inspection of some third power. Accordingly, on the 7th of April, Mr. Martinez addressed to Mr. Forsyth a note, from which the following is an extract:

"His excellency the president, being convinced that this (an arbitration) is the most effectual means of terminating at once the evils to which Mexico and the United States are now subjected, and of re-establishing upon solid basis the relations of friendship and good neighborhood between the two countries, has ordered me to propose it."

On the 21st of April Mr. Forsyth accepted the proposition, and declared his readiness to enter into the negotiation of a convention for the purpose of arranging the particulars of the arbitration, adding that the posture of the relations between the two countries made it proper that this should be done immediately, as the president would not feel himself authorized to recommend any suspension of the action of congress, to whom the whole subject had been referred, before a convention of arbitration had been concluded between the two governments.

On the 30th of April Mr. Martinez, who was then at New Orleans, informed Mr. Forsyth that he

had applied to his government for the necessary powers to conclude a convention, but was, in the mean time, authorized to propose Prussia as the friendly power to which the reference should be made.

On the 10th of May Mr. Forsyth replied that the president agreed to the nomination of Prussia.

On the 17th of May the Mexican minister replied in the following note, which is the last upon either side, up to the day of presenting this report to the house of representatives:

"Mexican Legation,
"New Orleans, May 17, 1838.

"Sir: By the note which you did me the honor to address to me on the 10th instant, I had the satisfaction to learn that his excellency the president admits with the utmost pleasure the proposition made by me on the 30th ultimo, in compliance with an order from my government, to refer to Prussia the decision of the claims and complaints of the United States against the Mexican republic, and that you are only waiting for my arrival at Washington to enter into the negotiation of the convention to be concluded to that effect.

"At the moment when I received on the said 30th ultimo, the note which you had done me the honor to address me on the 21st of the same month, informing me of the president's acceptance of the arbitration proposed by Mexico, I communicated it to my government by way of Havana, and by another channel which also appeared to be safe. I would have sent a vessel expressly for the purpose of carrying information of such importance, if the blockade by the French had not prevented it. As it was impossible for me to do that, I was obliged to have recourse to the circuitous route above mentioned. I have, however, availed myself of the opportunity afforded on the 10th instant, by the departure of the sloop of war *Natchez* for Tampico, to repeat my communications, and to solicit new powers—the want of which, alone, detains me at present, to my great regret, being, as I have previously assured you, sir, firmly convinced of the necessity of concluding the convention in question as speedily as possible.

"As soon as I receive the indispensable documents above mentioned, I will set off for Washington. In the mean time I have the honor to renew, &c.

"FRANCISCO PIZARRO MARTINEZ.

"To the hon. John Forsyth.

"Secretary of state."

Having brought this narrative to a close, it remains for the committee to submit to the house a few reflections which spring from it. The president has given formal notice, through the secretary of state, that he will not recommend any suspension of the action of congress before a convention of arbitration has been concluded between the two governments. Congress is about to adjourn, and no convention has been concluded. The subject of anxious inquiry with the committee is, therefore, whether any, and what legislative measures they will recommend to the house of representatives.

It appears somewhat extraordinary that this proposition of an arbitration was not made sooner. The decree upon which it is founded was passed by the Mexican congress in May, 1837, and was not communicated to the government of the United States until December, 1837, and then only upon the ground, as it is asserted by the Mexican minister, that, "in some of the newspapers in these states, notice was taken of the decree." What "newspapers" these were, or what this "notice" was, it is useless to inquire. The decree itself is considered by the committee to be unfriendly, and almost hostile in its character. This will be apparent, they think, when the question is asked and answered, "why the decree was passed at all?" The intention could not have been to clothe the president of Mexico with the power of agreeing to an arbitration, because, under the constitution of that country, he had that power already. But it must have been to vest him with a power which he had not, which is fully accomplished by the second article of the decree. By this he is not only authorized to close the ports of Mexico against our commerce, and prohibit the introduction and use of our manufactures, but also to establish a period for the consumption or exportation of those already on hand. The only precedent for the last sweeping power in modern history is that exercised by the emperor Napoleon in his continental system when he forfeited and burnt all British manufactures which he could find within his grasp. And yet this same power is conferred by the congress of a republic upon its president, to be used against a nation whose congress had been discussing the propriety of vesting in their president a power strictly recog-

nized by the laws of the nations, that of ordering reprisals, and had declined to do so. The congress of the United States preferred that another sole appeal should be made under the treaty, whilst that of Mexico rushed heedlessly on in its career of unfriendliness by clothing their president with the tremendous power of seizing and confiscating all American manufactures, in the hands of whomsoever they might happen to be. The committee refer to the passage of this decree, and the nearly simultaneous refusal by the American congress to vest in the president the power to order reprisals merely for the purpose of contrasting the proceedings of the two governments, and showing the unwillingness of the United States to augment the difficulties existing between them.

It is now proposed, however, by Mexico, to put into activity the friendly spirit of the first part of the decree by resorting to an arbitration. At what time that government adopted this determination it does not appear. The letter of its minister is dated on the 7th of April, 1838. It is extraordinary that, when the authority was given to the minister to make this proposition to the United States, and the further authority to "name the power to the judgment of which Mexico was ready to submit the decision of the differences now unfortunately subsisting," it was not deemed proper to give him also the necessary instructions and authority for the execution of a convention of reference. There was every inducement to do this. The president had, early in December, referred the whole subject to the congress of the United States, upon the declared ground that "the powers of the executive alone could not be further usefully employed in bringing the unfortunate controversy to a satisfactory termination;" and this must have been known to the president of Mexico, because the Mexican minister, on the 11th of December, addressed a note to the secretary of State, from which the following is an extract:

"Aware that, after so decided an expression of the feelings of the executive, my presence can be of no practical utility in Washington, I beg leave to inform you that I am about to return to the bosom of my family in New Orleans, where any communications can reach me with very little delay."

The reference to congress must, therefore, have been known to the president of Mexico. He must have known, also, (for the friends of Mexico are not inattentive observers of what passes in the American congress,) the opinions expressed by the senate, and reported to the house of representatives towards the close of the last session; and in these circumstances the committee see abundant reason why the proposition for an arbitration should have been accompanied by ample powers for the immediate execution of a convention. It appears, also, that, on the 30th of April, Mr. Martinez, then at New Orleans, received the note of Mr. Forsyth of the 21st, informing him of the acceptance of the proposed arbitration; and that he communicated it to his government by way of Havana, and by another channel which appeared to be safe. On the 10th of May, a duplicate was forwarded by the United States sloop of war *Natchez*, which sailed for Tampico. All these efforts certainly indicate great earnestness on the part of the Mexican minister, and the committee, with great pleasure, express their belief in his zeal and sincerity. But the whole months of May and June appear to have afforded time enough for letters to have gone from New Orleans to Mexico, and to have returned from Mexico to Washington. The consequence of the original omission of the Mexican government to furnish its minister with the proper powers, and of its failure to supply this defect up to the time of presenting this report, is to place the committee on foreign affairs in some uncertainty whether or not to recommend any legislative measure to the house of representatives. Reasons may perhaps be found in the present peculiar condition of Mexico why the attention of its government is too much engrossed with a controversy with another power, to have fortified its minister here with the requisite powers, since his application for them; and the committee are willing to yield to the force of those reasons, by forbearing to present any distinct recommendation to the house. They feel themselves constrained to express their dissatisfaction with the existing and unsettled condition of this negotiation.

It is not probable that the arrangement of the contemplated convention will be free from difficulties. On the contrary, there are two circumstances which, upon the basis proposed by Mexico, threaten to be of no easy adjustment. It is not their duty, or perhaps their right, to anticipate the discussion of this matter; and they would have been gratified if an opportunity had been afforded for reviewing the whole ground, after the negotiation should have been closed, either successfully or otherwise. But

the time; and when congress will adjourn; and this can no longer be withheld. They will, therefore, only express a hope that the government of Mexico is, at last, influenced by a more friendly spirit towards the United States than that which has characterized its deportment for many years past; and that it will approach the negotiation of the proposed convention with such a temper, and upon such terms, that the president of the United States can resume, permanently, the exercise of those powers which he had heretofore found insufficient to protect the honor of the government and rights of the people of the United States.

MEXICAN RELATIONS—MINORITY REPORT.

The undersigned, a member of the committee on foreign affairs, dissenting from the majority of the committee, in some respects, asks leave to submit to the house a summary statement of his views relative to the actual posture of the controversy between the United States and the Mexican republic.

Without deeming it necessary to enter into a particular examination of the subject of controversy between the two nations, he concurs in the opinion that the Mexican government, by a series of acts, part aggressive on the rights of individual citizens of the United States, and part immediately affecting the national dignity and honor, and by delay to make reparation in the premises, has given to the United States cause of resort to measures of public remedy, if other circumstances did not render such a course, at present, impolitic and unjust on the part of this government.

He perceives, in the prolonged war of independence waged against the Mexican republic by the mother country, and in the civil anarchy which has accompanied and followed that war, much palliation, but by no means any adequate justification, of the irregularities which have marked the foreign relations and the diplomatic intercourse of that republic. Claiming the rank and prerogatives of an independent nation, the government of the Mexican states should observe the obligations which that station imposes.

He perceives a further palliation of the conduct of the Mexican government in events connected with the establishment of the independence of Texas. But neither in this can he find any sufficient answer to the causes of complaint alleged by the United States; because some of the injuries sustained by us date back anterior to the commencement of the civil war in Texas, and others of later date are wholly independent of that fact; and because, whatever reason the Mexican republic may have to take umbrage at the conduct of the citizens or the government of the United States, in reference to that or any other matter, it surely behooves her to seek redress through negotiation, or other direct ways sanctioned in the usage of nations, rather than by occasional acts of public or private resentment.

At the same time, the undersigned considers the errors of the Mexican republic to be in so great a degree consequential to the disorders and revolutionary changes induced by her struggle for independence—a struggle undertaken in emulous imitation of the great example of these United States—that he thinks it becoming the honor of the United States, as the leading power of this hemisphere, whilst manifesting a due sensibility to wrong from whatever quarter, yet to hold itself ready to receive indulgently any overture of reconciliation and peace from a sister republic of the new world.

He is the more strongly impelled to this view of the subject, inasmuch as peace, where consistent with honor, is the truest and best policy of the United States at all times, and, therefore, pacific means of redressing public injuries are, other things being equal, to be encouraged and preferred by us. All the maxims of religion and morals, not less than political expediency, and the enlightened spirit of civilization which characterizes the age, plead in behalf of the cause of peace.

Add to which, that, independently of the considerations of profit and loss involved in the general question of war, many of the grounds of complaint in this case are for injury to the property of individual citizens of the United States, whose interests would be sacrificed, rather than promoted, by any hostile proceedings against the Mexican republic.

Entertaining these views, therefore, of the general subject, the undersigned cordially approves of the proposition, made by the Mexican government, and accepted by ours, to refer the controversy between the two countries to the friendly arbitrament of one of the most trustworthy European powers—a mode of ending national disputes, and of introducing into such disputes the law of reason in lieu of the law of force, which this government has nobly distinguished itself by adopting in other cases. In which condition of the affair, he thinks nothing should now be said or done to augment on either

side the existing irritation; and he abstains, therefore, from all comment on the details of the late negotiations of the two governments.

He conceives that, until the contrary shall distinctly appear, the amicable proposition of the Mexican republic should be entertained and treated, by all departments of the government of the United States and more especially by congress, as having been proffered in perfect good faith, and as being an honest advance on the part of Mexico towards a full reconciliation with the United States.

The undersigned at the same time declares, that if, however, the reverse shall hereafter appear, and it shall prove (contrary to his expectations) that the Mexican government, not satisfied with having persisted in so many acts injurious to the United States, has added thereto the aggravation of procrustinating redress by insincere and perfidious pretences of accommodation, he shall consider it the right of the federal government to pursue, in that event, the most prompt and decided measures for amply vindicating the interests and the honor of the United States.

CALEB CUSHING.

NORTH CAROLINA.

It will be seen by the following that the hon. John Branch has consented to run as the democratic republican candidate for governor of North Carolina, at the election in August next:

Wake County, July 4th, 1838.

Sir: We have been designated a committee to make known to you your nomination as a candidate for the office of governor of the state, by a respectable portion of our fellow citizens at a public meeting in this county.

In discharge of this duty, we deem it not improper to add, the nomination has been made by those who concur with the views of the president of the United States, in regard to our national currency, and who flatter themselves, should you acquiesce in their wishes in becoming a candidate, you will be generally supported by the friends of the administration. We take it for granted, from what has been said, and from the manner of his nomination, by those who are themselves in favor of a United States bank and Henry Clay as president, that gov. Dudley unites in all these views. We think it therefore but candid to the people of the state and to those whose organ we are in making this communication, to know whether or not you are in favor of such a bank with its fifty millions, and of that individual as president, upon whose election its friends alone seem to calculate for its success.

We have the honor to be,

With great personal respect,

Your obedient servants,

WILLIS WHITAKER,
WM. W. WHITE,
WILLIE POPE.

To the hon. John Branch.

Steamboat Chesapeake, July 7, 1838.

Gentlemen: I was honored by the receipt of yours of the 4th instant, after I took my seat in the cars, at Halifax, and avail myself of the earliest moment to respond to the enquiries you have made, as to my opinions, on certain political matters, of high import. Having for more than the third of a century contended for a strict construction of the federal constitution, and believing, as I do, that the existence of our southern institutions vitally depends on a rigid adherence thereto, I have no hesitation in frankly avowing to you, and through you to my fellow citizens of North Carolina, that my opinions have undergone no change; but on the contrary, have been confirmed by time. It follows, therefore, as a matter of course, that I am now, as I have ever been, opposed to incorporating a United States bank. For which opinion I will assign but one reason. It is this, that the power to grant incorporations was expressly withheld, or denied by the convention which made the constitution. All of which will more fully appear by reference to the journals. I will go further; I am equally opposed to the exploded deposit bank system—nay, more so. Hence, you will perceive, that I must be in favor of a constitutional treasury. Could I believe that the banks were calculated to make men more honest, I might be induced to think more favorably of their agency, or could the ingenuity of their friends satisfy me that they possessed less patronage, or influence, than individuals, I might pause and re-examine the subject. But it seems to me that no candid and intelligent man will affirm either proposition. Thus much for my political sentiments. As to men, I feel that "the price of liberty is eternal vigilance," and I wish to be explicitly understood, that I commit myself, in advance, for or against no man, further than he can be made useful, in perpetuating the great principles to which I trust

I have ever been sincerely attached, and which I am now (overlooking all personal considerations) assisting to re-establish. For governor Dudley, I entertain personally the highest respect and esteem, and nothing could induce me to oppose his reelection, but the paramount considerations above alluded to.

I am with much respect,
Your's, &c.

JOHN BRANCH.

To Messrs. W. Whitaker, Wm. W. White, and Willie Pope.

BONDS BELONGING TO THE U. STATES.

Treasury Department, }

July 18, 1838. }

In pursuance of the authority given in an act of congress passed on the 7th of July, 1838, a copy of which is herewith annexed, the undersigned will receive proposals for the purchase of one or both of the bonds of the Pennsylvania Bank of the United States therein described.

LEVI WOODBURY,
Secretary of the treasury.

[PUBLIC.—No. 68.

An Act to authorize the sale of certain bonds belonging to the United States.

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the secretary of the treasury be, and he is hereby, authorized to sell upon the best terms he can command for money in hand, in the markets of this or of any foreign country, as upon inquiry he shall find most for the interest of the United States, the two bonds held by the United States against "the president, directors, and company of the Bank of the United States," chartered by the state of Pennsylvania, which will fall due in the month of September, in the year one thousand eight hundred and thirty-nine, and one thousand eight hundred and forty, being the two last of four several bonds, dated on the tenth day of May, one thousand eight hundred and thirty-seven, given to secure the payment of the sum of one million nine hundred and eighty-six thousand five hundred and eighty-nine dollars and four cents each, with interest upon each bond, at the rate of six per centum per annum, from the third day of March, one thousand eight hundred and thirty-six until paid, the said four bonds having been received by the United States as security for the final payment of the stock held by the United States, in the late Bank of the United States, chartered by congress, and to execute under his hands and the seal of his office, to the purchaser or purchasers of the said bonds, suitable and proper assignments to transfer to the said purchaser or purchasers, his, her, or their representatives, or assigns, all the right, title and interest of the United States, of, in, and to the money due and to become due upon the bonds sold and assigned in pursuance of this act: *Provided*, That no sale of either of the said bonds shall be made upon terms less favorable to the United States than the par value of the bond sold, at the time of sale, calculated according to the rules for estimating the par value of securities upon which interest has run for a time, but which securities have not reached maturity.

Sec 2. And be it further enacted, That all money received upon the sale of the said bonds, shall be immediately paid into the treasury of the United States, or placed to the credit of the treasurer thereof in some proper depository, in the same manner that other moneys, received for dues to the government, are by law, directed to be paid into the treasury.

Approved, July 7th, 1838.

From the National Intelligencer.

LETTER FROM MR. CALHOUN.

Messrs. Gales & Seaton: I will thank you to give the enclosed an early insertion in your journal.

With respect, I am, &c.

J. C. CALHOUN.

Washington, July 1838.

[ENCLOSED IN THE ABOVE.]

A friend has put into my hands a speech of the honorable Mr. Dawson, on the bill making appropriations for the suppression of Indian hostilities, and to carry into effect the treaty with the Cherokee Indians, and to provide for their removal, delivered on the 31st May last.

The following extract from the speech, referring to the treaty of 1819, requires some notice on my part:

"This is not mere assertion: I will demonstrate it. In 1817, a treaty was negotiated by Andrew Jackson, (late president,) Joseph McMinn, (formerly governor of Tennessee,) and general David Meriwether, as commissioners on the part of the

United States; and the chiefs, head-men, and warriors of the Cherokee nation east of the Mississippi, and the deputies of those on the Arkansas river. This treaty was most fairly obtained, without the least imputation of fraud from any quarter, and was unanimously ratified by the senate of the United States; by which Georgia would have acquired nearly all the lands in the occupancy of the Cherokee tribe within her territorial limits, and the obligations of the United States would have been fulfilled.

"Mr. Chairman, the treatment of my state, in relation to this very treaty, was so extraordinary, unjust, and unfaithful, that I feel constrained to ask a few moments' indulgence, in presenting the facts to this body, that the state I represent shall be vindicated, and the public mind disabused of the misapprehensions so extensively prevailing. Let me read to the committee the preamble to the treaty of 1817, and I ask particular attention to it: (6 vol. Laws of the United States, p. 702:)

"Whereas, in the autumn of the year one thousand eight hundred and eight, a deputation from the upper and lower Cherokee towns, duly authorized by their nation, went on to the city of Washington—the first named to declare to the president of the United States their anxious desire to engage in the pursuits of agriculture and civilized life in the country they then occupied, and to make known to the president of the United States the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper town; that by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular government: the deputies from the lower towns to make known their desire to continue the hunter-life, and also the scarcity of game where they then lived, and under those circumstances their wish to remove across the Mississippi river on some vacant lands of the United States: And whereas the president of the United States, after maturely considering the petitions of both parties, on the 9th day of January, A. D. one thousand eight hundred and nine, including other subjects, answered those petitions as follows:

"The United States, my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain, may be assured of our patronage, our aid, and good neighborhood. Those who wish to remove, are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White rivers, and the higher up the better, as they will be the longer unapproached by our settlements, which will begin at the mouths of those rivers. The regular districts of the government of St. Louis are already laid off to the St. Francis.

"When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. Every aid towards their removal, and what will be necessary for them there, will then be freely administered to them; and when established in their new settlements, we shall still consider them as our children, give them the benefit of exchanging their peltries for what they will want at our factories, and always hold them firmly by the hand."

"And whereas the Cherokees, relying on the promises of the president of the United States, as above recited, did explore the country on the west side of the Mississippi, and made choice of the country on the Arkansas and White rivers, and settled themselves down upon the United States lands, to which no other tribe of Indians have any just claim, and have duly notified the president of the United States thereof, and of their anxious desire for the full and complete ratification of his promise, and to that end, as notified by the president of the United States, have sent on their agents with full powers to execute a treaty, relinquishing to the United States all the right, title, and interest to all lands of right to them belonging, as part of the Cherokee nation, which they have left, and which they are about to leave, proportioned to their numbers, including, with those now on the Arkansas, those who are about to remove thither, and to a portion of which they have an equal right, agreeably to their numbers."

"The 'lower towns,' who thus made known their desire, in the year 1808, to continue the hunter-life, and also, the scarcity of game where they then lived, and their wish, under those circumstances, to remove across the Mississippi river, on some vacant land of the United States, were chiefly that portion of the Cherokee tribe who were in the occupancy of the lands which the United States were to obtain

for Georgia. Notwithstanding this disposition of the Indians to surrender their lands as early as 1818, the United States did not embrace it, but, on the contrary, abandoned her duty, and made no effort to obtain the land until this treaty of 1817, which extinguished the occupant right of the Cherokee Indians to nearly all the lands contemplated by the compact of 1802. Georgia now thought her just rights were secured, and that soon her forests would become fields, and her population increase. Notwithstanding these just expectations, this treaty of 1817, against which no allegation had been made of fraud or injustice, unless it was considered a fraud in the United States to comply with her contract, and to have done an act of justice to Georgia, was, by articles of convention made between John C. Calhoun, secretary of war, being specially authorized therefor by the president of the United States, and the chiefs and headmen of the Cherokee nation of Indians, duly authorized and empowered by said nation, at the city of Washington, on the 27th February, 1819, readjusted, and, so far as the interest of Georgia was involved, measurably abrogated, and, on its very face, virtually declared that the United States did not intend to comply with the articles which she was solemnly pledged to fulfil. Sir, let me read to the committee the preamble of this treaty:

"Whereas a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi, and being desirous, in order to commence those measures which they deem necessary to the civilization and preservation of their nation, that the treaty between the United States and them, signed the eighth of July, eighteen hundred and seventeen, might, without further delay, or the trouble or expense of taking the census, as stipulated in the said treaty, be finally adjusted, have offered to cede to the United States a tract of country at least as extensive as that which they probably are entitled to under its provisions, the contracting parties have agreed to and conclude the following articles."

"Thus, by this treaty, arrangements are made, and measures adopted, by which the Indians were to remain east of the Mississippi, within the limits of Georgia, and the treaty of 1817 to be set aside, in violation of the vested rights of Georgia under that treaty, and with a reckless disregard of the obligations of the compact."

Whatever may have been the motive of the honorable member, he has done me great injustice, both in what he has stated and what he has omitted to state, which it is the object of this communication to correct. The assertions that "the treaty of 1817 extinguish the occupant right of the Cherokee Indians to nearly all the lands comprehended by the compact with Georgia," that "the treaty of 1819 readjusted that of 1817," and that "it measurably abrogated it so far as Georgia was involved," or that "it virtually declared that the United States did not intend to comply with her compact with Georgia," or that "it set aside the treaty of 1817," are destitute of any foundation.

If the honorable member had turned to the map of Georgia, with the treaty of 1817 in his hands, before he made these unfounded assertions, he would have ascertained, in the first place, that it ceded to Georgia only a small portion of the Cherokee country within her borders; and if, after that, he had turned to the treaty of 1819, he would have found that it did not "readjust," a single article or provision of the treaty of 1817, nor "abrogate it," nor "measurably abrogate it," nor "set it aside," in the slightest particular, so far as the interest of Georgia, or any other interest, was involved. So far from that, it made very considerable additions to the cession made to Georgia by the treaty of 1817, as the honorable member will find, if he will turn to the map of Georgia, with the two treaties in his hands.

The honorable member seen not to be informed, or has, at least, omitted to state what was the object of the treaty of 1819. If he had turned to the treaty of 1817, and read it with care, he would not have fallen into the errors he has. He would have seen by its third and fourth articles that the treaty of 1819 grew out of that of 1817, and was simply intended to carry these two articles into effect. They are in the following words:

ART. 8. It is also stipulated by the contracting parties, that a census shall be taken of the whole Cherokee nation during the month of June, in the year of our Lord 1818, in the following manner, viz: That the census of those on the east side of the Mississippi river, who declare their intention of removing, shall be taken by a commissioner appointed by the president of the United States, and a commissioner appointed by the Cherokees on the Arkansas river; and the census of the Cherokees on the Arkansas river, and those removing there,

and who at that time declare their intention of removing there, shall be taken by a commissioner appointed by the president of the United States, and one appointed by the Cherokees east of the Mississippi river.

ART. 4. The contracting parties do also stipulate that the annuity due from the United States to the whole Cherokee nation for the year 1818 is to be divided between the two parts of the nation, in proportion to their numbers, agreeably to the stipulations contained in the third article of this treaty, and to be continued to be divided thereafter, in proportion to their numbers, and the lands to be apportioned and surrendered to the United States, agreeably to the aforesaid enumeration, as the proportionate part, agreeably to their numbers, to which those who have removed, and who declare their intention to remove, have a just right, including these with the lands ceded in the first and second articles of this treaty.

All that was required, under these articles, was to ascertain the number that had emigrated to Arkansas, and the number that remained, and to obtain an additional cession from the Cherokees of such an extent as, being added to that already made by the treaty of 1817, would make the portion of land ceded, compared to what was retained, correspond with the number of emigrants compared to those remaining, and to divide the annuity between them in the same proportion. The treaty of 1817 was made in July, and, by the 3d article, the supplemental treaty (for such was that of 1819) was to be made in the following June. The treaty of 1819 faithfully carried out these stipulations, without infringing, abrogating, rescinding, or, in any manner whatever, impairing a single article or provision of the treaty of 1817.

So far otherwise is the fact, that instead of closing the supplemental treaty in June, 1818, as provided by the treaty of 1817, it was kept open by various causes till February, 1819. I took charge of the war department in December, 1817, and I found governor McMinn, of Tennessee, acting as the superintendent of the emigrating Cherokees. It was important to get off and enrol as many as possible for emigration, before making the supplemental treaty. I entered at once zealously into the subject, as the records of the war office will show, and did all I could to increase the number of emigrants. I continued to urge on the emigration and enrolment down to the time of making the supplemental treaty, in February, 1819, thereby greatly increasing the number of emigrants, and, of course, the extent of cession afterwards made. The Cherokees, in order to avoid further delay, made the liberal offer to cede one third of their territory on this side of the Mississippi; which was accepted, as well from its liberality as from the desire to avoid the expense and trouble of taking the census required by the treaty of 1818.

The only question that remained was the part to be ceded. I urged with all my might that the cession should be mainly in Georgia; on the double ground that the United States were bound by contract to extinguish the Indian title in that state as soon as it could be done peaceably, and that it would be for their benefit in the end, as Georgia would never be satisfied so long as they remained within her limits. After consulting Mr. Crawford, I used my best efforts to fix on the Etowah as the line, but found it impossible to obtain, on the side of Georgia, any other line more favorable than that which was finally agreed on. The treaty of 1817 made no stipulation as to the location of the additional land to be ceded; and of course it had to be done by mutual consent.

The honorable member has cited the preamble of the treaty of 1819. He does not state his object distinctly, but I suppose it was to prove that it was incompatible with the compact with Georgia to give any countenance to the civilization of the Cherokees. If this was his object, his censure ought not to fall on the treaty of 1819, but on the original promise of Mr. Jefferson in 1809, out of which the treaty of 1817, with its supplemental treaty of 1819, grew. He not only promised to those who remained, "*patronage, aid, and good neighborhood*," but urged them by the most persuasive language to betake themselves to the pursuits of civilized life, as the following extract from his speech will show:

Extract from Mr. Jefferson's speech to the Cherokees. "I understand, by the speeches which you have delivered me, that there is a difference of disposition among the people of both parts of your nation; some of them desiring to remain on their lands, to betake themselves to agriculture and the industrious occupations of civilized life; while others, retaining their attachment to the hunter's life, and having little game on their present lands, are desirous to remove across the Mississippi, to some of the vacant lands of the United States, where game is

abundant. I am pleased to find so many disposed to ensure the cultivation of the earth, a plentiful subsistence to their families, and to improve their minds by education; but I do not blame those who, having been brought up from infancy to the pursuit of game, desire still to follow it to distant countries. I know how difficult it is for men to change their habits, in which they have been raised. The United States, my children, are the friends of both parties, and, as far as can reasonably be asked, they will be willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighborhood."

Now, I would submit to the honorable member himself, whether the bare statement of the fact in the preamble of the treaty, that the greater part of the nation desired to stay, and do as Mr. Jefferson had advised them, was a virtual declaration that the United States did not intend to comply with their contract with Georgia? And if it was, whether Mr. Jefferson himself is not the responsible party?

I have now given a statement of the facts of the case, and leave it, with confidence, to all, except the most bitter and prejudiced partisans, to determine whether the treaty of 1819 was so "extraordinary, unjust, and unfaithful," as the honorable member has asserted it to be; or whether it "set aside the treaty of 1817, in violation of the vested rights of Georgia;" or whether it "measurably abrogated the treaty of 1817;" or declared that "the United States did not intend to comply with their contract with Georgia." As to the motives, which the honorable member assigns in a subsequent part of his speech, for the treaty of 1819, that the government was in debt and needed money, and therefore made the cession in other states, in preference to Georgia, because the soil there belonged to them, it is all pure fiction. Such a thought never once entered my head, while negotiating the treaty; and the honorable member seems to forget that the government has never, and will, probably, never realize one cent from the ceded lands in North Carolina or Tennessee. The former belonged to the state of North Carolina, and the latter was covered by prior grants from the same state.

My object is to correct, and not to complain of the mis-statements of the honorable member; but it does seem to me, common justice required (to say nothing of our former, shall I say political relations) that, while he was arraigning my alleged political demerits against Georgia, he ought not to have forgot my merits. He ought not to have omitted to inform the house and his constituents, as an offset, at least, that I, whom he was holding up in so censurable a light to them for the treaty of 1819, was the author of the plan for removing the Cherokees and all the southern tribes of Indians to the west of the Mississippi, which has added so many millions of fertile acres to the states of Georgia, Alabama, Mississippi, Tennessee, and North Carolina, and will, in a short time, remove the last remains of the aboriginal race beyond their limits.

As to the motive of the honorable member, I say nothing. I have never given any cause or provocation for the uncalled for attack; unless, indeed, the misfortune of differing from him, on the great question of the day, may be regarded as such.

J. C. CALHOUN.

From the Portsmouth Times.

LETTER FROM THE HON. MR. MALLORY, OF VIRGINIA.

Dear Sir: I see with regret that you have copied the perversion of my remarks published in the Baltimore papers, and in the Intelligencer. I am certain you could not intentionally do me injustice by placing me in a false position before my constituents. Not one word was said by me about 'persuading them,' or 'making an issue with the people.' Such language on such an occasion, would have been silly indeed. What I said was substantially this—That believing a majority of my constituents were opposed to the bill, I felt bound to vote against it, more especially as no opportunity had been offered of rendering it more perfect in its details. That I was in favor of separating the public money from the banks, so as to prevent its use by them, and that in discussing the subject, as I intended to do after the adjournment of congress, my views should be fully explained to the people—who could, perhaps, at some future time, authorize me to vote more in accordance with my principles, than might then appear to be the case.

Now this, I apprehend, is a very different affair from the colored statement going the rounds of the papers, and copied into those published in my district. I trust, that the people I represent, will never censure a public servant for saying he would discuss a great political question, involving such important consequences as this, and on which they

have expressed no opinion since my election, that can be regarded as unequivocal. The question has been raised since I have been among them, and without discussion it is impossible for me to know certainly their wishes. Acknowledging as I do to the utmost extent, the right of instruction, it will always be my pleasure to carry out the opinions of the people, however they may conflict with my own. When a candidate for congress, I denounced the pet bank system in strong terms; and have seen no reason to change my sentiments—I can never support it in any form or shape. To a substantial deposit system, with guards sufficient to ensure its faithful execution, the same objections do not apply. A Bank of the United States cannot be had, if it is desirable, under five years, and in the mean time we must pass some law, or leave every thing to executive discretion. Such is the state of things here, and surely the currency question may be regarded as still open for discussion, and I cannot act intelligibly, if there is no agitation of it. What shall I do? how shall I vote? are questions I must put to the people, and I hope I may do so without calling down on me the sneers of the Richmond Whig, and the denunciations of men who would have me sacrifice the true interests of the people to promote their personal aggrandizement.

I have hurriedly drawn up this explanation, which I desire you to publish, that I may not be considered as acquiescing in the erroneous statement published in the northern papers, on the authority of hiring letter writers, haunting the dark passages of the capitol.

I am, your obed't servant,

F. MALLORY.

STEAM AND STEAM-BOATS.

A late number of the Frederick Herald contains the following interesting detailed description of the machinery of the Great Western, by one of the gentlemen who went out and returned in her. As the residence of lieutenant Wm. F. Lynch, of the U. S. navy, is in the neighborhood of Frederick, we presume that we are safe in assuming that he is the author of the excellent and perspicuous article which we subjoin.

"The 'Great Western steam ship' is worked by a pair of low pressure engines, constructed similarly to most engines used in British navigation. The great distinguishing feature of such engines is, that the whole of the machinery is under deck, although the cylinders are worked vertically.

The beam of the engine is not placed above the cylinder as in our boats, but a pair of beams are placed below the cylinder, and answer the same purpose, at the same time that they bring a great portion of the machinery below the water line, and do not hamper the deck. The stroke of such engines is shortened, though not necessarily, by this arrangement, and in the 'G. W.' it is only seven feet.

The two engines are connected to the main shaft on which the paddles are fixed, and in case of an accident to one engine, the other continues to work both paddles or wheels, by disconnecting the connecting rod of the deranged engine. This was the case in the outward voyage, when the engine propelled the G. W. during thirty-four hours, at the rate of 6½ knots per hour.

These engines are each 200 horse power: they are worked by steam, not exceeding 2 1-2 lbs. per square inch. An apparatus for reducing the steam by expansion is attached, but rarely used.

There are four boilers, each 10 1-8 feet long, 9 1 2 feet wide and 16 high. There are three fire-places to each floor, which terminates in a flue that runs through the boiler, an extent of about 26 feet, before it passes into the smoke funnel.

These four boilers are connected by valves to one general steam pipe which supplies the two engines. Any one boiler can be shut off at pleasure, and as three boilers with a little extra fuel can raise sufficient steam, the fourth can be cleaned out whenever required. The four boilers are more than sufficient for the work, and consume very little more coal than three; at the same time, the firemen are not hurried, and the doors of the furnaces are repeatedly thrown open to keep down steam.

The consumption of coal, both on the outwardly and homeward passage to the United States, did not exceed 6 3-4 lbs. per horse power, per hour. In rough part of homeward trip, when the ship was a week out of port, and in better trim from having consumed a considerable quantity of coal, the consumption was 5 4-5 per hour. The inconvenience to which steam boilers have been heretofore subjected by the deposition of salt and earthy matters, was obviated on board of this ship, by a peculiar arrangement, the invention of Messrs. Maudsley, Sons & Field.

In marine steam boilers, it is usual to blow off a portion of the densest salt water from the bottom of the boiler, by means of a pipe blow-off-cock. In this manner, a portion of the strongest brine is forced out—but the quantity is limited and much fuel wasted by the loss of heat.

On board of the G. W. a brass plunger pump is attached to the bottom of each boiler and draws off a constant stream of brine, the loss of which is supplied by a pipe conveying hot water from the reservoir,—which, pouring into the boiler, keeps up a constant current, thereby preventing deposition and subsequent concretions.

Supposing the density of the water of the ocean to be 100, and that deposition cannot take place, in other words, that the waters would hold the salt and other earthy matters in solution, until its density is reduced to 66 2-3ds, the density of the water in the boilers of the G. W. was rarely less than 90. At the expiration of each trip, the boilers were as clean as if fresh water only had been used. To ascertain the proper quantity to be drawn off, and to regulate the pumps accordingly, the density of the brine is ascertained by letting a portion of it cool and trying it with an hydrometer. This simple substitute for the old plan of blowing off has proven so efficient that it will no doubt be generally adopted.

The boilers of the G. W. are of wrought iron, square, with 1-2 wagon tops. The maximum pressure, is 3 1-2 lbs. to square inch. The moment that the pressure of steam exceeds that amount, the safety valve raises and the surplus steam passes through the safety pipe, to the upper air. From their shape and size, those boilers could not withstand a pressure of 8 lbs. to the square inch—and if they were to burst with that pressure, only those in the engine and firerooms would suffer—the passengers and the ship would escape uninjured. But, to guard against such an accident, which, on the ocean would produce great eventual inconvenience, and in our own boats for the protection of life itself, it would be advisable to have two safety valves to each boiler, one of each loaded to the maximum pressure it would be perfectly prudent to carry, and then closed and locked up, only to be visited by the commander. The others are at present accessible to the engineer. By this means, the engineer can always diminish, but never increase the pressure and by consequence the danger. Rash and inexperienced as many of our steamboat captains are, it would often be unsafe to entrust the keys of the safety valve cases with them. Unless they have been proved perfectly competent and trustworthy, those keys should on short trips remain with the agent or owner. These valves should also be examined at frequent, regular intervals.

With such precaution there can be no danger of explosion from pressure of steam, or, as it is generally termed, high steam.

The boiler of good metal, will bear the strain of one third of the cohesive force of that metal. In practice, twice the max pressure on the valve can be borne with perfect safety:—therefore, if a safety valve be loaded with 10 lbs to the square inch, the pressure of the steam can be more than doubled before an explosion can ensue.

The next greatest and almost only remaining cause of the explosion of steam boilers, is inattention in feeding with water. Though termed a cause, it is most generally a consequence or effect of the former. If the safety valve be too heavily loaded a great quantity of the water in the boiler is converted into steam, which, wherever it is in contact, tends to heat the boiler as much within as the fire does without; consequently, an unusual motion of the boat by the heave of the sea; a simultaneous movement of the passengers from side to side, or any other circumstance, causes the water within the boiler to run against the intensely heated metal, when the gas more powerful than steam itself is instantaneously evolved, and an explosion invariably ensues.

Besides the gauge cocks some of the English steamers have a float attached to each boiler, which by indicating the exact height of water in the boiler, proves a great additional safeguard.

The American steam engines are in some respects superior to the English,—for instance in length of stroke, by which greater speed is attained with equal power. The length of the cylinder should be twice that of its diameter, which is very nearly the proportion of that of the U. S. steamer Fulton. The Great Western, with 22 inches more of diameter has only 1 1-6 in length of stroke. The Fulton is in smooth water the fastest boat, and in all respects save its horizontal position her machinery is the best.

Improvements in steam apparatus. An act authorizing the appointment of persons to test the

usefulness of inventions to improve and render safe boilers of steam engines against explosions:

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the president of the United States be, and he hereby is, authorized to appoint three persons, one of whom at least shall be a man of experience and practical knowledge in the construction and use of the steam engine, and the others, by reason of their attainments and science, shall be competent judges of the usefulness of any invention designed to detect the causes of explosion in the boilers; which said persons shall jointly examine any inventions made for the purpose of detecting the cause and preventing the explosion of boilers, that shall be presented for their consideration; and, if any one or more of such inventions or discoveries justify, in their judgment, the experiment, and the inventor desires that his invention shall be subjected to the test, then the said persons may proceed and order such preparations to be made, and such experiments to be tried as, in their judgment, may be necessary to determine the character and usefulness of any such invention.

Sec. 2. And be it further enacted, That the said board shall give notice of the time and place of their meeting to examine such inventions, and shall direct the preparations to be made, and the experiments to be tried, at such place as they shall deem most suitable and convenient for the purpose; and shall make full report of their doings to congress at their next session.

Sec. 3. And be it further enacted, That to carry into effect the foregoing objects, there be, and hereby is, appropriated, out of any money in the treasury not otherwise appropriated, the sum of six thousand dollars; and so much thereof as shall be necessary for the above purposes shall be subject to the order of the said board, and to defray such expenses as shall be incurred by their direction, including the sum of three hundred dollars to each, for his personal services and expenses: *Provided, however,* and their accounts shall be settled at the treasury, in the same manner as those of other public agents.

RH. M. JOHNSON,
Vice president of the United States and
President of the senate.

JAMES K. POLK,
Speaker of the house of representatives.

Approved, June 28th, 1838.

M. VAN BUREN.

Great Western steam ship office,
Bristol, 19 Trinity street,
May 31st, 1838.

My dear Hosken—

I have much pleasure in forwarding the following copy of a resolution unanimously passed at a board held on Monday last:

"Resolved, That this board highly approves the skillful, energetic, and conciliatory conduct of captain Hosken, in carrying through the great experiment which he has so happily brought to a successful issue."

Yours very sincerely,

CHRISTOPHER CLAXTON.

New York, June 18, 1838.

Dear Sir: The necessity of proceeding direct to my ship, which lies in another port, constrains me to adopt this mode of returning my grateful acknowledgments for the liberal courtesy of the directors of the Great Western steam ship company, as evinced by their invitation, transmitted through you in April last; though the terms of that invitation were not acceded to by my government, which, associating an older, more experienced, and much better officer, (first named in the invitation,) from the dictates of an equal liberal spirit defrayed the expense of our passage.

Unremitted observation for two consecutive passages in "The Great Western," enables me now to do that from which, because not thoroughly satisfied, I have heretofore most studiously refrained—to speak with confidence of the qualities and performance of the ship.

For stiffness and buoyancy combined in just proportions; for perfect comparative safety from explosion within, or the battling elements without, for speed, security and comfort, the "Great Western" may hereafter be equalled, but can scarcely be surpassed.

To captain Hosken, also, I beg leave through you to tender my lasting remembrance of his frank, unreserved, kind, friendly, and brother officer-like demeanor throughout the whole period. The high estimation in which he was held by the outward passengers, their card of thanks and service of plate presented, bear ample testimony. The passengers of the last trip will, I know from frequent inter-

communion, unite with me in saying that they have ever found him, as a man, an officer and a seaman, amiable, honorable and efficient.

With unforgotten regard,

Your obed't servant,

WM. LYNCH, lieut. U. S. navy.

Richard Irvin, esq.

Consignee G. W. S. S. Co., New York.

The following are the dimensions of the steam ship British Queen, building in England for the British and American steam navigation company, by Messrs. Curling, Young & Co. She is supposed to be the longest ship in the world, the length exceeding, by about 35 feet, that of any ship in the British navy:

	Feet.	in.
Length extreme from figure head to	275	0
taffrail	265	0
Ditto to upper deck	223	0
Ditto of keel	40	6
Breadth within paddle boxes	64	0
Ditto, including ditto	27	0
Depth		
Tonnage—No. 1852		
Power of engine	500	horse
Diameter of cylinders	77	1-2 inches.
Length of stroke	7	feet
Diameter of paddle wheels	30	
Estimated weight of engines, boilers and water	500	tons
Ditto of coals, for 20 days consumption	600	"
Ditto cargo	500	"
Draught of water with above weight and all stores	16	feet

THE ANNIVERSARY.

At the democratic celebration of the city and county of Philadelphia, on the 4th of July, 1838, latter, accompanied with sentiments, were received from the following distinguished individuals, viz: John C. Calhoun, Thos. H. Benton, Silas Wright, R. M. Johnson, Joel R. Poinsett, John Forsyth, Amos Kendall, Levi Woodbury, C. C. Cambreleng, H. D. Gilpin, James N. Barker, J. K. Paulding, and Lemuel Paynter.

Washington, July 2, 1838.

Gentlemen: I have the honor to acknowledge the receipt of your invitation on behalf of the democratic citizens of the city and county of Philadelphia, to participate with them in celebrating the approaching anniversary of our national independence.

I regret that my public engagements will deprive me of the pleasure of meeting the democracy of your city and county upon that interesting occasion. In compliance, however, with your request, I send you a toast, which I must ask of you the favor to present to the company in my name.

With my best wishes for the welfare of yourselves, and of those whom you represent,

I am your friend and fellow citizen,

MARTIN VAN BUREN.

John Rheiner, jr., John Thompson, James Eneu, jr., George Smith, James H. Hutchinson, H. Simpson, Miles N. Carpenter, Thomas M. Rush, and Joseph Snyder, esquires.

By Martin Van Buren—The state of Pennsylvania: To her noble public works and her fruitful soil, she adds the 'greater riches' of a hardy, incorruptible democratic population.

By the committee—Martin Van Buren, president of the United States: Great in all his achievements, whether in the presidential chair or in the halls of legislation; his love of liberty and honesty of purpose have gained for him the hearts of freemen.

Senate chamber, }

Washington, July 2, 1838.

Gentlemen: I thank you for the honor which you have bestowed upon me, by your invitation to celebrate the approaching anniversary of our independence, in company with the democratic citizens of the city and county of Philadelphia. I can assure you it would afford me very great pleasure to comply with your request. My public duties here, however, forbid me this gratification. Will you be good enough to present to the assembled company, in my name, the following sentiment:

David R. Porter: Firm, prudent, and practical. The democracy of Pennsylvania have shown their wisdom in selecting him for their candidate. He is now in the furnace of political persecution; but shielded by his integrity, he will come out pure gold on the second Tuesday of October.

Yours, very respectfully,

JAMES BUCHANAN.

To Messrs. Rheiner, Thompson, Rush, Snyder, and others, committee.

By the committee—Hon. James Buchanan: Our talented, patriotic, and urbane senator; whether at

home or abroad, ever the same firm and unflinching advocate of democratic principles and man, and our country's dearest rights.

By Richard M. Johnson, vice president of the United States—The city and county of Philadelphia: Honored in the history of the first free born empire of the world; her democratic citizens have sustained the foundation of her glory; and while liberty bears a charm, her honor will be unsurpassed.

By the committee—Richard M. Johnson, vice president of the United States: His patriotism, and his firm and immovable democracy, have raised him far above the malice of a corrupt bank aristocracy.

By hon. J. R. Poinsett—The memory of James Madison, who throughout his long and eminently useful life so ably illustrated the principles of democracy.

By the committee—Hon. Joel R. Poinsett: The genuine democrat, and useful cabinet officer—accomplished and erudite, and the same true practical republican.

By hon. John Forsyth—Liberty, always in danger from the intrigues of the corrupt and the designs of the ambitious, but never lost by a people who are worthy of its blessings, since its preservation depends simple upon their knowledge of their rights and their resolution to maintain them.

By the committee—Hon. John Forsyth: The true republican, and, whether at home or abroad, acts the practical democrat; when abroad, kings could not intimidate him; when at home, banks cannot affect his principles.

By the committee—Hon. Amos Kendall: The friend and advocate of the people in opposition to soulless corporations, banks, thrones, and paper money.

By Hon. Levi Woodbury—Pennsylvanians: The pride of democracy. They always seek the van in the cause of liberty.

By the committee—Hon. Levi Woodbury: The talented and upright secretary of the treasury; the firm definer of the laws against an unconstitutional paper currency.

By James K. Paulding—The memory of Wm. Penn: The founder of a great state which does honor to his name and exemplifies his virtues.

By the committee—James K. Paulding, of New York: His recent appointment merits the decided approbation of the party, and we acknowledge the compliment paid by the president to worth, talent and literature.

By James N. Barker—The People: They are a majority every where, and of right should every where govern. When the few bear sway, it is a proof of the baseness or corruption of the many.

By the committee—James N. Barker, esq.: Our friend and fellow-citizen; a talented and faithful scion from a genuine democratic stock; like his ancestors, he prefers principles to interest. In him confidence cannot be misplaced.

By the committee—Hon. C. C. Cambreleng: The fearless champion of the democratic party in the house of representatives, United States congress. We value his talents and admire his firm integrity.

By H. D. Gilpin—The treasury of the constitution, and the currency of the constitution: These are the birthright of our people, according to the letter and spirit of that sacred charter.

By the committee—Henry D. Gilpin, esq.: Our late townsman and cordial friend; the friend of popular rights, and the enemy of chartered monopolies. A politician in whom there is no deceit.

By the Hon. J. C. Calhoun—The separation of banks and government. While more indispensable to liberty than the separation of church and state, it would prove in the end not less beneficial to both, than the separation of the latter has been to religion and politics.

By the committee—Hon. John C. Calhoun: The southern champion of democracy; not to be bought, bribed, cajoled, or driven by federal bank whigs.

By the Hon. Thomas H. Benton—Bank and State: A connection prejudicial to the state; may a speedy divorce take place between them.

By the committee—Hon. Thomas H. Benton: Though all the venom of the opposition, and all the shafts of the bank party were hurled against him, he, like pure gold, returns untarnished from the furnace. May our country always have such representatives.

By the Hon. Silas Wright, jr.—The Difference: The democrats of our country, led on by Andrew Jackson, got behind the cotton bags to fight, conquer and drive from our soil a foreign enemy; the Aristocracy of Wealth, at the order of Nicholas Biddle, "keep behind the cotton bags" to avoid the payment of their honest debts to their fellow-citizens.

By the committee—Hon. Silas Wright, jr: The fearless champion of democracy, who, by his splendid talents and his industry, has been able to say to the opposition that the time has not yet arrived when the chartered liberties of freemen are to be perverted to the use of a corrupt aristocracy.

By the Hon. Lemuel Paynter—Union and Harmony: May the democracy of Pennsylvania, after one of its family jars, be more united than ever, and rally as one man in the great contest in October, at the ballot box; and strike terror and dismay into the ranks of an insolent moneyed aristocracy.

By the committee—Hon. Lemuel Paynter: One of the glorious and faithful seventeen members of congress from Pennsylvania, who voted to sustain our democratic general administration, the law, and constitution.

THE PULASKI.

The following cant on behalf of the sufferers of the Pulaski, appears in the Baltimore papers:

To captain Davis, of the schooner "Henry Cameron," of Philadelphia—to the citizens, physicians, and authorities of Wilmington—to the directors of the Raleigh and Wilmington railroad company—to the hotel keepers there and on the route to Portsmouth, Va., and stage owners on the same route—also to captain Sutton, of the steamboat "Alabama."

The undersigned, in behalf of himself and other passengers of the ill-fated "Pulaski," fortunately rescued from a watery grave, take the earliest occasion after returning home and recovering from the effects of their suffering and exposure, to present their most grateful thanks—and shall ever regard them as friends of humanity—whose kindness and sympathy assuaged and relieved the undersigned after the perils and horrors of a dreadful shipwreck, and who provided for them all the comforts which charity and affection could dictate.

Some of the sufferers, cast houseless on the inhospitable and barren shore, without food and water, and almost without raiment to cover their sunburnt and lacerated forms, soon found these kind friends, among strangers, ministering to their wants with untiring benevolence. And if in this world the reward of good deeds is sometimes postponed, most surely will it crown the future destiny of those true christians, who literally clothed the naked, fed the hungry, and bound up the wounds of the afflicted. And to the highest of all rewards the undersigned leave their benefactors, with the utterance of the warmest thanks which gratitude can utter, or benevolence receive.

To captain Davis, however, of the schooner "Henry Cameron," they feel constrained to acknowledge a high and imperishable debt of gratitude. His arm, under Heaven, saved them, after a prolonged and unutterably terrible scene of suffering—at a moment when despair was fastening upon every heart, and physical strength was sinking under the cravings of hunger and thirst. The stormy ocean upon which they had floated for nearly five days and nights, in momentary fear of death, still rolling around and over them in fury—and followed by the insatiable monsters of the deep, ready to devour them—at this awful hour, did this humane man come to their rescue, at considerable risk to his vessel and crew. To him, then, we offer our deepest and warmest gratitude and praise, and feel assured that his own approving conscience, and a more approving God, will here and hereafter reward him for his noble deed, the simple record of which will ever speak his high and deserved eloquium.

To all, finally, who aided and befriended the undersigned in the extremity of their misfortunes, they offer the feelings of hearts—which the tongue cannot express—and, without stopping particularly to name each benefactor, beg that one and all will receive this as the sincere return of thanks from rescued and now grateful fellow beings.

JAS. P. HEATH,
For himself and others.

From the Army and Navy Chronicle.

MILITARY ACADEMY.

REPORT OF THE BOARD OF VISITERS.

West Point, July 21, 1838.

To the hon. J. R. Poinsett, secretary of war.

SIR: The board of visitors, convened at your request to attend the examination of the cadets of the military academy at West Point, beg leave to present the following report:

That, in order to accomplish more effectually the object of their mission, namely, to make "a full and free investigation of the military and scientific instruction of the cadets, and of the internal police and discipline, and fiscal concerns of the institution," they have arranged themselves into committees, in-

structed to inquire especially into such subjects as would most comprehensively embrace all the desired information. The reports of the committees containing the result of their observations, and their suggestions, in which the board of visitors have concurred, are herewith transmitted. But the board, as a body, would submit to your consideration the following engrossed statement of the actual condition of the institution:

The course of instruction prescribed by the regulations of the academy, is comprised under the following heads: 1st. Infantry practice, and military police; 2d. Mathematics; 3d. The French language; 4th. Drawing; 5th. Natural philosophy; 6th. Chemistry and mineralogy; 7th. Artillery tactics, the science of gunnery, and the duties of a military Laboratory; 8th. Engineering and science of war; 9th. Rhetoric, and moral and political science; and 10th. The use of the sword. This course of studies is required to be finished in four years.

The examinations which the board have witnessed, abundantly prove that, in the discharge of their duties, the academic staff of the institution have used that zeal and industry which a deep sense of the responsibilities of their stations, an honorable and patriotic desire to serve their country, a laudable ambition to elevate their profession, and an accurate estimate of the value of science must always inspire. The general proficiency of the cadets in the several branches of study, testify to the entire competency of the professors and their assistants.

In one important department of science alone, mineralogy, the studies have remained incomplete, owing to the insufficient number of assistants assigned to the professor of chemistry, whose duty it is to impart instruction in this branch also. The importance to a military as well as to a civil engineer, of a familiar acquaintance with mineralogy, which should be aided the no less useful science of geology, is so obvious, that in the opinion of the board, no pains or expense should be spared, to provide the professor with the most ample means of completing and illustrating these portions of his course. To enable him to give a full course of instruction on three branches of the natural sciences, so comprehensive and progressive as chemistry, mineralogy, and geology, it is indispensable that he should be allowed at least one additional assistant, and that he be provided with as complete a series of mineral and geological specimens, both foreign and domestic, together with drawings of sections, and other means illustrative of the cognate branch of geognosy, as can be procured. An appropriation to the latter effect has already been asked for, and it is respectfully solicited that the grant of it be earnestly recommended to congress. The erection of a new building to replace that which was destroyed by fire during the last year, the plans of which, it is understood, have been approved of by the chief engineer, will provide a suitable apartment for the mineralogical and geological cabinets, which, in the course of a few years, might be greatly enlarged, and become extremely valuable, were it enjoined upon the surgeons and officers at the different military posts throughout the union, to make some exertions to increase it by collecting specimens.

In connection with this subject, the present board cheerfully respond to the suggestion of a former one, who in their report have recommended, not only as an act of strict justice, but as conducive to the best interests of the institution, that the acting professor of chemistry should be placed on the same rank with his colleagues. The arduousness of his labors, together with the zeal and ability with which he has hitherto discharged them, would seem fairly to entitle him to this promotion. The board, therefore, recommend that the department of chemistry, mineralogy, and geology, be established by law, upon the same footing with the other departments, namely, with a professor and two assistants, receiving the same emoluments respectively that are received by the professor of mathematics and his associates.

The erection of the building already alluded to, the plan and location of which are warmly recommended by the committee on public buildings, will likewise provide for the ample accommodation of the library, as well as the models and apparatus for the departments of engineering and natural philosophy. Yearly appropriations to these departments have repeatedly been asked for and granted, the indispensable necessity of which is evident, in order to enable the professors and the cadets to keep pace with discoveries in science, and with the improvements of those arts that form part of their military education. The unexpended funds appropriated to the departments of philosophy, engineering, drawing, chemistry, mathematics, and for the increase of the library, amounted, at the end of the first quarter of the present year, to upwards of seven thousand dollars, a large portion of which, it is understood, will be

forthwith applied, by the superintendent, to the engineering department, and the remainder to the other departments, so soon as the necessary buildings recommended for their uses shall have been erected. In regard to the disbursements for the library, it has been recommended to place them under the charge of a committee of the academic staff, elected from and by their own body, whose duty it shall be to select the most useful books appertaining to the several branches of studies that are or may be heretofore taught in the institution. The committee on public buildings have also called the attention of the board to the insufficiency of the barracks for the comfortable accommodation of the cadets, and have suggested some important improvements in their interior police. They recommend, too, an enlargement of the hospital, which at present contains only six rooms, accommodating 12 patients; and although, so far, these have fortunately been found sufficient, they could hardly be expected to be so in case of an epidemic. They, moreover, recommend the erection of an observatory, or a building to accommodate the large telescope, transit instrument, and astronomical clock; and the establishment of a swimming school: in all of which the board of visitors unanimously concur.

The committee on the internal police of the institution also remark upon the unfitness of the south barracks to the purposes for which they were designed; and further suggest the propriety of obtaining a legislative enactment from the state of New York, prohibiting the sale of ardent spirits to the cadets within certain limits of the military academy reserve. The latter suggestion is highly approved by the board. The investigations of this committee have resulted in an approval of the rules under which a distribution of goods at the "store" is made; though they have regretted to find that an imprisonment is very prevalent among the corps of cadets, that they are extravagantly charged for them. Your attention is respectfully invited to the subject.

The fiscal committee, after showing that the monetary affairs of the institution are conducted with system, accuracy, and good faith, propose that the applicants for admission, who are ordered to report themselves for examination, be allowed a mileage sufficient to defray the expense of their transportation to the post. The object of this is to equalize the facilities of admission for the youths of our country, in all conditions, and at the most remote distances; adding thereby to the republican character of the academy. They also recommend an increase of the salaries of the superintendent, professors, and assistant professors, in which the board of visitors concur.

The committee appointed to inquire into the course of military instruction and tactics, at the academy, are, as will be perceived by their report, quite satisfied with the manner in which it has been conducted, and in reference to the present discipline observed at the post, are of opinion that it is administered with a proper regard to the necessity of a strict enforcement of the prescribed regulations, unaccompanied by any exercise of unnecessary severity on the part of the officers, in hope of winning, as well as with a view to secure an entire obedience to them. They recommend the erection of a building to shelter certain pieces of ordnance, that have been deposited there for preservation as trophies of the revolutionary and late wars; an addition to the pieces now used, of at least one of the other kinds of guns now employed in the service; and the substitution of a company of mounted dragoons for the detachment of artillery now stationed at the post. In these recommendations the board likewise unite; and whilst they feel it imperative upon them to add, that the excellent discipline of the cadets, and the skill displayed in their military evolutions, are due, in a great measure, to the inflexible enforcement of the prescribed discipline by the present commandant of the corps, and to his experience and knowledge as a tactician, they regret that, by the regulations of the academy, which require, in this department, an officer of higher rank, the permanent services of the present incumbent may be lost to the institution.

In the branch of instruction embracing rhetoric and moral and political science, the studies have been found deficient. This subject has been fully investigated by the committee on the course of moral and scientific instruction of the academy, who have in their report suggested certain modifications of the present course, that are approved of by the board. Should these suggestions meet with your approbation and that of congress, and should it be found advisable to grant to the chaplain an additional clerical assistant, more time would necessarily be had, and more opportunities present themselves, of attending in a more especial manner than is practicable under the present arrangements, to the religious instruction of the cadets. The board

are far from implying, by this, any deficiency on the part of the venerable clergyman now at the head of the ethical department, but, on the contrary, were pleased to discover that, on retiring from a situation which he has filled so honorably for upwards of ten years, he has received from his pupils gratifying testimonials of their respect and affection.

For further details concerning the actual condition of the academy, in its various departments, the board must refer to the reports of the several committees, at the same time that they rejoice, as Americans, to have in their power to bear testimony to the signal ability with which it is conducted. No one, how inveterate soever his prejudices may have been, can approach the institution, without a lively admiration of the fitness of its location, and will hardly be expected to leave it without a conviction of its utility. Surrounded by so many recollections of the glorious struggle of our forefathers in the cause of liberty, in sight of the monuments that commemorate them, the American youth cannot fail to imbibe strong feelings of patriotism, and a love of country, which form the best security for the maintenance of our independence. Every one must perceive an order and regularity in the service of the post, which bespeak the existence of an excellent system, faithfully pursued; and in the manly bearing, the elastic movement of limb, and the neat attire of the cadets, there is seen the result of a course of education admirably calculated to develop and improve alike his moral and physical capabilities. Entertaining these views, the board of visitors cannot hesitate to recommend the military academy at West Point, as an institution well worthy of the fostering patronage of government. They see nothing in its continuance that conflicts with the republican character which all our public institutions should possess. Admittance to it is opened to every condition of fortune and of birth; no favoritism is known to have been practised in gaining admission into it; and the greatest impartiality is apparent in the administration of its justice, as well as in the award of its privileges.

In a national point of view, it will tend to disseminate over the whole country knowledge of a peculiar description, which is daily becoming more and more required; will improve the condition of the militia; will elevate the moral as well as scientific character of the army; will furnish means for the security of our frontiers; and, above all, will cement the bond of union between the states, by establishing a community of feeling and concert of action among men on whom the nation will ere long have accustomed itself to look with pride, as its surest reliance amidst the difficulties of a war.

In conclusion, the board acknowledge, with unfeigned thanks, the polite attentions of the superintendent and military staff, of the academic staff, and the assistant professors, whom they have ever found ready and willing to aid them in their necessary investigations.

J. T. DUCATEL, Maryland,
President of board of visitors.

B. F. MORRIS, Illinois.

JOHN C. PLUMMER, Pennsylvania.

JOHN B. ARD, do.

H. W. ELLIS, Alabama.

DECOUDRAY HOLSTEIN, N. Y.

JOSEPH D. HOLT, Mississippi.

C. F. MCCOY, Georgia.

J. E. HOLBROOK, South Carolina.

JAMES JONES, Kentucky.

JAMES SHEA, New York.

EVAN M. JOHNSON, do.

FRANCIS LIEBER.

JOHN E. PAGE, Virginia.

THOMAS ROSS, Pennsylvania.

JOHN L. SMITH.

Major corps of engineers.

J. S. CONWAY, Arkansas.

THOS. B. McELWEE, Pennsylvania.

JAS. TAYLOR, Newport, Ken.

J. PAGE.

D. MURRAY, Maryland.

WM. R. GRIFFITH, Kentucky.

WM. H. RUSSELL, Missouri.

Z. PITCHER, of Michigan,
Secretary of board of visitors.

NAVY ORDERS.

July 10. Lieut. J. H. Rowan, navy yard, N. York.

P. mid. John Hall, do do

P. mid. H. Gausevoort, exploring exp.

11. P. mid. W. May, and G. Colvocoresis, exploring expedition.

12. P. ass't. sur. J. F. Sickles, passed mids.

A. S. Baldwin, (as acting master,) T. A. Budd, (as acting master,) H. Eld, jr., and

F. A. Bacon, and mid. G. W. Clark, exploring expedition.

P. mid. R. Forrest, navy yard, Washington.

July 13. Comm'r J. Armstrong, rendezv., Boston.

14. Chaplain J. L. Elliott, exploring exp.

Mid. W. R. McKinney, naval school, Norfolk.

16. P. mid. W. Ronckendorff, navy yard, Boston.

Mid. J. C. Richardson, W. I. squadron.

Mid. W. H. Hudson, exploring exp.

For temporary duty in the frigate *Macedonia*, July 16.

Lieuts. G. C. Ashton, J. C. Sharpe.

P. mid. L. J. Bryan, W. Gwathmey, G. Wickham.

Midshipmen L. McLane, F. A. Parker, J. D. Usher, M. C. Watkins.

Master, A. Cunningham.

Officers relieved and detached.

July 10. Lt. W. Pearson, from navy yard, New York.

11. Lt. N. M. Howison, from W. I. squadron.

12. Mid. R. Burt, from do

Assist. sur. C. D. Maxwell, from steam-ship Fulton.

Passed midshipmen, appointed acting lieutenants, July 11, 1838, to serve in the exploring expedition.

No. 1. Overton Carr

No. 2. W. M. Walker,

No. 3. R. E. Johnson,

No. 4. H. J. Hartstene,

No. 5. J. Alden, jr.

No. 6. Aug. L. Cass,

No. 7. Geo. F. Emmons,

No. 8. Oliver H. Peiry,

No. 9. J. A. Underwood,

No. 10. John B. Dale.

Appointment.

Jared L. Elliott, to be chaplain, July 13.

Resignation.

Eugene Boyle, midshipman, July 14.

From the Army and Navy Chronicle.

ARMY—SPECIAL ORDERS.

No. 41, July 14—Leave until October 31, to brig. gen. Arminsted.

Sick leave for three months, Lt. W. H. T. Walker, 6th infantry.

No. 43, July 13—DETAIL FOR RECRUITING SERVICE:

Lieut. E. G. Mitchel, 1st infy., Hartford, Conn.

Engineer department.

Washington, July 17, 1838.

Engineer order, No. 1.

I. Captain A. H. Bowman, of the corps of engineers, will, as soon as the funds for the Memphis and St. Francis road are exhausted, close the operations on that work, and repair to Washington, D. C., for orders.

II. Captain G. W. Cullum is assigned to the immediate charge of the fortifications in New London harbor, and will report for instructions to col. Totten, to whom the general superintendence of those works is entrusted.

III. Captain William Smith is placed in charge of all the public works under this department on the southern shore of Lake Ontario; all communications from the local agents of those works, to the department, will be transmitted through him.

IV. The following officers have been appointed by the president of the United States to the corps of engineers, to rank as second lieutenants, and are assigned to duty as follows:

Second lieut. W. H. Wright, with col. S. Thayer, at Fort Warren, Boston harbor.

Second lieut. P. G. T. Beauregard, with col. J. G. Totten, at Fort Adams, Newport, Rhode Island.

Second lieut. J. H. Trapier, with capt. J. K. F. Mansfield, at Charleston, S. C.

Second lieut. S. H. Campbell, at Fort Monroe, Virginia.

Second lieut. J. M. Scarritt, with capt. R. E. Lee, at St. Louis, Missouri.

Lieutenants Wright, Beauregard, and Scarritt, will report immediately in person at their respective stations, lieut. Trapier by letter to his commander, and lieut. Campbell by letter to this department.

C. GRATIOT, chief engineer.

AFFAIRS OF CANADA.

The following is the concluding particulars of lord Durham's proclamation of general amnesty. It is dated at Quebec, the 29th of June.

"Know ye therefore that we have ordained, directed and declared, and by these presents do ordain, direct, and declare, that no further proceedings shall be had, or taken, against any person or persons whatsoever, on account of any high treason, or offences of a treasonable nature, with which they now stand charged, or wherewith they may be chargeable at this time, but all such proceedings, without exception or distinction, save as hereinafter mentioned, shall henceforth cease and determine. And it is our further will and pleasure, that with the exception of such persons as are in behalf named in the said ordinance and whose cases are thereby

provided for, all persons at present in custody and charged with high treason or other offences of a treasonable nature, and also with such exception as aforesaid all persons who have withdrawn themselves from the pursuits of justice beyond the limits of our said province, shall immediately upon giving such security for their future good and loyal behaviour as our said governor general and high commissioner, or if there should be no such governor general or high commissioner, then the governor in chief, governor, or the person administering the government of this province shall direct, be at liberty to return to their homes, and may and shall there remain wholly unmolested by reason of any high treason or other offences of a treasonable nature, in which he or they may have been concerned."

—The following is a copy of a "proclamation" issued by the leader of the gang that destroyed the steamboat Sir Robert Peel. It was obtained for governor Marcy; and, if the facts may be relied on, is important, as showing that the attack, although made in the American waters, was concerned in and proceeded from the British dominions.

"To all whom it may concern.

I, William Johnson, a natural born citizen of Upper Canada, certify that I hold a commission in the patriot service of Upper Canada as commander-in-chief of the naval forces and flotilla. I commanded the expedition that captured and destroyed the steamer Sir Robert Peel. The men under my command in that expedition were nearly all natural born English subjects—the exceptions were volunteers for the expedition. My head-quarters was on an island in the St. Lawrence, without the jurisdiction of the United States, at a place named by me Fort Wallace. I am well acquainted with the boundary line, and know which of the islands do, and which do not, belong to the United States; and in the selection of the island I wished to be positive and not locate within the jurisdiction of the United States, and had reference to the decision of the commissioners under the 6th article of the treaty of Ghent, done at Utica, in the state of New York, 13th June, 1822. I know the number of the island, and by that decision it was British territory. I yet hold possession of that station, and we also occupy a station some twenty or more miles from the boundary line of the United States, in what was his majesty's dominions until it was occupied by us. I act under orders. The object of my movement is the independence of the Canadas. I am not at war with the commerce or property of the citizens of the United States.

"Signed this tenth day of June, in the year of our Lord one thousand eight hundred and thirty-eight.

"WILLIAM JOHNSON."

Lord Durham's reception at Montreal. His excellency landed at the government wharf, opposite the barracks, Montreal, on Friday the 6th inst. The day being fine, vast crowds were collected. On landing he was received with the most enthusiastic cheers, which were kept up as he passed along the streets. A numerous deputation of the citizens of Montreal waited upon him at 3 o'clock, with the address voted on the 30th ultimo, which had been most generally signed. His lordship then read the following answer:

"Gentlemen: I am deeply sensible of your kindness, and acknowledge with feelings of pride and satisfaction, the flattering terms in which you are pleased to notice my public services.

"They are, and ever have been freely tendered to my sovereign and my country. I now offer them to you, in humble hope that, with your co-operation, I may be able to restore peace and prosperity to the Canadas.

"The task is arduous, as you state, but not impracticable; more especially after the wise and judicious course which you have pursued. On my part, I promise you an impartial administration of the government. Determined not to recognise the existence of parties, provincial or imperial, of classes or races, I shall hope to receive from all her majesty's subjects those public services, the efficiency of which must ever mainly depend on their comprehensive nature.

"Remember that you have all the same interest in the prosperity of your country—that the capital of the merchant and the estate of the seigneur, the skill of the artisan and the labor of the habitant, are alike depreciated by internal dissensions, while they are fostered and increased by harmony and public tranquillity. Follow up, therefore, the good work you have commenced. Extend the veil of oblivion over the past; direct to the future your energies; (and where are to be found energies equal to those possessed by British merchants?)—and the consequences cannot be doubtful.

"I will second you to the best of my abilities—and I trust that the result of our united efforts will be, to render the North American colonies as distinguished for the wisdom of their institutions, and the good conduct of their people, as they are for the magnificence of those gifts, and resources which a bounteous Creator has bestowed on their territories."

The Montreal Courier remarks that—

After reading his answer, his lordship addressed himself to the deputation, in a less formal manner, stating in language to which we regret that we cannot in a *memoriter* report do any justice. Referring to the reception he had just met with in Montreal, he remarked that he had never, on any occasion, through a long political life, felt more gratified by any expression of public sentiment, than he had been by that which he had just received. He assured the deputation, in the strongest terms, that the interests which they represented were interests which it was his settled determination to promote to the utmost of his power, so far as justice and a regard to the rights of others would allow; and farther, that he was satisfied that by measures of the strictest justice they might and would be most essentially promoted.

The members of the deputation were then severally introduced to his lordship, at his own request, by Mr. McGill.

The reply to the address was received by the deputation with applause; and his lordship's subsequent remarks were repeated and warmly applauded. We are certainly not wrong in saying, that the impression they produced on all present, was of the strongest and most favorable character. We must repeat our regret that we cannot do them justice in reporting them.

About half-past 4, P. M., after receiving a visit from the Catholic clergy of the city, who waited upon him after the deputation left, his lordship left the government house, and returned to the John Bull, accompanied nearly as before.

The meeting of the provincial parliament of Upper Canada, is adjourned to the 6th of August.

Lord Durham has appointed Mr. Charles Buller, with authority to appoint assistant commissioners, and a secretary, and with instructions to inquire into the method of disposing of the waste lands in Lower Canada, the property of the crown, and to collect information in regard to the advancement of the province, and the promotion of emigration thereby. The commissioner is instructed to report the results of the said inquiry, and to suggest such alterations or modifications as may appear likely to promote the objects above stated. Full powers are given him for calling on the officers of the crown lands for information, and for papers pertaining to the objects of inquiry. He is also empowered to frame temporary rules and regulations with regard to the manner of disposing of such lands, due regard being had to the provincial acts and royal instructions now in force. The governor-in-chief has also ordered and directed each of the lieutenant governors of the provinces of Upper Canada, Nova Scotia, and New Brunswick, and the islands of Prince Edward and Newfoundland, to affix the great seal of their respective provinces to a commission, addressed to the said Charles Buller, to the like effect, and containing like powers in relation to the waste crown lands in their respective provinces or islands. [Boston Daily Advertiser.]

LATER FROM ENGLAND.

The steam packet, *Royal William*, arrived at New York on Tuesday evening last, from Liverpool, in eighteen and a half days. She brings accounts from London to the 4th, and Liverpool to the 5th ult., and for the following extracts we are indebted to the New York papers:

The *Royal William*, we understand, had eleven days of head winds and gales, and accomplished half the passage in seven days.

The coronation of the young queen Victoria, took place on the day appointed, (the 28th ult.) with the utmost conceivable magnificence, gorgeous pageantry, and loyal enthusiasm. For the information of our fair readers, we will just mention a few particulars about the young queen's dress, deportment, and so forth.

In the first place then, she is a very pretty young lady, and she had the good taste to make her first appearance in the choir of the immense abbey in which she was to be crowned queen of more than a hundred millions of people in a very neat and simple dress. Her gown was of the purest satin, covered with a transparent dress of white blond lace, and a circle of diamonds glistening in her hair. It is a great pity that the sweet effect of this maidenly attire, was spoiled by so huge and ponderous

derous a train of velvet and gold, which however as a queen she was compelled to wear, and which was borne by eight young ladies, daughters of peers. The ladies who performed this humiliating service, and who are called "maids of honor" were dressed all alike, in white satin, and wore small white roses in their hair, so that this group of lovely women, must have been a delightful spectacle.

On ascending the choir of the cathedral, on the steps leading to what is called the theatre, she was compelled to pause nearly a minute, and thus the immense audience had an opportunity of gazing on the young creature without an intervening obstacle. The papers describe her as slightly affected with the grandeur of the scene around her and the acclamations which greeted her; but she is said to have walked with grace and self-possession to the seat, at which she was to receive the "homage" of the nobility and titled clergy. During the ceremony of the "homage;" rather a ludicrous accident occurred: lord Rolle, had reached the tip top step of the elevated dais, or platform, on which stood the throne; before which he was to kneel and kiss the queen's hand, when his lordship's toes anticipated his marrow bones, and slipping, pitched him right backwards, and so lord Rolle rolled heels over head down the whole flight of steps to the next landing place, in the sight and to the irresistible diversion of forty or fifty thousand spectators. He did not slide down, but fairly reeled over and over, till he became seated with his back towards her majesty, and his face and feet towards all the rest of the world.

However, he soon recovered a perpendicular position, wheeled about, and reascended the steps with as good a grace as possible, and the good natured queen rose from her seat, extended her hand to him, and expressed a hope that his lordship was not materially injured—for which, of course, she was vastly applauded.

The mere ceremony of the coronation, in its several stages, such as the inverting within the mantle, the offering of the sword and the spurs, the ring, the sceptres, the crowning, the anointing, the inthronization, the offerings, the arrangement of the regalia, and "all that sort of thing."

We have only to remark that the affair passed off with great spirit and harmony, and was altogether the most splendid coronation recorded in English history. The chivalry of all Europe seems to have been called forth on this occasion, and the foreign embassies vied with each other in displaying the most gorgeous paraphernalia that money could procure.

London, and indeed, all England, was entirely absorbed with the festivities which the occasion called forth, and the papers are so completely filled with descriptions, that we can find scarcely any other kind of news, either domestic or foreign. We trust that the reign of queen Victoria, who has been educated in a more liberal school than any other British sovereign, will prove a blessing to her immense empire, and favor the progress of those equal rights, without which it must be a reign of injustice to an incomparably great majority of her subjects.

We beg to acknowledge our obligation to the respected agent of the British and American Steam Navigation Company for English papers, brought by the *Royal William*, which fully supplied the deficiency occasioned by the detention of our files in Wall street.

On the evening of the coronation the places of amusement were thrown open to the public. The admission being regulated by tickets issued to admit as many as each house would accommodate. Mr. Bunn, of Drury Lane, and Mr. Macready, of Covent Garden, received 400*l.* each for the loan of their theatres, and to provide suitable entertainments.

It is also understood that 200*l.* each was paid for the Haymarket and English Opera. Mr. Davidge, the lessee of the Surrey Theatre, received 150*l.*; Mr. Honner, of Sadler's Wells, 105*l.*; Mr. Yates of the Pavilion, Whitechapel road, 100*l.*; and Mr. Osboldson, of the city of London Theatre, Norton-folgate, 100*l.* for a similar purpose. At Astley's, a grand spectacle was produced, got up expressly for the occasion, but the precise sum paid by the government we do not find stated. At Vauxhall, 750*l.* was to be paid for the use of the gardens, which it is supposed would accommodate nearly 87,000 persons.

We learn by the Times, that the famous Mrs. Trollope is dangerously ill at her brothers at Fulham.

Edward Lytton Bulwer, the popular novelist, has been created a baronet along with many other gentlemen. Numerous promotions by brevet have taken place in the army and navy, as is usual after a coronation.

Miss Landon, known to fame as L. E. L., embarked with her husband, Mr. McLean, for South Africa on the 2d of July.

One hundred and seventy-five thousand newspapers were despatched from the post office in London the Monday after the coronation.

The farewell benefit of Madame Vestris, prior to her departure for this country was fixed for the 12th of the present month.

The Times of the 4th inst., states that the wheat crop had prodigiously improved towards the latter end of June, and was coming into ear most propitiously.

One of the London papers reports that queen Adelaide intended to proceed to the island of Malta for the benefit of her health.

The government forces in Spain have gained several fresh successes, and there seems now to be some prospect that this ruinous war may be at length brought to a close.

A declaration of independence was reported to have been made by Mahemet Ali, the Pacha of Egypt, heretofore tributary to Turkey. The latest accounts go rather to discountenance the rumor.

The cholera or something similar to it, has re-appeared at Berlin.

There was an attempt at revolution in Portugal on the 14th June, but without success.

Another explosion on board a steamer. We see by the Scotch papers that the James Gallacher, a small vessel plying between Glasgow and the Dalmien cotton works, exploded, scalding several persons severely, five of whom had since died. The captain and engineer were arrested and committed to take their trial for manslaughter.

The continent of Europe. We find but little political news in the London papers. The following extracts from the French journals are from the Times of the 4th ult. The other continental news is of no importance:

The Paris papers announce, we regret to observe, the existence of a pestilential disease at the *Sobres St. Gery*, (in Belgium) and at Beaumont and Consonrie, (in France.) The symptoms occasioned fears that that malady was the black fever. Its progress was rapid, and in the place just mentioned, it had already discriminated the population.

London, July 4.—Half past twelve. There is evidently much anxiety felt as to the extensive operations in corn, and their probable effects on the currency and money markets. It was supposed that the decided tone of the debate in the Lords, on the corn laws, would have some influence on the prices of grain. No alteration is however perceptible this morning in the prices; the only features is rather large arrivals of foreign coin, which is offered at 50*s.* to 60*s.* per quarter in bond.

THE CORONATION OF HER MAJESTY VICTORIA FIRST.

The long expected morning, when a pageant was to be witnessed, which none of the present generation will perhaps ever see again, was ushered in under the most imposing appearances. The sky, as early as 5 o'clock, presented a gloomy appearance, and occasional showers seemed but the herald of more determined and continuous rain. Notwithstanding these unfavorable appearances, St. James' park, even at that early hour, contained vast numbers of individuals, attracted to witness the imposing spectacle of the coronation procession. Before half past seven o'clock the weather cleared up, the sun broke out, and the previous rain only added to the effect of the proceedings by laying the dust, and giving additional verdure to the foliage of the trees.

At six o'clock the 29th regiment of foot and the 5th dragons entered the park and took up their station in front of the palace, together with the 3d life guards. The division of police was also in attendance. Along and within the railings of the park and also up the side of Constitution hill, seats and standing places were erected some of them so frail that it was somewhat strange they should have been tenanted by people possessing any share of prudence. We saw more than one of them give way, but we believe without injury to any individual. Twelve pieces of artillery were ranged opposite St. James' palace within the railings, and the nineteen tents erected behind them gave a gay aspect to that portion of the park.

Soon after nine o'clock the procession began to form in the mall, and when all the carriages of the foreign ministers and ambassadors were in line, they presented a magnificent spectacle. Amongst them all, however, that of marshal Soult was pre-eminently attractive. It was at once rich, chaste and beautiful. Without being in the slightest degree gorgeous, it was the most magnificent coach we ever witnessed. A crowd soon collected round it, and as soon as it was rumored that its occupant was the celebrated marshal Soult, he was loudly cheered by the

people, to whom he repeatedly acknowledged the compliment. The arrangements before the palace appeared to be under the orders of sir Hussey Vivian, sir George Quentin, sir C. Dalbiac, and col. Woodford.

About a quarter before 10 o'clock the royal standard was hoisted over the marble arch, and it was in good taste that it was done by sailors.

At five minutes before ten, the carriages of the foreign ministers proceeded to their places, forming in line up Constitution hill, and followed by the carriages of the royal family. The duke of Sussex on being recognised, was much cheered.

The moment that the carriage of the duchess of Kent emerged from the palace gates, the acclamations of the people were loud and general. The dukes of Sussex and Cambridge were also loudly cheered. At length the state carriage, bearing the queen, came in view, and it is impossible to describe or convey the least notion of the burst of loyal and enthusiastic cheers by which the assembled thousands greeted and hailed their monarch. Her majesty appeared in excellent spirits, and highly delighted with the scene, which was, at this moment, truly beautiful. The troops saluted her majesty in succession as she passed, and continued with "presented arms." The duchess of Kent was similarly recognised and complimented, and when, at twenty minutes past ten, her majesty passed under the triumphal arch, all in the surrounding windows and balconies rose, and, with waving of handkerchiefs, joined in the welcome with which the thousands below, with an unanimous burst of loud and long continued cheering, hailed their youthful queen. Her majesty seemed most cordially to receive the greeting offered to her, and her manner evidently evinced excitement from the pompous and exhilarating scene by which she was surrounded. The procession passed on to St. James' street and Pall Mall. The club-houses were all fitted up in the most splendid and convenient manner for obtaining a view of the procession.

At 20 minutes past ten o'clock a detachment of life guards made their appearance in St. James' street, headed by Lee, the high constable. Exactly at a quarter before 11 o'clock, the state carriage, containing her most gracious majesty, the duchess of Sutherland, and the earl of Albermarle, appeared in sight. The shouts of the multitude, the waving of handkerchiefs, and other demonstrations of affectionate loyalty on the part of the populace were now of the most enthusiastic description.

Her majesty was evidently highly gratified with the reception which she met with, for her countenance was animated with the expression of delight. She bowed most graciously to the warm manifestations of loyalty with which she was greeted, and pointed the attention of the duchess of Sutherland with evident satisfaction, to the appearance of the people and the general arrangements made for her reception.

The procession passed along in regular order to Charing cross. Before the procession arrived, standing near the statue of Charles, which, as well as that of George the third, in Cockspur street, was surrounded with ascending seats, the *coup d'œil* was most imposing. The few shop windows which commanded a view of the road were fitted up for the reception of visitors—the fair portion of whom sat within the glass in stately anticipation, and presented a curious sight, the splendor of their dresses, combined with their personal charms and their composed attitude, giving them the appearance of waxen images exposed for sale. Every part of every house in which a lodgement could be made was secured by such of the spectacle loving multitude as were able, either by the interest of friendship or money, to procure a station.

Her majesty arrived at the abbey precisely at half past eleven o'clock.

The peers were conducted to the southern transept and the peeresses to the northern. Occasionally, the names were announced as they moved up the choir, and public curiosity was much gratified on being thus informed of the character of those distinguished individuals.

About nine o'clock the greater number of peeresses had arrived. Perhaps there were one hundred and fifty present, and as soon as they were in their places, the general attention was confined in that part of the church which was appropriated to their use. It is impossible to conceive any thing more brilliant than the appearance of these benches. The impression of so much beauty, dignity and luxury combined can never be effaced from the memory of those who had the good fortune to be present.

At nine o'clock all the persons who were to take part in the ceremony not included in the procession as well as those who had tickets of admission; were assembled in the abbey; and every tribute and gal-

lantry was densely ranked. Those who were content with witnessing the ceremony from one of the lower galleries could not have at that moment any idea of the varied and magnificent scene which demanded their attention. It was those only who sought the upper galleries and looked down from one of the angles bordering on the theatre that could form a just opinion of its splendour and extent.

On every side, galleries containing ladies of fashion, dressed in ball room costume, met the eye. In one part the gallery was seen in its fullest extent, in another only a side glance could be obtained. Here the full glare of daylight revealed all the luxury of dress,—there the pageantry was dimmed by the shade of one of the massive pillars of the abbey. The scene was quite theatrical, and it would be difficult to arrange, with the greatest resources of the finest theatre of the world, any thing capable of the same result. The half concealed galleries, seen in shade or in perspective, had, by contrast, most charming effect. The different angles of the building threw the different tribunes into light and shade; and while all commanded attention, each had a separate claim.

Approach and arrival of her majesty. At ten, the noise of cannon announced, that her majesty had left the palace, and the different persons in the abbey took up the station which they intended to occupy during the ceremonial. Every ear was directed to catch the sound of her near approach, and every eye was turned towards the door which she was to enter. The gentlemen pensioners began to rally their partizans, and the heralds and gentlemen of the gold stick to marshal their proper forces. The regalia was delivered to the several noblemen entitled to bear it.

It was not, however, until near eleven o'clock that there was any distinct imitation of her majesty's approach. At that hour the bustle out side the abbey became so distinct that it was evident the queen was close at hand, and every one rose from their places, and stretched forward with anxiety to catch the first glimpse of her appearance. The ladies of the household and the officers of the household, who had no duties assigned to them in the solemnity, passed to their respective places, and the noblemen carrying the regalia, and the bishops carrying the bible, chalice, and patina, went forth to receive the queen.

Previously, however, to her majesty's entrance, the distinguished diplomatic personages who had taken so prominent a part in the procession advanced into the abbey in the order in which their carriages had set them down. Each of these distinguished personages was attended by a brilliant and numerous suite, and it is difficult to imagine any thing more glorious than their appearance as they came together, dazzling the eye by the variety and elegance of their costumes. When the Turkish ambassador presented himself, he looked around on all sides as if lost in admiration, and remained some time immovably fixed on the magnificent scene. Whilst gazing on the benches on which were seated all that could most peculiarly attract his attention as exhibiting the female nobility of England in the height of exalted rank, enhanced by every possible embellishment, he evidently showed, by his expression of countenance, that never before had his eye lighted upon so brilliant and beautiful assembly.

The great officers of state, the archbishops of Canterbury and York, the noblemen appointed to carry the regalia all in their robes of state, and the bishops who were to support her majesty, as well as those who were to carry the bible, the chalice, and the patina, assembled in the Jerusalem chamber, adjoining the deanery, before 10 o'clock; where the regalia, having been previously on the table, was delivered by the lord chamberlain of the household to the lord high constable, and by him to lord Willoughby d'Eresby, as lord great chamberlain, and by his lordship to the noblemen, by whom the same was borne in order.

The queen, ascending the theatre, passed on the south side of her throne to the chair of state, on the south east side of the theatre, being the recognition chair, and after her private devotion, (kneeling on her footstool) took her seat; the bishops her supporters, standing on each side; the noblemen bearing the four swords on her majesty's right hand, the sword of state being nearest to the royal person; the lord great chamberlain and the lord high constable on her left, the other great officers of state, the noblemen bearing the regalia, the dean of Westminster, deputy garter, and black rod, standing near the queen's chair; the bishops bearing the bible, the chalice, and the patina stood near the pulpit, and the trainbearers, the lord chamberlain of the household, and groom of the robes, behind her majesty.

Her majesty appeared rather pale and exhausted. She was received in the most flattering manner; the

general burst of approbation exhibited the feelings of the assembled thousands in a manner worthy of the solemn occasion. The company in every part of the Abbey rose in honor of her majesty, and continued standing, while she slowly advanced along the choir. At the same time, the following anthem was sung:

"I was glad when they said unto me, we will go into the house of the Lord. For there is the seat of judgment, even the seat of the house of David. O pray for the peace of Jerusalem; they shall prosper that love thee. Peace be within thy walls, and prosperity within thy palaces.

"Glory be to the Father, and to the Son, and to the Holy Ghost."

"As it was in the beginning, is now, and ever shall be, world without end. Amen."

The queen was no sooner seated, than the utmost silence prevailed in the whole assembly, in expectation of the approaching solemnity, than some amusement was excited by the Westminster queen's scholars exercising one of their noisy privileges. While all was quiet and composure, a few of these lads, who were stationed at each end of the galleries, began to roar, "Regina Victoria!" "Regina Victoria!" Every one looked up to the box to see what was the matter, but the boys enjoyed the fun, and roared out, at the top of their lungs, "Regina Victoria."

Upon the conclusion of the anthem, the archbishop of Canterbury advanced from the station at the southeast pillar, and together with the lord chancellor, the lord great chamberlain, the lord high constable, and the earl marshal, preceded by deputy Garner, moved to the east side of the theatre, where the archbishop made the recognition, thus: "Sirs, I here present unto you queen Victoria, the undoubted queen of this realm—wherefore, all you who are come this day to do your homage are you willing to do the same?" The archbishop repeated the same at the south, west and north sides of the theatre—during which time her majesty stood up by her chair, and turned towards the side on which the recognition was made; the people replying to each demand with loud and repeated acclamations of "God, save queen Victoria!" and at the last recognition, the trumpets sounded and the drums beat. The bearers of the regalia, during the recognition, remained standing about her majesty.

Her majesty then resumed her seat; and the bible, the chalice and the patina were carried to and placed under the altar by the bishops who had borne them, who then retired to their seats.

The great officers then resumed their station near her majesty.

Two officers of the wardrobe spread a rich cloth of gold, and laid a cushion on the same, for her majesty to kneel on, at the steps of the altar.

The archbishop of Canterbury then proceeded to the altar, put on his cope, and stood on the north side.

Here follows an account of the various religious ceremonies for which, of course, we cannot find room to-night.

The crowning. The archbishop, standing before the altar and having St. Edwards crown before him, took the same into his hands, and consecrated and blessed it with prayer, "O God, who crowned thy faithful servants with mercy," &c. Then the archbishop came from the altar, assisted by the archbishops of York and Armagh, with the bishops of London, Winchester, and other bishops, the dean of Westminster carrying the crown; and the archbishop took and placed it on her majesty's head, when the people, with loud and repeated shouts, cried "God, save the queen;" and immediately the peers and peeresses present put on their coronets; the bishops their caps; and the kings of arms their crowns; the trumpets sounding, the drums beating, and the tower and park guns firing by signal.

The homage. The exhortation being ended, her majesty delivered the sceptre with the cross to the lord of the manor of Worksop, to hold the same on her right hand, and the sceptre with the dove to the duke of Richmond, to hold the same on her left hand, during the homage.

The archbishop then knelt before the queen, and for himself and the other lords spiritual, pronounced the words of homage, they kneeling around him, and saying after him. The archbishop then kissed her hand, and the rest of the lords spiritual did the same, and retired.

The holy sacrament. After receiving the holy sacrament, the queen, still kneeling, made her second offering, (a purse of gold,) which the treasurer of the household, delivered to the lord great chamberlain, and he to her majesty, from whom the archbishop received it. The archbishop then said the prayer, "O God, who dwellest," &c. Her majesty then went to her chair on the south side of the area, and knelt at her footstool.

When the archbishop and the dean, with the bishops' assistants, namely, the preacher, and those who had read the litany, and the epistle and gospel, had communicated, her majesty approached the altar and received the sacrament, the archbishop administering the bread and the dean of Westminster the cup.

The queen then received the crown from the lord great chamberlain and put it on, and repaired to her throne, receiving again the sceptre with the cross in her right hand and the sceptre with the dove in her left, being there supported and attended as during the enthronization.

The service being concluded, her majesty, attended by the two bishops, her supporters, the great officers of state, the noblemen bearing the four swords before her, and the noblemen who had carried the regalia then lying upon the altar, descended into the area, and passed through the door on the south side into St. Edward's chapel; the noblemen who had carried the regalia receiving them from the dean of Westminster as they passed by into the chapel, the organ and other instruments all the while playing.

Her majesty being in the chapel, and standing before the altar, delivered the sceptre with the dove, which her majesty had borne in her left hand to the archbishop, who laid it upon the altar there.

Her majesty was then disrobed of her royal imperial mantle, or robe of state, and arrayed in her royal robe of purple velvet by the lord great chamberlain.

The archbishop then placed the orb in her majesty's left hand.

It was nearly 6 o'clock before the royal carriages in returning reached the park, where her majesty was received with the same loyal and enthusiastic greeting that marked this portion of the line at starting.

Not a single accident occurred either during the day or the night, to mar the harmony of the national jubilee; and the police had scarcely more occupation than on an ordinary day.

The queen bore the fatigues and excitement of the day—no slight demand upon the nerves of a delicately nurtured young lady—without exhibiting very visible signs of exhaustion; and was no worse next day than many of her more robust but still more tired subjects.

CHRONICLE.

Baltimore flour inspections. Amount of flour inspected in Baltimore, during the quarter ending on the 1st instant, was—

76,366 bbls. wheat flour,
5,835 half do. do.
7,489 bbls. rye,
765 hhd. corn meal,
2,322 bbls. do.

During the quarter ending on the 1st April, 1833, the inspections were

80,839 bbls. wheat flour,
3,008 half bbls. do.
6,054 bbls. rye do.
263 hhd. corn meal,
2,915 bbls. do.

During the first two quarters of 1837, the inspections of wheat flour were as follows:

	bbls.	half bbls.
1st quarter,	94,954	3,157
2nd do	81,622	2,093

By comparing the first two quarters of 1837, with the two of 1833, noticed above, it will be seen that the wheat flour inspections of the first half year of 1833 are less than those of the corresponding period of 1837 by 19,231 bbls. while the half bbls. are more by 3,598.

A singular and fortunate escape is mentioned in the last Zanesville Gazette. Mr. G. Fracker of that place, having plunged in the Muskingum river with a view to bathing, had scarcely dived half a rod before he felt himself caught in the upper lip by a fishing hook of very large size, and suddenly thrown back. After an ineffectual attempt to loosen the line, he caught it in his teeth, and succeeded in biting it in two, and swam to shore with the hook fast through his lip. He was held under water by the line, and had he failed in severing it with his teeth, he would have been obliged to tear the hook from his lip, or submit to speedy strangulation.

[Columbus, (Ohio.) Reg.]

Imports and exports of the U. States. From the annual statements of the commerce of the United States, lately communicated to congress, it appears that the imports during the year ending on the 30th of September, 1837, have amounted to \$140,989,217; of which there was imported in American vessels, \$122,177,193, and in foreign vessels, \$18,812,824. The exports during the year ending on the 30th of September, 1837, have amounted to

\$117,419,376; of which \$95,564,414 were of domestic, and \$21,854,962 of foreign articles. Of the domestic articles, \$75,482,521 were exported in American vessels, and \$20,081,893 in foreign vessels. Of the foreign articles, \$15,725,082 were exported in American vessels, and \$6,129,920 in foreign vessels. 1,290,720 tons of American shipping entered, and 1,266,622 tons cleared from the ports of the United States; 763,703 tons of foreign ships entered, and 756,292 tons cleared during the same period.

Tonnage of the United States. In the annual treasury statement to congress, the registered tonnage for the year ending on the 30th September, 1837, is stated at

The enrolled and licensed tonnage at	810,447
And the fishing vessels at	946,980
	129,258

Tons 1,886,635
The total tonnage of shipping built in the United States during the year ending on 30th of September, 1837, was, viz:

Registered	42,843
Enrolled	80,648

Tons 122,986
Foreign salt trade of the United States, during the year ending the 30th September, 1837. Importations—bushels, 6,343,706—value, \$862,617. Exportations—41,118—value, \$12,722.

Leaving for consumption and stock, 6,302,588 bushels—value, \$49,905.

Exportation of domestic salt—bushels, 99,133—value, \$58,472.

It appears from a detailed official statement published by the mayor of Charleston, that the total amount of donations made for the relief of the sufferers by the late destructive fire in that city, was \$180,506 87. This liberal sum was contributed by the people of the several states, as follows:

By South Carolina,	\$76,771 66
Georgia,	29,830 57
Pennsylvania,	27,975 25
New York,	14,510 00
Louisiana,	8,650 00
Massachusetts,	5,977 34
Virginia,	4,642 10
Alabama,	3,116 65
North Carolina,	3,005 90
Maryland,	3,362 17
Florida,	1,763 50
New Hampshire,	897 62
Connecticut,	800 00
District of Columbia,	150 00
Rhode Island,	50 00

Grand total \$180,506 86

Pensioners. The law to provide for the payment of pensioners appropriates the following sums:

For the revolutionary pensioners, under the several acts, other than those of the fifteenth of May 1828; the seventh of June, 1832; and the fourth of July, 1836, four hundred and twenty-six thousand seven hundred and seventy-two dollars.

For the invalid pensioners, under various laws, one hundred and thirty-four thousand and seventy-five dollars and sixty-two cents.

For pensions to widows and orphans, under the act of the fourth of July, 1836, one million four hundred and ninety-two thousand six hundred and eighty-five dollars.

For half pay pensions, payable through the office of the third auditor, five thousand dollars.

In all, two millions, fifty-three thousand, five hundred and thirty-two dollars and sixty-two cents.

An army of pensioners. From a document communicated (among others) to the house of representatives on Friday, it appears that the number of pensioners on the rolls of the several pension agencies of the United States at this time is as follows:

Invalid pensioners	4,121
Under act of 18th March, 1818	8,930
Under act of 15th May, 1828	692
Under act of 7th June, 1832	23,783
Under act of 4th July, 1834	1,832

Total number of pensioners 41,453

Honorable. It is stated in the Tuscaloosa (Ala.) Intelligencer, that Mr. Morely Baker, who left Alabama some years since for Texas, under very unfavorable circumstances in regard to his transactions, with the state bank at Tuscaloosa, has honorable and fully repaid the injury which that institution sustained through his means. He wrote to the officers of the bank, and in pursuance of his request, Mr. J. White, one of the directors, visited him, and received the full amount of the claim including interest, being in all about thirty-two thousand dollars, and gave Mr. Baker a full discharge.

Death of a Veteran. The Nashville whig notices the death of the only survivor of the soldiers of the old French war, as it is called, or the war against the French in Canada. The name of the deceased was John Lusk; he was born on Staten Island, N.Y., on the 6th of November 1784, and was consequently nearly one hundred and four years old when he died.

Monument to Franklin. The Mobile typographical society have passed a series of resolutions recommending the erection of a public memorial to the memory of Franklin by the officers of the National Typographical Association, and urgently requesting that body to correspond with the different local societies throughout the union for the purpose of eliciting their sentiments upon the proposition. The resolutions likewise state that in the event of the approbation of this project, committees will be formed to collect subscriptions among printers only, to carry it into effect. The city of Washington is recommended as the suitable spot for the location of the monument.

Imprisonment for debt. This relic of dark ages will shortly, we hope, be obliterated from the statutes of every state in the union. The following excellent resolution on the subject was passed at the late whig convention in Vermont:

Resolved, That the law authorizing the imprisonment for debt, is a violation of the plainest principles of justice—that it is a fruitful source of crime and oppression; that it is opposed to the genius of our institutions, and the spirit of the age in which we live—and that it is the duty of the government of Vermont immediately to abolish it.

The New York Star states that Mr. John Jacob Astor has presented \$10,000 to the German society of that city, of which he is president. The fund is to be employed to establish an agency to protect German emigrants against imposition.

Cheap postage. The British parliament contemplate a very important reform in the English post office system, by which the postage on letters to any part of the kingdom is to be reduced to one penny, (two cents.) In a financial point of view our nation is not uninterested in this affair—the prospective idea of at least sustaining the post office revenue by the more general diffusion of public information. The details of the project will shortly be published.

Indiana. Our young western sister is gradually developing her mineral strength. We learn by the Indianapolis Journal that, "by late examinations between Putnamville and the lower falls of El river, in Putnam county, it is fully ascertained that there are inexhaustible mines of rich iron ore within two and a half to four miles of the falls, with every requisite for carrying on the manufacture of iron to any extent which may be required." The proprietors are about erecting suitable works. Coal of an excellent quality, and in abundant quantities, is also found convenient.

The state geologist, also, has recently discovered in Posey county an extensive bed of handsomely shaded marble, with beautiful variegated veins running through it, fitting it for ornamental and other work.

Franking public documents. As congress has adjourned, it is well to mark some of their "movements, doings, and so on." Among them is the franking of about 500 canvass bags of public documents, averaging 70 pounds each, which have passed through the New York city post office, principally for that state.

Cost of court. A civil action was tried at Springfield, Mass., last week, which occupied the time of the court from Monday morning until Thursday afternoon. The subject of litigation was a cow, worth, perhaps, \$20. It has been tried several times, and the costs of carrying it on amount to nearly \$1,000. The verdict of the jury was for the defendant.

Silk. The West Chester silk company, of Pennsylvania, had a sale of handkerchiefs, manufactured from their own silk, on Tuesday last. There were 35 in number, and the aggregate proceeds were \$71 06. They were knocked off in quick time at from \$1 75 to \$3 a piece, to the supporters of domestic industry.

Sale of Durham cattle. Mr. C. S. Clarkson, of this city, in the course of last week, sold at auction, on his farm in the neighborhood of Cincinnati, his stock of Durham cattle. The whole amount of the sale fell but a little short of \$28,000. This is believed to be the largest sale of the kind, ever made by one individual in the United States. One fine bull sold for \$1,450—one cow sold for \$975—another cow and calf for \$1,075—another cow \$1,000—a heifer, a year old, sold for \$850—the balance for various prices, ranging from \$37 1-2 up to \$300. [Cincinnati Whig.]

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 23.—VOL. IV.]

WASHINGTON CITY, AUGUST 4, 1838.

[Vol. LIV.—WHOLE No. 1,401.

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

TREASURY NOTES. *Treasury department, August 1, 1833.* The whole amount of treasury notes authorized by the act of October 12th, 1837, having been issued, viz: \$10,000,000 00
And there having been redeemed of them about 7,100,000 00
The new emissions made in place of those under the act of May 12th, 1833, have been 5,086,532 81
This leaves a balance of all outstanding, equal to only \$7,936,532 81

LEVI WOODBURY,
Secretary of the treasury.

DEATH OF COMMODORE RODGERS. *General naval order.* As a mark of respect to the memory of commodore John Rodgers, late senior officer of the navy of the United States, who died in Philadelphia on the 1st instant, the flags of the navy yards, stations, and vessels of the United States navy, are to be hoisted half mast, and thirteen minute guns fired at noon on the day after the receipt of this order.
Officers of the navy and marine corps are to wear crape for thirty days.

J. K. PAULDING.

Navy department, August 3, 1833.

Naval order. All officers of the navy, who are attached to the U. S. naval station, at Philadelphia, are directed to attend the funeral of the late commodore John Rodgers, from No. 260, Walnut street, this afternoon, (3d inst.) at 5 o'clock, in uniform.

Com'dts office, U. S. Navy Yard,
Philad. 2d August, 1833.

CHARLES STEWART,
Commanding officer of the station.

The remains of commodore Rodgers, accompanied by his family, will arrive in this city to-day.

CANADA FRONTIER. Gen. Macomb, commander-in-chief of the United States army, arrived in this village on Saturday from the north, and leaves to-day for the Niagara frontier. We are happy to learn from him that the disturbances on the northern line have entirely subsided; and though a feeling very naturally exists among a great proportion of our citizens favorable to the cause of freedom abroad, as well as at home, a respect for our laws, and a desire to avoid any infraction of the amicable relations existing between our own and the British government, will prevent any interference in the internal relations of the Canadas.

The presence of gen. M. within a district of country where his services were so distinguished and important during the last war, has undoubtedly produced a very salutary influence; and we have no doubt a similar effect will result from his visitation to the western frontier.

[Saratoga (N. Y.) Sentinel of July 31.

Col. Worth. We are happy to perceive that col. Worth has been assigned by government to the command of the new regiment for the defence of the frontier; because no man can be better qualified for that important duty. We repeat, however, at the same time, only the general expression of regret that he will be necessarily called from associations to which he is endeared by so many and such high qualities. The Detroit Free Press pays a high and deserved compliment to col. Worth; than whom the service does not know a more brave, chivalric and capable officer. He has already taken his departure for the frontier. [Albany Argus.

STATE OF TRADE. The New York Gazette of Wednesday, says: Since it was settled by the late bank convention that a general resumption of specie payments should take place on the 13th of this month, a large number of merchants from Virginia and other southern states have made their appearance in our market, who had not been this way on business before since the suspension in 1837, in consequence of the depreciation of southern exchanges. They are buying pretty freely of goods, and there is a fair prospect of a large fall business, as the south and west are very bare of goods, and may soon be expected to be in as wholesome a state as they were two years ago.

VOL. IV.—Srg. 23.

From the N. Y. Express, August 1. Stocks have all gone up to-day. Not only the speculative stocks, but also all solid stocks stand better. The cause of this advance is owing to the prevailing sentiment that a better state of things is fast approaching. First there is a general desire to get hold of Biddle's bonds—next government securities. As these begin to disappear and become scarce, loans on stocks are desirable.

At present it is not a difficult thing to obtain any sum on stocks at 6 per cent. at a brokerage; as this description of securities become scarce, good business notes at 5 a 6 per cent per annum will begin to be in securities, money will be readily obtained on bond and mortgage. The instant this period arrives, there will be a new spring to business. Builders and real estate holders will obtain the means for setting mechanics in motion; all in good time we may expect that there will be a general improvement in all departments of trade and business.

Trade in Philadelphia. The Philadelphia Herald of Thursday says:

A number of merchants from the south have arrived to purchase goods, and there is a prospect, we are happy to say, of a fair business being done by our merchants this season.

Trade in Baltimore. Merchants from the south and west are in our market, making their purchases for the ensuing fall and winter business. The indications of an active trade are quite promising. During the past six months, Baltimore has done an unusually extensive business in the grocery branch—larger, in fact, than she has done for a number of years past. We need scarcely add that her merchants in that and in the other branches of trade, are ready to supply the wants of their friends in the interior on the same advantageous terms which they have heretofore offered. [Balt. American.

New Orleans, July 22. We may now be said to be on our summer establishment. Things have settled down into the dullness and monotony of the sickly season. Transactions are light and confined principally to the retail trade. Indeed business of all kinds is very much curtailed. The undertaker, and even the sexton has less to do than usual. The most industrious portion of the community are the laborers in the employment of the second municipality, who make rapid progress in the pavement of our streets, apparently regardless of the hot sun that burns upon them from morning to night. The fidelity with which this hardy class of citizens stick to their work, during all seasons, is admirable, and might be held up as an example to many of higher pretensions, who reap during harvest time, but when pain, sickness and death stalk over the field, are found among the missing. We have noticed also that a great deal of activity prevails among the mechanics. A great number of houses is going up in different parts of the city, which keeps a multitude of carpenters, bricklayers, &c. &c. employed. On the levee of course, a manifest change has taken place. The hum of business is silenced. The squadron of drays that formerly dashed along so furiously, dwindled down to a few teams. The steam boat wharves are nearly empty. A few black chimneys rise solitary from the water's edge, furlongs a part, where a month ago, they stood close and thick as the brick chimneys along our streets. The quantity of shipping is also rapidly diminishing, and many days will not elapse, ere our fleet of steam and canvass will be reduced to some dozen or twenty vessels, scattered along the margin of the stream for a distance of several miles. [Bulletin.

MESSRS. MAURY AND CAMPBELL. *From the Baltimore American.* Baltimore, July 19, 1838.

Gentlemen: In your paper of — inst. I perceive that you have copied from the Washington correspondent of the New York American an account of the unfortunate collision which took place in the house of representatives on Sunday morning, 8th inst. between Messrs. Campbell and Maury, of Tennessee. As that statement is wholly erroneous, and does great injustice to both the gentlemen, but especially to col. Maury, I take the liberty of briefly stating the facts as related to me by the hon. J. L. Williams, of Tennessee, who witnessed the whole occurrence.

Col. Maury was one of a large number of members who absented themselves from the house be-

tween 3 and 4 o'clock on Sunday morning (supposing all the important business to be closed,) and were brought back again by the sergeant-at-arms.

After the adjournment, about 8 o'clock, Mr. Campbell joined Messrs. Williams and Maury, who were conversing in a window of the lobby of the house. The two former were disposed to make merry at the proceedings of the house, but col. Maury made some pretty severe remarks upon the conduct of the members present in regard to the absentees. These general remarks, it appears, were applied personally by Mr. Campbell, and in the irritation of the moment he made an assault upon col. Maury. There were no epithets exchanged between them whatever, the statement of the correspondent to the contrary notwithstanding. The best feeling existed between the parties before the collision, and shortly after it Mr. C. called upon col. Maury at his room, made all due apologies, and attended upon him assiduously during the day.

Thus it appear that this little occurrence, which has been magnified into an enormous affair, was the result of an accidental misunderstanding operating upon nerves rendered peculiarly sensitive by a most wearying and irritating session. It might have happened to any one; and it is known that such occurrences are totally repugnant to the character of either gentleman. A TENNESSEAN.

GEN. GEORGE McDUFFIE (late governor of South Carolina, but better known as a distinguished representative in congress from that state,) passed through this city yesterday morning on his way to take passage at New York for Europe. We are very sorry to learn that his health is not as good as his friends could wish. [Nat. Intel. of yesterday.

Commodore Porter arrived at his residence in Chester, Pa., on Monday, the 23d ult., and was warmly welcomed by his friends and neighbors. It is said that after remaining a short time with his family he will return to Constantinople to resume the duties of his station as charge d'affaires.

Gen. Wool and governor Kent have returned to Bangor, having completed their reconnoissance of the north eastern frontier.

UNITED STATES BANK BONDS. The Philadelphia National Gazette of Monday afternoon says—It is rumored that the bond of the bank of the United States, due in 1839, for two millions of dollars, has been sold by the treasury department, at par, to Charles Macalister, esq., of this city.

The foregoing paragraph is copied into the U. S. Gazette of Tuesday morning, with the following remarks:

The above rumor, we are happy to say, is well founded. The same offer was made for the bond due in 1840, for a like amount, but declined, the secretary of the treasury not having decided that the public exigencies will require its sale.

The purchase, we understand, is for account of the United States Bank. We also understand that Mr. Macalister has effected a negotiation by which the third bond for two millions of dollars, will be liquidated in a manner equally acceptable to the government and to the bank.

We are truly gratified to hear of these arrangements. We hope, and, indeed, cannot doubt, that they are indicative of a better understanding between the contracting parties; and we congratulate the country upon this event, which we consider as equally creditable to the administration and to the bank, and which cannot fail to have a beneficial influence upon all the business relations of the union.

BANKS, CURRENCY, &c. The directors of the bank of the state of North Carolina announced in the Raleigh Register of the 23d ult. that their bank and its branches would, on the 1st of August next, resume the payment of their respective liabilities in specie.

Small bills. We learn that the small bills of all the banks in Maryland, are received at the respective banks in Baltimore, and will continue to be received as usual.

Bank of Tennessee. The Nashville Union of the 13th ult. says this institution has determined to receive the paper of all the Tennessee banks on de-

posite, in payment of debts, and for eastern exchange. This will be a great convenience to the trading community, as the rule at our other banks has been to receive none but their own notes in payment for checks or drafts on the eastern cities. The course of the bank of Tennessee will probably be followed by the other banks, which will tend materially to elevate the character of our paper, and to remove some of the difficulties attending the procurement of remittances.

The Nashville Whig contains a letter from a correspondent at Brandon, Miss., under the 12th July, in which, speaking of the Brandon Bank, he says—

Its circulation is very little over three millions, and in 90 days from this time it will have a million of specie in its vaults. It will be in a condition to resume specie payments as soon as any bank in Mississippi. Its debts are secured by the best securities in the state, and in short it is sustained by the most solvent planters this country holds. Owing to the course other banks have pursued in this state in refusing to receive its paper on deposit, it has greatly depreciated, and a re-action will take place in a very short time, which will place the paper of this institution equal to any in Mississippi.

The new Exchange Bank of Virginia, it will be seen by the annexed paragraph from the Norfolk Herald, of the 27th ult., is about to go into operation at Norfolk, with literally a golden capital.

The Exchange bank of Virginia. It affords us pleasure to state that Wright Southgate, Esq., cashier of this institution, arrived in the Baltimore boat yesterday morning, bringing with him the amount, in gold, of about \$433,000, the proceeds of the treasury drafts held by the Pennsylvania bank of the United States to the credit of the Exchange bank.

As more than the amount of specie required by law to be held in its vaults prior to commencing operations, is now received, we may anticipate the issue of the proclamation of the governor as soon as the facts are officially communicated to him; and the bank will then assume its duties as an office of discount and deposit.

New York money market. The Express of Monday, 2 P. M., says—

It will be seen that stocks are firm, but without material change. There is a general impression that money will become very abundant. Indeed at the present time it is difficult for capitalists to employ their capital. Business paper is not to be had, and United States bond are becoming scarce.

The New York Express of Tuesday, 2 P. M. has the following items:

It is said that the United States branch will file their necessary papers for organizing of business to-morrow, and will immediately proceed to transacting business.

This is packet day, and the rate of exchange was fixed at 107 1-2 per cent. on London, and 527 1-2 on Paris. But a moderate amount of bills were sold; buyers are holding off for the steam ship.

It is the opinion of many intelligent men that banking in this country will undergo a very considerable change. Hitherto the legislature of every state in the union has been beset for acts of incorporation authorizing banking. The number already granted exceeds one thousand. The late law of the state of New York has placed the matter, in this state, under one general law. The whole matter therefore is beyond the reach of political or other favorites,—all are now equally at liberty to bank, provided they conform to provisions of the law. The principles of the scheme were well understood and forcibly argued by many leading and intelligent men. Yet it is exceedingly doubtful whether this great revolution in banking could have been brought about this year, had it not been for an accident, altogether unlooked for, and not connected with the subject.

While the measure was before the legislature the exposure of the usurious conduct of the Phenix Bank, as made public in this journal, was brought before them which decided the whole matter. The members, many of them who were in doubt, decided at once to throw the whole matter open to the public,—whatever was the cause of its final passage, it is now the law of the state, and under its provisions, three large companies are about to go into operation in this city, and others in different parts of the state. There is now an end to all application to the legislature for new charters, and hereafter all capital to be employed in banking must be under the new law.

The leading principles of one of the new companies is, to found it on trust property—principally on real estate. A false notion is entertained by many, that they intend to bank on real estate. Not

so;—the strength, solvency and power of the establishment is founded on real estate; that is, they intend to build up a credit sufficiently strong to enable them to issue bonds that will command a ready sale in European markets. The money realized on these bonds they will invest in this country on bonds and mortgages at 7 per cent.; or in other words will borrow money in England at 4 and 5 per cent., and lend it here at 6 and 7 per cent. This is now done to an immense extent by trust companies existing by special act of the legislature; and if it can be done to advantage by companies having two millions capital, it surely may be done by other companies, if equally well managed, with larger capitals.

If the experiment should answer in this state, it is not only probably, but almost certain, that the example will be followed by most or all of the other states. Whatever changes there may be in the mode of banking and in its principles, there will be none in the circulating medium of the country. The local incorporated institutions, scattered as they are over the great extent of our country, will issue the great circulating medium, the present bank notes of the country. These institutions, therefore, enjoying the whole circulation, will continue, where they are well conducted, to be as profitable as ever.

FROM FLORIDA. We learn from the "Globe" of Tuesday night, that recent despatches received from the commanding general in Florida, of July 13th, at the office of the adjutant general, advise the department of the measures which have been recently taken for the effectual defence of the neighborhood of the Okefenokee swamp.

General Taylor states, in his report, that he shall "establish a post near the mouth of the Shwanonchee river, to be occupied by one company of dragoons and one of infantry, and that he shall locate another company of infantry between that and Traders' Hill, on the St. Mary's river. One company of dragoons has been ordered to the opposite side of Okefenokee swamp, in the vicinity of Waresboro. Major Dearborn will select positions for the two latter. These four companies general Taylor believes will, with the addition of one of militia, just organized along the Florida and Georgia line, be sufficient to give ample protection to the inhabitants in the vicinity of the swamp, as long as they can occupy the country. If they should not, however, major Dearborn is empowered to muster into the service such additional companies of militia as he may think proper.

The five companies referred to, as well as any that may be called into service, are placed under the command of captain B. L. Beall, second dragoons.

General Taylor further states that a depot of provisions, &c. has been established at Traders' Hill, to be furnished from Black creek. Captain Waite, acting quartermaster, has been ordered to that place, to take steps necessary for supplying the post around the Okefenokee, as well as the troops which may be called into service in that quarter.

From the best information he could obtain, gen. Taylor believes that there are not more than forty or fifty Indian warriors in the swamp, and they are probably refugee Creeks from the emigrating tribe of that name.

The Tallahassee "Floridian" of the 21st ult. contains the following:

The Seminoles. Our latest accounts from the frontiers state that the Indians, apparently feeling insecure in their former retreats, are generally making their way north, and concentrating in the Okefenokee swamp in Georgia. Several depredations, and one or two murders, have been committed in that vicinity. General Taylor is making arrangements to prevent their escape again into Florida, and has established posts on the borders of the swamp. We have heard it stated that gen. Floyd, has been placed in command of a regiment of Georgians to dislodge the enemy from the swamp. From the character of the Georgia troops, under such an experienced officer as general Floyd, we have strong hopes that something decisive will be the result of this expedition. The country is said to be healthy, and the season propitious for the campaign.

The citizens of Columbia county, we are informed by colonel Brown, have generally left their homes and plantations, in consequence of the frequent appearance of the Indians.

THE SUPREME COURT. It is probably not known to most of our readers—for until yesterday it was not known to us—that there is a rule term of the supreme court held, according to law, at the court room in the capitol annually on the first Monday in August. At this court it is made the business of the circuit judge for the fourth judicial district to

attend. For many years past, the business of the court has been entirely *pro forma*, requiring neither argument by counsel, nor decision by the court; at the attendance of the judge has not always been deemed necessary. We understand, however, that chief justice Taney, now judge of the fourth circuit will be on the bench on Monday next, the term day; and that the highly interesting case, the removal from office, avowedly without cause of the clerk of the circuit court for the District of Louisiana, will come before him, upon a motion show cause why a writ of *mandamus* should not issue to that court to restore the old clerk to the discharge of the duties of his office. [Nat. Intel.

ARRIVAL OF THE CONSTITUTION. The United States frigate Constitution, commodore Elliot, arrived in Hampton Rhodes on Tuesday, from the Mediterranean, and 29 days from Madeira.

List of officers of the Constitution.

Com. J. D. Elliot, commander-in-chief.
Wm. Boerum, esq., commander.
1st lieut. Oscar Bullus.
2d do Charles H. McBlair.
3d do Henry A. Steele.
4th do Henry Darcantel.
5th do Percival Drayton.
6th do Bushrod W. Hunter.
Acting master, Wm. J. Muse.
2d do do Wm. S. Ringgold.
Fleet surgeon, B. Washington.
Surgeon, Samuel Barrington.
Purser, J. N. Hambleton.
Lieutenant of marines, J. L. C. Hardy.
Commodore's secretary, Thomas Wells.
Assistant surgeon, D. C. McLeod.
Passed midshipmen, E. Middleton, D. F. Dulaney.
Midshipmen, J. B. Carter, E. C. Anderson, J. H. Jenkins, E. E. Rogers, C. E. Fleming, Charles Wager, W. C. B. F. Porter.
Boatswain, Robert Whitaker.
Gunner, Thomas Riley.
Carpenter, Francis Sague.
Sailmaker, N. C. L'Hommiedieu.
Passengers, passed midshipman James L. Healy and Mr. H. H. Kuhn, Mahon.

DEATH OF JUDGE BRUYN. The Albany Argus announces the death, by consumption, of the late Andrew D. W. Bruyn, member of congress from the district composed of Tioga and Tomkins counties, in this state. Judge B. was a friend of the national and state administration. "He has filled says the Argus, "several official stations with high credit to himself, and advantageously to the public interests; and in all his relations, as a citizen, a judicial or legislative life, and among his family and friends, he was greatly esteemed for his personal worth, and for an exemplary rectitude of life and character." [Journal of Commerce.

FROM CANADA. Col. Moreau was tried by jury at Niagara, convicted and sentenced to be hung on the 30th August, when 30 more will be tried.

George Cooley, an American, was tried and convicted of treason.

The Montreal papers contradict the report that lord Durham had declared himself in favor of the union of the province.

It is said that lord Durham has recommended the British government to loan 250,000l. to the Welland canal, and 250,000l. for the improvement of the St. Lawrence. A regiment of Highlanders arrived at Quebec on the 24th; they appeared in their national uniform, and attracted considerable attention.

Navy Island. A corps of Woodcutters is now busily engaged in clearing Navy Island of its timber. This is done we presume, in order to prevent trouble which might arise from its future occupation by a hostile or insurgent force. The island is one of the most beautiful in the river, and would make a most delightful farm, being easy of access of surpassing fertility, and commanding a view not exceeded in grandeur by any in the world. It covers an area of about 300 acres, and could have been purchased of the British government last year for a mere song, but now probably could not be bought at any price. [Buffalo Com. Adr.

FROM BUENOS AYRES. Advices to the 3d June were received at New York on Tuesday, of the arrival of the ship Nile. General Alvear, Buenos Ayres Minister to the United States, came passenger in the Nile. Captain Hepburn informs us that governor Rosas had called a special session of congress to take into consideration the subject of their differences with France, and the blockade of the port by a French squadron. It was the prevailing opinion when he left, that congress would commend an immediate declaration of war.

It was generally believed at Buenos Ayres that a declaration of war against France would follow. The Nile has brought out as passengers, gen. Alvear, minister plenipotentiary from Buenos Ayres to the United States, and his son.

By way of inducement to foreigners to run the hazard of the blockade, a reduction of duties, equal to 33 1-3 per cent., has been declared on all goods imported either by land or water.

FROM MEXICO. The United States sloop war *Vandalia* has arrived at Pensacola from a cruise of seventy-four days in the Gulf of Mexico and on the coast of Texas, having visited Vera Cruz, Tampico, Matamoras, and Galveston.

The ports of Mexico were very closely watched by the French cruisers. The contemplated attack on the castle of San Juan de Ulloa has for the present been abandoned, the baron Defaudis, the French minister, having sailed for France. Vessels from the United States and Cuba will not be warned off before being subject to capture, a sufficient time having elapsed for the blockade to become known.

Commodore Bazoele, in the frigate *L'Herminee*, is at anchor under the island of Sacrificios; and one brig and two schooners, and the frigate's launches, are cruising close in with the shoals, and frequently within musket-shot of the castle. One brig is off Alvarado, which port was opened on the 18th of May by the Mexican government. The cruisers off Tampico and Matamoras lay at anchor close in with the harbor, and other vessels are cruising along the coast between these ports.

All appeared quiet in Texas. The British packet, which sailed from Vera Cruz on the 27th of May, had been detained a week after the regular day of sailing, at the request of the Mexican government, for the purpose of taking out a request to the British government to become mediator between the French and Mexican governments. The best feelings have thus far been kept up between the French squadron and our own. While the *Vandalia* lay under Sacrificios, the French and American officers were in the constant reciprocation of services and courtesies. [*N. O. Bulletin*].

The Washington Globe states that information has reached the department of state, of a decree having been issued by the Mexican government on the 17th of May last, opening to foreign commerce the ports of Alvarado, Puxpan, Cabo Rojo, Soto la Marina, and Isla del Carmen, on the Gulf of Mexico; and Huatulco and Manzanillo on the Pacific; the former from the 15th of June, and the latter from the 15th of July.

CHILE. From the *Globe* of Wednesday night. Information has reached the department of state, from the charge d'affaires of the United States at Santiago de Chile, of the Chilean government having decreed the blockade of the ports of Callao, Chorillan, and Ancon, from the 18th of April last. The commencement of the blockade was subsequently put off to the 25th, and on the 19th, five Chilean vessels of war sailed from Valparaiso, for the purpose of carrying the decree into effect.

FROM TEXAS. The editors of the New Orleans Commercial Bulletin have received Texas papers to the 20th ult. Things remained quiet, and no important event had transpired in the country. The newspapers were chiefly occupied in canvassing the merits of the respective candidates for the presidency and vice presidency. The death of the hon. James Collingsworth, chief justice of Texas, is mentioned. The bar had a meeting at Houston, to express their esteem for his character, and regret for the bereavement the public sustained by his decease.

The Mexicans, driven by stress of blockade, have taken possession of Corpus Christi, where goods and supplies are landed and forwarded to the interior. In consequence of this intelligence, an express had been forwarded to the president at Nacogdoches. In taking possession of this place, the Mexicans will, to some extent, evade the blockade of their ports by France. The Texans appear to be very much exasperated at this renewal of hostilities, and talk loudly of marching to Matamoras. Public meetings had been held at Brazoria and Matagorda, where resolutions were passed to raise a volunteer force to be forthwith put in motion against Matamoras, should the policy of the government not be adverse to the proposed measure. The feelings of the people have been greatly irritated, by depredations committed on the frontier by the Mexicans. A company of two hundred recently entered Goliad, and stole all the horses and mules about the place. On their retreat they overtook seven wagons, loaded with merchandize, which

they pillaged, killing one driver and wounding another. The value of the goods amounted to several thousand dollars. President Houston is severely censured for his supineness. Congress had appropriated \$50,000 for the equipment and sustenance of a body of cavalry; but the first dragoon has not been enlisted for the protection of the frontier. It is stated, also, that the Camanchees are becoming hostile, having killed a Mr. Campbell on the Rio Frio and stolen a number of horses from the Rancheros, near Bexar. Two or three parties of traders who left that place several weeks since for the Camanchee villages have not returned since, and many suppose that they have been killed or made prisoners.

HAVANA. The following letter is published in a Charleston, S. C. paper:

Havana, July 14. Of course ere this you are aware of Tacon having left us; he has been succeeded in the governorship of the island by Espeleta, a fine man, but without the firmness of the former. However, things go on pretty well. We shall shortly have all the church property put up for sale. Commissioners are now arranging the affairs of our old friars, in a way not at all satisfactory to those pious men.

The necessities of the government at Madrid, for the extraordinary expenses of the civil war, have compelled them to levy a subsidy on this island, for \$2,500,000, but how it is to be raised is not yet determined, meanwhile drafts for the whole amount have been sold to Rothschild & Son, London, by the treasury of Madrid, on the treasury of this place, but alas the money as yet is "non est inventus." The intendante here, in order to meet them, has tried to raise a public loan, offering thirteen per centum per annum interest, and giving as guarantee, the capital of the Bank of Juan Fernandes and other security; but there is no public confidence, and he found that in all the island he could not get offers for more than \$20,000 even on these conditions; the consequence is money is scarce with the government, and the progress of the rail road is stopped, and contractors and agents, who have been expressly sent for from England, are turned adrift without a moment's warning.

The editor of the Charleston Mercury has received the following account of the celebration of the late anniversary by the American residents at Havana.

Havana, 4th July, 1838.

Pursuant to previous arrangements, the American residents in the city of Havana, met to celebrate the anniversary of their national Independence, and partook of a dinner prepared for the occasion by Mr. Butts of the Union hotel.

The meeting was organized by choosing the following gentlemen as officers:

Col. O. H. Throop, president.
Dr. E. D. G. Bumstead, 1st vice president.
M. Ant'o. Herrera, 2d vice president.
H. A. Gibson, secretary.

After a short, but pithy address from the president, the Declaration of the Independence of the United States was read by M. A. Herrera, of Florida, 2d vice president; after which the company partook of the luxuries with which the boards were profusely loaded, and blest the host for the excellency of the repast.

Among the toasts drunk on the occasion were the following—

By Dr. Bumstead—The signers of the Declaration of the Independence of the United States—Though no longer in the land of the living, the remembrance of their glorious deeds will ever teach the Americans what industry and perseverance can effect under the most desponding circumstances.

By M. Ant'o. Herrera, esq.—"The American and Spanish flags."—May the friendship existing between the two flags still continue, and may they long waive as emblems of peace and intercourse between the two nations.

THE STEAMBOAT WASHINGTON. From the *Poughkeepsie*, (N. Y.) *Journal*. We prefer to give the following unvarnished tale in the words of the writer himself, as they very forcibly convey to the reader a knowledge of facts with which the public should be fully acquainted. It always happens, when steamboat disasters occur, that some will be found who will lend their aid to screen the captain or engineer from the censure he deserves—though we believe that very few indeed are the instances where those who have charge of the boat are blameless. All or nearly all of the recent steamboat calamities are chargeable to gross negligence, or what is worse, to palpable mismanagement. With the writer of the account which we give below, we are not personally acquainted, nor are we particu-

larly conversant with the statements in relation to the burning of the Washington, which have heretofore been given to the public, but we would take occasion to remark, that the communication of Mr. Lown bears on its face the impression of truth—and is particularly worthy of attention, coming as it does, from one who had the opportunity of knowing what actually occurred.

To the editor of the Journal:

Sir—I have just returned to Red Hook. I was a passenger in the steamboat George Washington, at the time of the disaster, together with my wife and family. We lost five children, and my wife was burned so that we could not move her for some days. We remained at Silver Creek. I think I should say nothing about the affair of the Washington, but I have seen so many statements, without truth, I think it my duty to say something. Some papers state that there is no blame laid to the captain. That, sir, is the captain's statement, and he has got a few of the cabin passengers to enter their names to it.—I know that they were driving the boat with all possible speed. There was a passenger on board who told the captain he would pay him one hundred dollars to drive the boat all he could and not land at any other port. That was immediately after landing at Ashtabula, Ohio. He had passengers to land at Erie and Dunkirk. In my presence he told these passengers he would refund their money, board them, and pay their fare back to their respective landings. He did not land at either place.

The captain also says "the wheel ropes were burned off and she became unmanageable." That is not true. The boat was stopped one hour and twenty minutes before the fire broke out on deck. At the time she stopped, she had twenty inches of steam on her. The engineer was a young man just married. His wife was on board. She said her husband stopped the boat to send her ashore in the yawl, so that she might be saved. The boat was hoisted out, and in lowering they filled her with water, and were fifty minutes in bailing her. He never tried to start her after that. The captain and all the crew left the boat, and did not leave a man on board to take charge of her. The passengers were left to do the best they could for themselves. He also says "there were from fifteen to twenty lost." There were from fifty to sixty to my certain knowledge. The man who offered the captain the one hundred dollars, lives in Genesee, Genesee county, New York. I do not remember his name. This was on Friday, and on Monday he had a suit in court, and said it would be five thousand dollars damage if he could not be there in time.

I saved myself by swimming three miles with a child three years old. My wife also jumped over board with a child in her arms. The child was drowned but floated on the water forty minutes, and was taken into the boat.

I wish you would write out my statement as it should be and publish it.

Yours respectfully,

WILLIAM LOWN.

Red Hook, June 15, 1838.

LETTER FROM MR. BIDDLE. The following letter was addressed by Mr. Biddle to the town council of Reading, Pa.

"Bank of the United States, June, 22, 1838.

"Gentlemen: I have had the honor of receiving your letter of the 31st ultimo, requesting from this bank a loan, for three years, of twenty thousand dollars, in silver, for the purpose of redeeming the notes issued by the borough of Reading, for sums less than one dollar. The board of directors approve entirely of the object of the loan, and were disposed to grant it with pleasure, when they received a published remonstrance against it by the "committee of safety of the borough of Reading," who declare that "it has been ascertained that the loan could have been intended for no other purpose than to sell the town to the said bank, and to put our citizens and their posterity into the power of the Philadelphia money king." I am sure that the worthy members of the committee of safety will, on reflection, perceive that they have been misled by their zeal in ascribing to the town council a design to sell their constituents, or to the bank the least desire to make such an acquisition; and I am quite sure that the respectable inhabitants of Reading are wholly incapable of being influenced by the sordid motives ascribed to them. Nevertheless, as there seems to be so much opposition to the measure, and as its adoption may give alarm to a portion of your community, it is deemed most proper to decline the proposed loan.

Very respectfully yours,

NICHOLAS BIDDLE, president.

LETTER FROM THE MAYOR OF BRISTOL. The New York Express contains the following:

We take great pleasure in publishing the following from the ancient city of Bristol, communicated to the mayor of New York. With Bristol were many of the earliest commercial associations of the city of New York, and it will give all persons great pleasure to renew them.

Bristol, 8th June, 1838.

Sir: As mayor of the city of Bristol, I have the greatest pleasure in transmitting you copies of certain resolutions, passed unanimously at a very numerous meeting of the merchants of this city, held at our Guildhall yesterday, at which I was called upon to take the chair.

That the feelings of cordiality and affection between the two countries, which the success of the late enterprise has manifested, may continue and increase, is the proudest wish of

Sir, your most obedient servant,

JOHN NEILE HABERFIELD.

Resolved, 1st. That this city hails with delight the opening of steam communication between Great Britain and the United States of America, as the certain means of drawing closer the intimacy, and of promoting the prosperity and happiness, of both countries.

2d. That whilst justly proud of having been the port in which this mode of connection between the old and new world has taken its rise, Bristol is deeply sensible that the signal success of her enterprise is mainly to be attributed to the warm feeling with which its accomplishment was received on the shores of America, and this city most gratefully and eagerly acknowledges the generous kindness and splendid hospitalities showered upon the "Great Western" by the government, the civic authorities, and the inhabitants of the United States."

STATE ELECTIONS. A correspondent of the New York E. Post has the following memoranda of elections for members to take place during the present year:

Missouri elects two, on the first Monday in August; Illinois three, on the same day; Vermont five, on the first Tuesday in September; Maine eight, on the second Monday of the same month; Georgia nine, on the first Monday in October; Arkansas one, on the same day; South Carolina nine, on the second Monday in October; New Jersey six, on the second Tuesday in October; Ohio nineteen, on the same day; New York forty, on the first Monday in November; Massachusetts twelve on the second Monday in November, and Delaware one, on the second Tuesday in the same month. (This list is not complete.)

The congressional terms of the following senators will expire on the 4th March, 1839: Benjamin Swift of Vermont, whig; Daniel Webster of Mass. do; Asher Robins of Rhode Island, do; S. L. Southard of New Jersey, do; Samuel Mc Kean of Penn. do; Richard H. Bayard of Delaware, do; William D. Merrick, of Maryland, do; John M. Niles, of Connecticut, Van Buren; Trotter, of Miss. do, Felix Grundy, of Tennessee, do; Thomas Morris, of Ohio, do; John Tipton, of Indiana, do, and Thomas Hart Benton, of Missouri, do; N. P. Fallmadge, of New York, conservative; and Wm. C. Rives, of Virginia, do.

General elections for members of the state legislatures, governors, &c. will also be held in the following states, viz:

Illinois, } first Monday in August.
Indiana, }
Missouri, }

North Carolina. The elections for governor and the state legislature, take place, as follows:

For the counties of Franklin, Granville, Warren, Nash, Edgecomb, Beaufort, Pitt, Washington, Hyde, and Tyrrell, on Thursday, July, 26.

For the counties of Johnston, Wayne, Lenor, Craven, Carteret, Jones and Greene, on Thursday, August 2.

In all the other counties, on the general election day Thursday, August 9.

Tennessee, } 1st Thursday in August.
Kentucky, }

Vermont—first Tuesday in September.

Maine—second Monday in September.

Georgia, 1st Monday in October.

Maryland, 1st Wednesday in October.

South Carolina, 2d Monday in October.

New Jersey, 2d Tuesday in October.

Pennsylvania, 2d Tuesday in October.

Ohio, 2d Tuesday in October.

Mississippi, } 1st Monday in November.
New York, }

Massachusetts, 2d Monday in November.

Delaware, 2d Tuesday in November.

Arkansas, 1st Monday in November.

MR. MAELZEL. We see that Mr. Maelzel, whose fame is connected with the re-production of the automaton chess player, died recently, on his passage from Havana to this city. His ingenuity seemed to breathe life and thought into the works of his own hand, but it could not retain the breath of his own nostrils; and the kindly smile that he had for children, will be no more lighted on earth; and the furrow of thought that marked his brow as he inspected the movements of the famous Turk, will no more convey intelligence—he has gone, we hope where the music of his harmonicons will be exceeded, but his body will rest beneath the blue waves of the Atlantic till the "last trumpet" shall sound for the convocation of quick and dead.—*Philadelphia U. S. Gazette.*

DEATH OF A VETERAN. Died, in Whitley county, (Ky.) on the 30th June last, captain Charles Gatliff, aged about 90 years.

Captain Gatliff was an early adventurer in Kentucky. In 1779, he settled with his family in Logan's station; he shortly after assisted in erecting Riddle's station, upon Hingston; joined captain Hagan, and served upon the expedition commanded by colonel Bowman against the Shawnees, on Little Miami; they were defeated at Chillicothe.

In 1780, he was appointed captain of Martin's station, which was taken and destroyed by the British and Indians, under the command of colonel Bird, of Detroit, and the inhabitants taken prisoners; his family, a wife and four children, were taken. He was absent at the time of the surrender, and on his return, joined to serve under colonel Clark, being the second expedition from Kentucky. He was appointed a spy and pilot for the army by colonel Logan, had a battle at Pickaway and returned. He then took command of Bryant's Station, and after some short time, he was appointed a spy to ascertain the movements of the British and Indians at Limestone. After he returned, relinquished all military service, and went to Virginia, in company with colonel Logan and colonel Daniel Boone. He returned in the spring of 1781. Went to Virginia the fall following. In 1793 he received intelligence of his family returning from captivity. He met them below Staunton, and returned with them to Kentucky, and settled in Baughman's station. In 1786, he was appointed a spy and pilot by colonel Logan, in which capacity he went against the Shawnees and Delawares combined. In 1788, he commanded as spy against the Creeks. In 1790, he served as spy and pilot for Harmer's campaign against the combined hostile tribes collected on the Miami of the lakes, at the junction of the St. Joseph's and St. Mary's; during this expedition he was appointed to command the pioneers; they had a severe engagement with a loss of half their men killed, in which he received a wound in the left shoulder; thence marched to Cincinnati and was disbanded. He served in all the campaigns ever raised in Kentucky, with the exception of general Clark's, at the Blue Licks, in 1782. He was in four general engagements. The different skirmishes with Indians is not known. He was a man of rare qualities; fond of the chase. The Indians viewed him as a deadly enemy whom they never could surprise. He was of a penetrating mind, manly, hospitable and kind, and died as he had lived, much esteemed. A. C.

DEMOCRATIC REVIEW. The next, or ninth, number of the Democratic Review will be published on the 1st of September, commencing the third volume. The first number of the Democratic Review having been published in October, 1837, in advance of the regular monthly issue, commencing January 1838, it becomes necessary to intermit one month's publication, so as to bring the usual series of twelve numbers within the present year. Advantage will be taken of this delay to complete in the next, or September number, the "history of the late session of congress," executed in the same manner as the "history of the extra session," published in the January and February numbers of the Democratic Review.

Ⓔ—Papers exchanging with the Democratic Review are requested to copy the above.

PIRACY. Capt. Cobb, of the ship Hibernia, at New York from Liverpool, reports that on the 6th ult. at 4 o'clock p. m. he spoke the brig Isabella of London, 150 days from Sydney N. S. Wales, for London; the Isabella the day previous had been boarded by a Spanish piratical brig of 8 guns, full of armed men: took her spare sails, cordage, canvas and twine; also robbed the passengers and seamen of all their clothing and every thing that answered their purpose; the captain further informed that on the following morning he spoke the U. S. sloop of war Cyane, capt. Percival, from Boston,

bound to the Mediterranean, who immediately hauled up to the south eastward in pursuit of her.

The New York Gazette contains the following additional case of piracy. Captain Winehenback, of the brig Ceylon, from Marseilles, informs that on the 4th July, lat. 36. 13, N. long. 47. 20, W. saw a suspicious looking schooner ahead with fore and main topsails, standing south, and at half-past 6, P. M. she hoisted a Portuguese flag, and fired a shot across our bows. Shortly after she fired three more guns, when the brig hove too. She came along side, and ordered our boat to come on board.

The captain and two seamen got into the boat and went along side the pirate. They immediately manned the boat with five men, and came on board of the Ceylon. Finding no money, they took a box of wine belonging to the cargo, and what water and provisions they wanted, and left her. The brig had on board \$1500, which the captain threw into a cask of water and saved.

AN AUSTRIAN DUKE COMING. The editor of the Boston Atlas has a letter from an officer in the frigate United States, dated Trieste, May 8th, which states that the Austrian government were getting a frigate ready for sea, to bring an arch duke of Austria to this country. The officers of the United States had been treated with greatest attention at Trieste. The United States was to sail for Corfu in a few days, and afterwards to Smyrna.

WEST POINT. In publishing the report of the board of visitors, we accidentally omitted the following:

I concur in the above report, except so much as commends the system of moral instruction, and recommends that a "company" of dragoons be stationed there, and the appointment of an assistant professor, who must be a clergyman.

J. D. WESTON, Ohio.

LIGHTNING. More buildings, &c. were struck with lightning, during the extensive shower of Friday, July 20th, than in any previous shower within our remembrance. We have already mentioned the following casualties which occurred, and they are doubtless but a small part of the whole number. Of course, great numbers of trees were struck, of which no mention is made in the papers.

Barns struck and burnt	8
Houses struck	9
Do. and burnt	1
Stack of hay burnt	1
Loco-foco hickory pole struck	1
School-house struck	1
Lady deprived of her shoes	1
Men knocked down	2
Cows killed	6
Oxen killed	2
Horse killed	1
Bed and bedstead torn to pieces	1
Boots unsoled	2
Boot-leg torn open	1
Man rendered totally blind	1
Panes of glass broken by hail	1000.

It is remarkably that every barn reported as struck, was burnt; while only one house was burnt, out of ten struck. This fact may be accounted for by the reason of the combustible materials with which barns are generally filled. Not a single human life is known to have been lost, although nine of the houses struck were inhabited.

[New York Journal of Commerce.]

THE PHILADELPHIA MUSEUM. It is too often the case that objects of interest within our reach, do not receive the notice to which they are entitled. When they are permanent, and can be seen at any time, a portion of the public at least are apt to be so far indifferent about the matter, as to register it in memory as something to be attended to hereafter; and thus, strangers, on a visit of inspection, frequently become better acquainted with the actual curiosities of a place, than many of its inhabitants, and it often occurs that this species of knowledge about home affairs is chiefly gained by the resident of a great city in playing the part of a cicerone to his friends from other places. In many instances perhaps this indifference is excusable, but it would argue a great lack of creditable pride as to the character of our city, if it were manifest in reference to the Philadelphia museum in its new location. In any other great town, such an establishment would be a matter for continued boasting, and certainly it affords cause enough for indulgence in that respect.

The collection composing this museum, the result chiefly of individual enterprise and untiring energy on the part of the late venerable Mr. Peale, is well known as by far the largest in the United States, and is in some respects richer and better

selected than the most celebrated in Europe. Herefore, it has never been so placed as to be exhibited to advantage, neither the State House nor the arcade being adapted to the purpose; but now it is contained in a new and magnificent structure, displaying it in an admirable manner, while the building itself is an honor and an ornament to the city. Works of this character are generally constructed in America under the dictates of a niggardly spirit. It is the practice where science and the liberal arts are concerned, to be content with something that is said to "do well enough" without regard to the future. But the new museum is not of this character. The gentlemen at whose cost it was erected, have entered into the matter with the proper disposition, and their liberal views have been ably seconded by Mr. Holden, the architect of the building.

The edifice is two hundred and forty feet in length, by seventy in breadth. The great saloon occupying the second story, is of these dimensions, of course deducting the thickness of the walls; and its immense size, with the taste of its arrangements, and beauty of embellishment, will of itself abundantly reward the spectator for his visit. Nothing at all comparable to it, is to be found in the union. It is lighted by very large windows extending from the floor to the ceiling, and a spacious gallery passes round it. The cases are so placed as to be examined with ease and comfort, leaving the great promenade without the slightest interruption to its majestic sweep, except the pedestal upon which the enormous skeleton of the mammoth is mounted. At the east end of the hall, the wall is covered with a beautiful oriental scene painted by Russell Smith, at the foot of which, within a railing, the elephant and rhinoceros are placed, as if again sporting in their native jungles. The cases containing the other stuffed animals have likewise an appropriate scene painted at the back, adding materially to the effect. The curiosities from various countries are arranged according to the geographical distinctions, and among them, few will attract greater attention than those connected with the explorations of the western wilderness, the very sleds and Indian dresses used by Lewis and Clark, being carefully preserved. The gallery of portraits, consisting of upwards of two hundred original likenesses, is of inestimable value, giving, as it does, the "counterfeit presentments" of nearly all the distinguished warriors and statesmen of the revolution, there being no less than three portraits of Washington, one taken soon after Braddock's defeat, the other after the battle of Trenton, and the third while he was president. A number of the prominent officers during the last war, both naval and military, as well as all other celebrated men, are in this collection.

On the lower floor is another very large room, intended for the reception of Mr. Dunn's immense collection of Chinese curiosities; and adjoining it, is the lecture room, capable of accommodating a thousand persons, and so arranged that every one can have a clear uninterrupted view of the lecturer and his experiments.

Altogether, this museum is one of the chief "lions" of Philadelphia; and every one should take occasion to pay it an early visit. [Pennsylvanian.]

CORONATION ITEMS. "The prettiest sight in the Abbey was the queen's 'body guard' of maids of honor, all dressed alike, simply and in good taste. There were some shocking frights, male and female, with coronets."

"When poor old lord Rolle rolled down the steps of the throne, a 'distinguished foreigner' was told that to roll down the steps of the throne at the coronation, was the feudal tenure by which he held his barony and immense estates. The information was gravely recorded in a note-book."

"The queen (who went through her part extremely well) looked sadly fatigued towards the close of it; and frequently put her hand to her head, as if the crown sat uneasily on it."

The value of the jewels on the Queen's crown is estimated at £111,000.

The present regalia of England are not of very remote antiquity, for, in the wars of king Charles the first's reign, the former crowns, &c. were either lost, sold, or destroyed; and those which are now used were first manufactured for the coronation of Charles the second. The regalia, collectively speaking, consist of five crowns, as many sceptres, four swords, two rings, one golden orb, one pair of golden spurs, various splendid robes, and a golden vessel and spoon for the anointing.

The crown in which the queen appeared at the coronation is exceedingly costly and elegant: the design is much more tasteful than that of the crown of George the fourth and William the fourth, which has been broken up. The old crown, made for the former of these monarchs, weighed upwards of 7lbs.,

and was much too large for the head of her present majesty. The new crown weighs little more than 8 lbs. It is composed of hoops of silver, enclosing a cap of deep blue velvet; the hoops are completely covered with precious stones, surmounted with a ball, covered with small diamonds, and having a Maltese cross of brilliants on the top of it. The cross has in its centre a splendid sapphire; the rim of the crown is clustered with brilliants, and ornamented with fleur-de-lis and Maltese crosses, equally rich. In the front of the Maltese cross, which is in front of the crown, is the enormous heart-shaped ruby, once worn by the chivalrous Edward the black prince. Beneath this, in the circular rim, is a large oblong sapphire. There are many other precious gems, emeralds, rubies, and sapphires, and several small clusters of drop pearls. The lower part of the crown is surrounded with ermine.

The following is an estimate of the value of the different jewels contained in the late magnificent diadem, the "queen's rich crown," and from which the present one, manufactured by Messrs. Rundell and Bridge, is composed, and which her majesty wore on Thursday:

Twenty diamonds round the circle,	£1,500 each,	£30,000
Two large centre diamonds,	£2,000 each,	4,000
Fifty-four smaller diamonds, placed at the angles of the former,		200
Four crosses, each composed of twenty-five diamonds,		12,000
Four large diamonds on the tops of the crosses,		40,000
Twelve diamonds contained in the fleur-de-lis,		10,000
Eighteen smaller diamonds contained in the same,		2,000
Pearls, diamonds, &c., on the arches and crosses,		10,000
One hundred and forty-one diamonds on the mound,		500
Twenty-six diamonds on the upper cross,		2,000
Two circles of pearls about the rim,		300
		£111,000

Notwithstanding such an uncommon mass of jewelry, independent of the gold velvet cap, ermine, &c., this crown weighed only 19 ounces 10 penny weights; it measured seven inches in height from the gold circle to the upper cross, and its diameter at the rim was five inches.

CASE OF CONTEMPT.

REPORTED FOR THE BALTIMORE PATRIOT.

Baltimore City Court.

The court on Saturday July 14th, 1838, passed the following order:

"BALTIMORE CITY COURT, July 14, 1838.

"On motion of the attorney for the state, it is ordered that Josiah Baily, jr. esq. a member of the bar of this court, show cause on the 21st day of July instant, why attachment should not issue against him for contempt, for having written and caused to be published in a paper called the Sun, the following address to the citizens of Baltimore, having relation to the trial of a cause now depending in this court, and bearing date 13th July, instant:

"To the citizens of Baltimore. In behalf of an unfortunate young man, now confined in the jail of this city, charged with an offence, the highest known to the laws of God and man, I make this solemn appeal to an enlightened, just, and humane community.

It is well known that the trial of William Stewart, indicted for the murder of his late father, Benjamin Stewart, has been postponed until the next term of Baltimore city court. I trust it is also well known, that the accused was anxious for an immediate trial, and was averse to its postponement. I myself insisted that he should not be tried at this time. I considered that justice required that the excessive public indignation should subside, which most unhappily had been enkindled against him; and I also considered that time might afford an opportunity for the discovery of the true author of this most dreadful and horrid murder.

I am convinced, beyond a doubt, that the blood stained murderer of Benjamin Stewart is yet unsuspected by this community. I am convinced that the fiendish wolf is yet couched in his den, undiscovered, covered with the blood of the unfortunate dead. I pray that God, in his infinite justice, may yet bring to light the infernal murderer, now cloaked in darkness, unknown, unsuspected, and concealed.

Citizens of Baltimore! will you condemn this young man, before you know that he is guilty? Citizens of the monumental city! far-famed for your

intelligence and justice, give him, I beseech you, a fair and impartial trial. In the sacred name of justice, I entreat you make every effort to discover the guilty murderer, and punish not, I pray you, the innocent. Truth is the first law of Heaven, let it not, O let it not be trampled in the dust.

JOSIAH BAILY, JR.
For William Stewart.

Baltimore, July 13, 1838.

"And it is further ordered, that a copy of the above be served on Josiah Baily, jr. esq. on or before the said 21st instant."

To which order, the following answer of Josiah Baily, jr. esq. was filed on Saturday, the 21st July, 1838:

"In the matter of Josiah Baily, jr. esq. Baltimore city court—Rule to show cause why attachment should not issue against him."

The answer of Josiah Baily, jr., to the rule of this court of the 14th instant, to show cause why an attachment should not issue against him for a contempt, for having written and caused to be published in a paper called the Sun, an address to the citizens of Baltimore, dated the 13th of the same month, having relation to the trial of a cause then pending in the said court, and a copy of which address makes a part of the said rule, respectfully states to the court that he admits the writing and publishing of the said address, and that his sole design in the publication, was to subdue the great popular prejudice which he was informed and believed, was entertained against the accused William Stewart, and which threatened, if not quieted, to deprive him of a fair and impartial trial, of the high crime of which he stands charged in this court. This respondent has seen some, and he had heard of other statements in the press of this city, not only purporting to give an account of the circumstances attending and following the murder of Benjamin Stewart, but expressing in decided terms an opinion of the guilt of his client, and he had witnessed with alarm, (he believing as he then did, and now does, in the innocence of his client,) the great excitement produced by these statements, upon the public mind.

As far as he was or is yet advised, these publications were allowed to pass without judicial censure, and in his effort, now made the subject of the present rule, to arrest this excitement, and produce a condition of quiet in the popular feeling, he supposed, so far from interfering illegally with the course of public justice, he was only doing an act which was alike demanded by professional duty and common humanity. If, however, the law has been violated by his publication, which however, he by no means admits, and in his opinion he has the sanction of other counsels than his own, he owes it not less to himself than to this court to say, that his error has been one of opinion and not of intention; for he gives this court to be informed that in the publication complained of in the rule, he had no idea of committing a contempt of this court, or in any way influencing the administration of justice in the trial of the case referred to against said William Stewart, or in any other particular, and he prays therefore to be hence dismissed.

REVERDY JOHNSON,
Attorney for respondent.

Sworn to in open court, by respondent, this 21st July, 1838.

Test, WM. M. MEDCALFE,
Clerk Baltimore city court.

The court then adjourned over until Tuesday morning at 10 o'clock, when Mr. Baily proceeded to show cause against the rule. He commenced by stating the peculiar circumstances under which he appeared before the court. He had been employed by William Stewart, as his counsel, to defend him from the charge which had been made against him, which was a crime of the highest nature. When he arrived in Baltimore he found the greatest excitement prevailing against his client—he was not only charged with the murder of his father, but also with that of his sisters—the latter he knew to be utterly false, and believed the former to be equally so. He had seen in the public prints of the city, accounts given of the murder of Benjamin Stewart, which were, in his opinion, calculated greatly to prejudice the cause of his client. He had frequently visited his client, who always insisted upon an immediate trial of his case, but that he (Mr. B.) had always advised him against that course, believing that the excitement was so great that he could not then have a fair and impartial trial, and he had accordingly applied for a continuance of the cause, which had been granted. He believed that the prejudice which now existed in the public mind would be allayed, and it was with that view he caused the card to be published which was now complained of as a contempt of court. He dis-

avowed any intention on his part of treating the court with contempt; on the contrary, he then had, and still entertained, for the court, both individually and collectively, the highest respect—that, in all his intercourse with them, he had experienced the greatest kindness and courtesy. He further said, that he had no intention to influence, control or disturb the course of justice by the publication, or of prejudicing the public in favor of his client. His object was merely to allay that excitement and prejudice which he fully believed existed against him, that he might have a fair and impartial trial.

He maintained that the publication was no contempt, inasmuch as it was no open insult to the court, or any resistance of the power or authority of the court, or to the individual members or officers thereof—nor had it any tendency to create any disregard of their authority, nor did upon its face show any intent to obstruct or control the course of public justice, nor to influence the public mind upon a cause then depending before the court. He considered the question now before the court, one of great importance—that if the publication should be considered as contempt, the liberty of the press was at an end, and the freedom of speech abolished. He further said, that the case of William Stewart could not be considered before the court, because he might at any time, under the laws of the constitution of the state, have it removed to some adjoining county for trial.

Mr. Johnson, who appeared as counsel for Mr. Baily, said that, with the court's permission, he would state the propositions for which he meant to contend, in reply, and give a reference to the cases upon which he would rely to sustain them, in order that the counsel on the other side might have an opportunity to comment upon them. The first was, that the publication upon its face, was no contempt. 2d. That if it was, there being no criminal intent on the part of Mr. Baily in making it, no attachment could issue.

He referred to 1 Southard's Reports, 139; 2 Johnson Com. Law Rep. 290; 1 Tidd's Practice, 487; 5 Viner's Abridgment, 443; 5 Term Rep. 362; Croke. ch. 148; 22 Serg't & Lowber, 278; 4 Barnwell & Alderson, 213; 6 Serg't & Low, 407; Peck's trial, 432; and 592 Passmore's case, there referred to by Mr. Buchanan, in argument; and also the act of congress of 1831, to be found at the conclusion of the report of that trial; and also to the 19th, 20th, and 21st articles of the bill of rights.

Mr. Richardson, deputy attorney general for the city of Baltimore, in support of the rule, said, that it was from a deep sense of his duty, as the officer of the state, that he had called the attention of the court to the publication complained of—that he had the kindest feelings and highest regard for Mr. Baily, and that he believed that he (Mr. B.) had no intention of committing a contempt of court, by making the publication complained of, but at the same time, he was constrained to say, that in his opinion it was a contempt of court, and that it came fully within the decisions to which he should hereafter refer the court, and he would merely remark in reply to one of the arguments of Mr. B., that he did not consider the freedom of speech at all abridged, or the liberty of the press at all interfered with, by punishing as contempts, such publications as that complained of. He contended that contempts of court were of two kinds. Either direct, which openly insult or resist the powers of the court, or the persons of the judges who preside there, or consequential, which tend to create universal disregard for their authority, or which tend to bring the court or any constituent part thereof, into disrespect, or to impede the due course of the law, and that an attachment could as well issue for matters done out of court, as for those done in its presence, and that the party could not purge himself of the contempt by pleading a want of intention on his part to produce such effect. To support those positions he referred to Blackstone's Com. 233; 2 Aitkyn, 469; 2 Veazy, junior, 520. 1 P. Williams, 675. 1 Ld. Raymond, 148. 14 Veazy, junior, 237. 1 Caines 485 and 518. The case of Baptiste Irvine, decided in the old court of Oyer and Terminer in this city, and referred to by Mr. Meredith, in argument in Peck's trial, page 342. 2 Virginia cases, 478. 4 Barnwell and Alderson, 218, and 1 Dallas, 319.

He further stated in reply to Mr. Baily, that the case of William Stewart was still pending in this court, and must be considered so until it is actually removed; but even if it had been removed, this court is the proper one to punish for the publication referring to that case, if such publication be a contempt. He further contended, that the publication complained of, was a contempt of court, and that it came clearly within the principles laid down in the cases he had referred to. The party, he said, was indicted by a grand jury, a constituent part of this court, who it must be presumed had sufficient to

satisfy them, that at least there was a *prima facie* case against him, before the indictment was found. The publication on its face is intended, and the public would so understand from it, that the grand jury had acted without due consideration of the case, and that they had found a bill against an individual who is asserted upon the authority of the name of Mr. Baily, to be innocent, and he must be considered as intending, that the public should rely upon his assertion, otherwise the publication would be of no service to his client whatever, and would have no tendency to allay the great excitement and prejudice which he supposed existed against him, and the effect of it, therefore, is to bring the grand jury into disrespect by charging them with being in error in finding the bill. The publication further had a tendency to impede the due administration of justice, by influencing the public in his favor, and thereby rendering it extremely difficult, if not impossible, to obtain a petit jury to try his cause, and that it was an appeal from the court to the public, and seeks to enlist public feeling in his favor.

He concluded by stating, that in the remarks which he had used in reference to the publication, he did not wish to be understood as imputing to Mr. Baily, the intention to produce the effects, which he (Mr. R.) had contended the publication was calculated to produce. He wished to be understood as merely contending that the paper on its face was calculated to produce such effect; and that the public would so understand it, although not intended so by Mr. Baily, who, he believed, had no such intention, and for whom he entertained the kindest regard, and with whom he was up to this moment on terms of most friendly intercourse. He believed that he only intended to serve his client, but he had done so in a way not sanctioned by the law.

Mr. Johnson in reply to Mr. Richardson, said, that the case now before the court was one of the utmost importance. The consequences involved in the present case were infinitely beyond the present controversy, so far as his client was concerned he had nothing to fear from the decision of the case, but the consequences would survive the determination of this case; it would be a precedent hereafter, and he believed it would tend to weaken the confidence of the community reposed in the judiciary. He asked, what was the character of the offence and the mode of trial. It was admitted, he said, by the learned attorney of the state, that it was incapable of definition and that the punishment was incapable of limitation, and the mode of trial was at war with the principles of the common law. The offence charged is one against the judicial tribunal which is the judge and juror in the case, and the punishment which it may inflict is beyond the pardoning power. The power now claimed to be exercised has never been dreamed of. The doctrine is not only confined to courts of record, but equally applies to the legislative and executive departments of our government as well as to every petty magistrate in the land.

In England, he said, the power to punish for contempts was exercised not only by the judiciary, but also by the executive and legislature. Three kinds of contempt could be committed against the king: his title to the throne and his prerogative could not be disputed without contempt of his authority, and a contempt could also be committed against the sanctity of his palace. There, the doctrine of contempts was expanded, but this country had not adopted the English doctrines.

Among others, he referred to the following cases, where offences similar to that now complained of had been committed, but it was never attempted to punish them as contempts. In the case of the Cohen's, congress had, by law, authorized a lottery in the District of Columbia. Pinkney and Webster gave an opinion that a purchaser of tickets in that lottery had a right to dispose of them in the several states, although the sale of such tickets was by the laws of such state prohibited. A purchaser of tickets goes into Virginia and sells them; he is arrested, tried, and convicted. The case goes by writ of error to the supreme court of the U. S. Virginia is alive to the importance of the question, and all classes of her people partake of the excitement. They deny the jurisdiction of the supreme court, the case having been determined by their own superior court. The Virginia legislature refuse to appear to the suit. The case is heard *ex parte*, and the court assert their jurisdiction. The public press and public men of Virginia hurled their defiance and anathemas at the court. Did the supreme court of the U. S. ever dream of bringing before them the citizens of Virginia for a contempt of its authority. The press had teemed with strictures on the court both prior to and subsequent to its decision, but that court never attempted to punish any individual for a contempt of its authority;

and yet if you will turn to Blackstone you will learn that any attempt to bring into disrepute the bench, any thing in its opinion calculated to bring it into disrepute would authorize the judge to punish him for contempt.

He then referred to the chartering of the Bank of the United States by congress. Congress claimed authority to charter a bank. Men out of congress holding a different opinion denied their right to grant any such charter. They denied it in the face of years of legislation and repeated enactments by congress; the constitutionality of the bank was also maintained by a decision of the supreme court. Every one knew what had been the character of the strictures of the public press and of prominent men in every part of the country on this exercise of power by congress, and the decision of the highest tribunal known to our laws. But what judge had dared, what congress had dared, to bring an American citizen before them to punish him for a contempt without the form of a trial? He then referred to a period of our political history when the existence of the union was threatened. Congress passed the alien and sedition laws. By these laws, any publication calculated to bring into disrespect the president of the United States was deemed a crime worthy of punishment. How? Not by the summary process of contempt, but by trial in the ordinary form. By a grand and petit jury—the accused had his accuser face to face, the liberty to examine the witnesses and the privilege of counsel. How did the people receive these laws? Their passage sealed the fate of the administration—the people hurled their rulers from their stations as unworthy agents of the public will. Some of the courts of the country subscribed to the constitutionality of these laws. Virginia met in solemn convocation. Mr. Madison was made chairman of the committee, to whose pen we are indebted for the resolutions of '98. That distinguished man, in his report, handled both legislature and judiciary with ungloved hands, warning them that the day that saw the execution of these laws would lead to a separation of the union.

These laws were resisted and their authors and abettors, legislative and judicial, were heaped with abuse. Did the legislature or judiciary bring before them any citizen for punishment for contempt? Did they bring Mr. Madison up and tell him that his report was calculated to bring the executive and legislature into contempt? No! and if the attempt had been made it could only have been made successful after American blood had been shed sufficient to cover the land. But the king punishes for contempts against his high prerogative and the sanctity of his palace.

He referred next to the tariff laws. These laws had been passed, altered, modified, restrained and enlarged by congress, from time to time. A celebrated statesman had denounced the tariff bill as "the bill of abominations." South Carolina in arms resists the laws, lifts her banners and hurls defiance. Her militia is organized and her daily press lash her citizens into frenzied resistance at what they deem an unconstitutional exercise of power by the national legislature. South Carolina doctrines spread, other states are ready to rally round her, and danger threatens the union. Did congress dream of bringing before them a citizen of South Carolina for contempt of its authority? No! the storm passed harmless by, the agitation of the waves subsided, a breath was cast upon them which more than once had calmed their troubled waters.

Mr. Johnson, in the course of his remarks, admitted the right of the courts to exercise all powers necessary to the maintenance of their authority and to punish, as contempts, any thing done in the presence of the court, or out of it calculated directly to disturb the course of public justice. Such cases, he said, required summary punishment without waiting the ordinary process by bill of indictment. The power of punishing for contempts was the creation of necessity and was limited by necessity, and he referred to several cases to show that the courts had refused to exercise that power for alleged contempts for matters done without the presence of the court, and not interfering directly with the business of the court. Such cases, if punishable at all, were punishable in the ordinary course of law, but not as contempts.

He further contended, that Mr. Baily had fair, constitutional right to publish the card. It contained no imputation upon the court, nor upon the grand jury. It was a mere asseveration of the innocence of his client, which he had the undoubted right to make. The indictment, he said, was no evidence of guilt against Stewart—it was only the legal form of preferring the charge, and was only evidence of the fact that such charge had been made. He said the court must look at this charge with reference to the facts of the case.

He then recapitulated the facts of the case, and referred to the publication, and said that it contained no imputation on the integrity of the grand jury, but only alleged that prejudice against his client existed in the community. He does not ask to be saved by corruption on the part of the jury, but only asks for a fair and impartial trial—a right secured to him by the constitution of the state. In reference to the second point,—whether, in the absence of any criminal intent on the part of Mr. Baily, in the publication, there could be any contempt,—he said, that the rule in criminal cases, (and he contended that this was in the nature of a criminal case,) was, that where nothing criminal was intended, nothing criminal was done; and, having purged himself from any criminal intent, no contempt had been committed. Mr. Johnson, in the course of his remarks, referred to, and commented upon, the various authorities before stated, as referred to by him.

After some short explanation by Mr. Richardson, in reference to a former part of his argument, and a short reply to some of the arguments of Mr. Johnson, Mr. Johnson made a few remarks in reply, and the case was submitted.

The following is the opinion of the court.

State vs. Josiah Baily, jr. The court entertain no doubt of their power, on fit occasions, to proceed by attachment, technically called attachment for contempt, and think the attorney for the state was right in bringing this case to their notice. The publication in question, unaccompanied with any other explanation of the writer's meaning than appears on the face of the paper, certainly conveys at least, an implied censure on those whose duty it was to investigate the facts connected with the late murder, and particularly on the grand jury, whose especial duty it was diligently and carefully to examine the testimony and exhibit the charge; and had the defence rested here, the court would have been justified in treating it as an illegal interference with the regular course of justice; but being satisfied, from the traverser's answer, on oath, as also from his public declaration in court, that he had no intention, in making the address, to convey any imputation on the grand jury, or other member of the court, or in any manner to embarrass the proceeding, in relation to the trial now pending, but was actuated solely by the desire to do away prejudices he thought existed unfavorably to his client, (although it does not amount to a legal justification of the offence,) inclines the court to suspend further proceedings. The rule is therefore discharged without costs.

23th July, 1838.

STEAM NAVIGATION.

The New York Courier has the following letter from its London correspondent, under date of 16th June.

We are still in the midst of a thousand speculations on the general subject of Atlantic steam navigation. One important fact which arises out of the new system of navigating the Atlantic, is that the English ship owners and steam engine builders are becoming confident of taking away from your merchants the ownership of the future packets between London and Liverpool and New York. However the Americans may have triumphed for many years past in the building of sailing packets—it is now said that in steam machinery you will not be enabled to compete with the ship owners of this country, and thence a new and very extensive field of employment is expected to be opened out at several of the English ports. So rapid however is the progress of the improvement and simplification of the steam engine that it is difficult to conjecture how long this country may retain its superiority in that branch of manufactures—and probably the abolition of the duty upon steam machinery, or even upon boiler iron, alone imported into the United States, would enable your ship owners to continue to compete in the packet system in which there is probably involved some feelings of national pride.

The Sir Lionel Smith which left New York for London some time since arrived in the Thames only last night. As the failure of this vessel to act up to the expectations of the friends of the Atlantic steam navigation may tend to throw some little damp upon the system—it may be well to explain that this is not a vessel of the smallest repute, and has only accidentally been in the way of steaming to England from New York. The Sir Lionel Smith belongs to a company lately in existence here for the inter-annual navigation of the West Indies—and was ordered to New York for repairs in consequence of there not existing in the West Indies any port where merchants vessels can be hauled up. The company has lately been dissolved in consequence of this and numerous other difficulties and losses, and the

Sir Lionel Smith was in this manner sent to New York for repairs and comes here from New York to be sold.

Another steam ship of considerable tonnage, called the Royal William, is about to be taken off of the Irish stations, and starts for New York on the fifth of the ensuing month. The various companies are looking out in all directions for steamers suitable for the purpose—for there is a great struggle for a share in the wealth which must be reaped by those who can come into the field, until new steamers can be built. What has become of capt. Cobb and his large steam ship of which so much was proclaimed in Liverpool and London some months since?

The prediction of the engineers, however, was that the engine would not be found to work satisfactorily, on account of the liability to be choked by the clinkers—a result which the enterprising captain has found to be correct.

The blockade of the ports of Mexico by the French squadron, has become a subject of great interest among the merchants and Mexican mining companies here. The accounts from France represent that the blockade has the entire approbation of the court of the Tuilleries, and that several additional vessels of war are being hurried from Toulon to reinforce the squadrons of Tampico and Vera Cruz. The entire justice of the conduct of the French is, however, much doubted by very numerous persons in this country—and all parties engaged in transactions with Mexico, regret the expected long derangement in trade. The imports into Mexico average about £8,000,000 per annum, of which the most important item consists of cotton fabrics of a cheap description, which are almost entirely supplied by your northern manufacturers, "domestic" being the only branch of the cotton manufactures in which the Manchester manufacturers cannot compete in the markets of the South American states. The loss of the export trade will fall therefore principally upon the manufacturers and merchants of the United States—the English mining companies being expected to be the principal sufferers in this company by the blockade of the ports of Tampico and Vera Cruz. This however, is a very important branch of investment of English capital—for one of the London companies—the Real del Monte—has expended in Mexico little short of a million of money, and only recently has commenced to receive any considerable return from the mines, when all their operations have become threatened with suspension by the news of the blockade. The English bond holders also complain of the conduct of the French—for the demands upon the Mexican government are believed to be enormously exaggerated, to be more than ten times greater than any real damage which the property of French residents may at any time have received in Mexico—and the payment if submitted to can only be made out of the custom-house revenue of the country—of which a considerable portion has recently been set apart in favor of the foreign bond holders—but which an over-ruling necessity may compel the Mexican authorities to pay over to the French. The loss of revenue—the suspension of commercial and mining facilities, and the universal hatred of all foreigners promiscuously—which this excessive demand and unjustifiably severe method of exacting it, will create amongst the population of Mexico—are all dwelt upon by the interested parties here. The very impossibility of compliance with a demand for a sum of £1,200,000, by a government, in so impoverished a condition as that of Mexico, is also thought to be a reason for expecting a long continuation of the blockade. There is a growing disposition in this country to think that what is called, "the law of nations" is very undefined, and a more modern system is required in these days of universal commerce, and when the interests of foreigners who are not parties to quarrels out of which they arise, are yet so extensively injured by these not always justifiable blockades.

THE PRESTON BARBECUE.

From the Columbia Times and Gazette.

CORRESPONDENCE.

To Messrs. Joseph A. Black, S. Boatwright, John McCully, T. Center, W. Denly, J. D. Mordecai, J. C. Phillips, T. H. Wade, and Robert Adams.

Gentlemen: We have been appointed, on behalf of some of the citizens of Richland district, a committee to confer with you as to the barbecue dinner, proposed to be given to the hon. W. C. Preston, one of our senators in congress.

The marked party character proposed to be given to this dinner, by confining it to Mr. Preston, who represents the state, and excluding col. F. H. Elmore, who is our fellow townsman, and represents the district, has been seen with great pain.

We are directed, respectfully, to submit for your consideration.

1st. That the invitation be extended to both our senators in congress, and to col. F. H. Elmore, our immediate representative, by name, as well as to the remaining portion of the delegation from the state.

2d. That the dinner be postponed to such period as will allow a reasonable time for communications to be made to the guests to be invited.

3d. That the following gentlemen be added to the committee of arrangements for the occasion, viz: col. R. H. Goodwyn, col. John G. Brown, Wm. M. Myers, B. L. McLaughlin, Emanuel Friday, major Wm. Hopkins, John S. Lott, Jesse Debruhl, Richard Sondley.

Representing those who are in favor of the separation of the government from the money power, and opposed to the establishment of a national bank, and to the elevation of Mr. Clay to the presidency, we think it due to the citizens, if information be the object, that both sides be heard, if any, or all these matters are to be brought into discussion; and the more especially, if the dinner is to be considered as given by the district of Richland, or the citizens of Columbia.

An early reply is respectfully asked.

We have the honor to be, &c.

R. H. GOODWYN.

J. G. BROWN.

WM. M. MYERS.

JOHN S. LOTT.

16th July, 1838.

Col. R. H. Goodwyn, and others, committee on behalf of some of the citizens.

Columbia, July 17, 1838.

Gentlemen: The committee appointed to give a hearty welcome "to our distinguished senator, Mr. Preston," and "to afford him an opportunity of addressing his constituents," have the honor to acknowledge the receipt of a communication on yesterday, the 16th inst. signed by R. H. Goodwyn, John S. Lott, Wm. M. Myers, and John G. Brown.

The committee cannot forbear to express their surprise, that a proceeding avowedly intended as a personal compliment to senator Preston, should be characterized in this communication, as bearing the impress of a "marked party character." Whatever pain gentlemen may have experienced under this impression, (and we have deep regret in discovering, that it is so great,) the committee take occasion to assure them, in the most respectful terms, is wholly gratuitous. It is ordinary courtesy, paid by the constituency of public men to their agents, and never before, that the committee are aware, has it been regarded as having any connection with party, when conferred upon a representative or senator, by his immediate neighbors and fellow citizens, and when the congressional delegation has been invited without distinction, to attend as guests. The committee are not aware, that any "marked party character" was attached to a personal compliment of the same nature, paid by the citizens of Edgefield, in November last, to our other distinguished senator, because his colleague was not also included; and an inference that would not apply to that, cannot be fairly predicated of this. The committee have extended to the distinguished colleague of senator Preston, as well as to the delegation of this state in the house of representatives in congress, generally, the courtesy which is appropriate and usual, and the gentlemen whose names are attached to the communication, to which the committee have now honor to reply, will be pleased to understand a like courtesy as extended to them.

The committee are equally desirous with these gentlemen, of information on the several political points referred to in their note, and will promote any means of eliciting their amicable discussion; but they must be permitted to observe, that if there be any party in this state or district, opposed to "the separation of the money power from the government," and favorable to "the establishment of a national bank, and to the elevation of Mr. Clay to the presidency," they are not conscious of its existence. Certain they are, that they are not its representatives. If the committee are found to be exclusively composed of that party who disapprove the proceedings of the extra session, it must be attributed to the circumstance that the propriety of such a course did not suggest itself to any other.

But "if any or all these matters are to be brought into discussion," the committee "think it due to their fellow citizens, (if information be the object," that both sides be heard," and with that impression they will be most happy to hear the views of all our representatives, and both our senators, if the time will permit. The committee are desirous, however, to satisfy all the friends of Mr. Preston and Mr. Elmore, and therefore accede, with great pleasure, to the request, that col. Elmore be included in the

compliment; the more especially as we are informed, that that gentleman, for whom we entertain the highest respect, has changed his determination of spending his summer abroad, and is soon expected to return. Our notice will be altered accordingly.

Very respectfully,
JOS. A. BLACK, committee.

From the Columbia Times and Gazette.

Mr. Editor: Many of the citizens of Richland district who are in favor of separating the banks from the government, and the establishment of a national bank, and opposed to the elevation of Mr. Clay to the presidency, were anxious to join some of their neighbors, in giving a public dinner to our immediate representative in congress, col. F. H. Elmore, and our two senators, J. C. Calhoun, and Wm. C. Preston, and to receive all the light which these distinguished gentlemen could throw upon those subjects; they would have been exceedingly glad to see the whole district unite in paying this compliment, and in obtaining this light: but as their wishes could not be gratified, they now propose to do what they had hoped would meet with unanimity; for the purpose therefore of giving a public dinner to our representative col. F. H. Elmore, and our two senators, and inviting our other members of congress, the following gentlemen are constituted a committee of arrangements, who will take the necessary measures in this regard.

Col. R. H. Goodwyn, John English, B. L. McLaughlin, Adam F. Dubard, Maj. James O'Hanlon, Wm. Douglas, col. W. Moye, Joseph Ellison, Gilbert Stalker, Dr. A. S. Clifton, Jas. Fenton, Allen Gibson, Harman Coon, Daniel Crawford, capt. F. Lykes, B. Rely, W. M. Myers, Richard Sondley, major William Hopkins, John S. Lott, Dr. Thomas Starke, Emanuel Friday, Theodore Starke.

The committee of arrangements, for the dinner to be given to col. F. H. Elmore, and our two senators, are requested to meet at the town hall, in Columbia, on Monday next, at 11 o'clock, A. M.

R. H. Goodwyn, Chairman.

SPEECH OF MR. DROMGOOLE, OF VIRGINIA,

On the bill to separate the government from the banks. In the house of representatives, June 20, 1838—In committee of the whole, against the constitutionality and policy of employing state banks as fiscal agents of the federal government, and in favor of organizing the treasury of the United States in conformity with the constitution.

Mr. Dromgoole rose and addressed the committee as follows:

Mr. Chairman: I am aware that our session is drawing to a close, and that, consequently, our time is precious; but the recollection that I have seldom, heretofore, obtruded myself upon the house, or committee, and always with brevity, in connection with the importance of the subject now under examination, will, I trust, relieve me from the charge of asking, on this occasion, an unreasonable indulgence. No question, perhaps, since the American revolution, and the subsequent adoption of the federal constitution, has arisen in the United States, involving more seriously and extensively the principles of civil liberty and free government.

Ought the financial operations of the federal government to be entirely and completely separated from the business and the transactions of banking institutions? Ought that "treasury," mentioned in the constitution, required by it, in which "all public money" is to be placed and kept, and from which "no money shall be drawn, but in consequence of appropriations made by law"—ought that "treasury" to exist separately and distinctly organized—ought that "treasury" to be independent of the banks of the country? Or, ought that "treasury" to be closely connected and allied with the banks, and made essentially dependent on them? Does the constitution require that this "treasury" shall, in any manner, be connected with, or made dependent on, banking companies? Does the constitution require, did I ask—does it permit that money in the "treasury" may be promiscuously blended with the funds of these companies, and used and employed in their business, so that its ultimate availability to the government is left to depend upon their honesty, their solvency, their success or failure in trade? And if the constitution does not positively enjoin such connection, still is it practicable or possible to dispense with it? Is such a connection "necessary and proper for carrying into execution" any power vested by the constitution in the government of the United States, or in any department or officer thereof? Can the "treasury" of the United States be properly, completely, and constitutionally organized, and made to perform its appropriate functions successfully, without the aid or interposition of banks, or, who it must be presumed had sufficient to

Sir, these questions involve the great problem, are the people capable of self-government; whose solution, we had flattered ourselves, had been definitely accomplished by the establishment of our republican and representative systems. Substantially, the momentous, the vital question, is revived of the right and the capacity of the people to govern themselves.

I ask, Mr. Chairman, if the framers of the constitution had sufficient wisdom, and did they exercise this wisdom, in forming a plan of government capable of healthy existence, and efficient action, independent of the fact, whether companies, with the power of banking, would, or would not, be created. Can the people of the United States, through their own agents, constitutionally appointed, and constitutionally responsible, administer this federal government peacefully and successfully? Or, must they, with a shameful and degrading admission of their incompetency, resign the management of a portion of the affairs and business of their government—a portion, too, vitally important; must the people of the several states confess their utter incapacity, and quietly submit the management of their finances, their entire moneyed concerns, to artificial persons—to bodies politic, irresponsible to the constituted authorities of the United States; distinguished from the mass of the community, not by their superior integrity, but by their odious monopolies and exclusive privileges; who boast of vested rights, not enjoyed by the rest of society, but inviolably secured by charters, which, in most instances, presumptuously claim to be beyond the reach of repeal or modification by the whole legislative authority of the country?

Mr. Chairman, I desire to examine this proposed union of banks and government according to its own intrinsic merit. I will not yield blind obedience to the opinions or dicta of any, however eminent. I will deliberate and reflect. I will draw my own conclusions. I will form my own opinions; and I will venture to express them, I hope, with becoming boldness. I will not search for precedents, scattered through the history of federal legislation, opposite and irreconcilable in character, and borrowing their complexion from the alternate ascendancy of party. No, sir: were all such precedents collected, and congregated into a mountain's magnitude, they would not, they ought not, to preponderate over my own deliberate convictions of the true intent and purpose of the federal constitution. It is my duty to exercise the faculties of my own mind, however feeble, in applying the test of immutable principle and the constitution, to every measure presented here for adoption or rejection. A tame submission to precedents, an acknowledgment of their binding obligation, may protect error, and promote a continuance of its evils in society, whereby the development of truth is retarded, and the gradual work of improvement is impeded. On this doctrine of precedents, I beg leave to read to the committee some brief extracts from a political work, written by one of Virginia's most illustrious statesmen. I refer to the late John Taylor, of Caroline, than whom no man had more thoroughly considered the principles of the constitution, and to whose writings Mr. Jefferson himself confessed that he was indebted for the correction of some errors of opinion into which he had fallen.

"Let us, (says he in his Construction Construed,) look at the logic which supposes that acquiescence makes precedents, and that precedents make reason. All precedents or laws are at first theory, and acquiescence alone can convert them into practice. Banking began as a theory; and political augurs differed in their prognostications of its effects. The worst precedents are often but little felt in their infancy, because they move with caution, until they gather strength; and the worse they are, the more time is often required to develop their character. Some foretold that banking would be beneficial; others, that it would be pernicious to our country. It would be an odd judgment, however honest, which should assert, that fulfilment ought to destroy, and falsehood to establish an augury, because just at the time when experience has converted the theory of banking into evidence, both felt and understood, acquiescence has also mellowed the same theory into a precedent, and a precedent deprives us of the benefit of experience; so that the time expended in ascertaining the truth or falsehood of an augury, renders it impossible to remedy its imposition, just at the moment when it is discovered."

And in another place he continues:

"Precedents would make a strange species of constitution, according to our notions; they would be repealable by the legislatures which made them. In those countries where the governments are absolute, this is no objection to them; but here precedents are nothing but laws, and the question, whether they are constitutional or not, must forever

remain attached to them, unless it can be proved that it is a question of no importance after having obtained the title of precedents. It will then become a matter of very great importance to ascertain by whom this title is to be bestowed."

And whilst I repudiate the authority of precedents, I will not search for practices or professions of party to guide me. I will not hunt up the isolated opinions of this or that illustrious statesman, living or dead, as a rule by which my own vote is to be controlled. Much less will I rely on any hasty or detached opinions of my own, expressed or inferred, on former occasions. My freedom of thought and my right of independent deliberation, shall not be fettered with the chains of pre-judgment. The illuminations of experimental truth shall not be excluded from my political path, because heretofore I may have boggled in darkness, or been misled by an imperfect light or a false glare. The friendly advances of reason and argument, with all their benign influences, shall not be obstructed by any barriers which pride and prejudice may exert in defence of primary positions. No peculiarity of position, no associations, personal or political, connected with its first occupancy, can justify, for the single purpose of holding out in its defence, an abandonment of the interests of the whole country. Whilst pride may urge selfish considerations in favor of obstinate perseverance, patriotism will strongly recommend the surrender of original prepossessions for the sake of a nation's good. Those who will, may make their boasted consistency the sole deity of their adoration, and may fall down at its shrine in blind and unthinking devotion. Those who will, may remain immovably fixed to their peculiar positions, and may spurn with scorn every change or modification which time and circumstance, and the development of principles, may suggest and invite, until their positions, by their *outré* and inharmonious appearance, as contrasted with the surrounding improvements, effected by a judicious application of political science to human affairs, will serve only to excite the ridicule of all intelligent and patriotic observers. For myself, I shall ever hold my anxiety for consistency in strict subordination to my love of truth. The correctness and sincerity of my present convictions, are to me a matter of much higher consideration than their conformity to opinions of a previous period on other subjects, and in a far different condition of affairs. Instead of appealing to formal precedents, to the influence of conspicuous names, or mooted the unimportant question of my own consistency, I prefer to recur to fundamental principles, and to the plain letter and spirit of the constitution, and by these to test the correctness of my present views.

It is then, sir, a fundamental principle, that there is a division of political power between the states and the federal government. The powers conferred on the government of the United States, in the language of the federalists, "are few and defined;" whilst, without exception, "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." The powers, therefore, which remain with the states respectively, and with the people of each state, "are many and undefined." These governments having a separate and distinct organization, and having a separate and independent action of each other, in the execution of their respective powers and duties, there is necessarily a *dividing line*, which must be kept constantly in view. The more clearly it is marked and defined, the more certainly will each government be restricted within its own appropriate and constitutional province; and the more effectually will confusion, embarrassment, and collision be avoided in the progress of their administrations. An obliteration of this line, an encroachment upon this boundary, mars the beauty, deranges the design, destroys the harmony, and impairs the strength of our whole political system.

Having presented to the committee this fundamental and essential principle of a separation of the powers of the states and of the government of the United States, I beg leave to read certain *express provisions* of the constitution, to which our action, to be rightful, must conform in prescribing regulations for the administration of the finances.

Section eight of article the first, vests congress with power—

"To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;

"To borrow money on the credit of the United States;

"To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

"To provide for the punishment of counterfeiting the securities and current coin of the United States; "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."

Sec. 7, Art. 1. "All bills for raising revenue shall originate in the house of representatives."

Sec. 9. "No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Sec. 10. "No state shall coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts."

Now, Mr. Chairman, it is proposed, on one hand, to organize the treasury of the United States, so as to dispense with bank agency, and to conform strictly with the requisitions of the constitution; on the other hand, it is proposed to engage and employ, by contract, state banks, corporations, to perform the office of fiscal agents to the federal government. Thus a direct issue is made up between the advocates and opponents of the two schemes, and fairly presented to the country. To the employment of the state banks, an objection, *in limine*, has sometimes been urged—that they are contrary to the constitution of the United States. It is not necessary to the course of argument which I propose, to enter into the question of the constitutional power of the states to incorporate banking companies. From careful study and honest conviction, I belong to that political party who insist upon a strict and limited construction of the grants of power enumerated in the constitution, and who, in my own state, in the early struggle waged between state rights and federal encroachment, concurred with the general assembly in peremptorily and explicitly declaring that "it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorised by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the compact, the states, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." Holding fast to this doctrine, maintaining that the states, as sovereign parties, having no common arbiter, may interpret the compact for themselves, and may interpose to arrest its violation, as a state rights man, I cannot admit—on the contrary, I utterly deny—that congress, or any department of the federal government, the mere creature or agent of the parties, can construe the powers, or define the limits of state authority. Congress is not a competent tribunal, and cannot undertake to decide whether any provision of the federal constitution prohibits the states from creating banking institutions. I am not to be understood as contending that such a question might not incidentally arise before the courts of the United States, or that they could not properly decide such point, arising in a case of which, under the constitution, they had cognizance. Nor do I mean to deny that their decision, pronounced in such a case, would be of binding obligation between the parties litigant. I decline, therefore, a discussion of the constitutionality of state banks, and shall admit, for the purpose of argument, their rightful existence. On this occasion, too, I decline an examination of their expediency or utility. For the present, also, the important inquiry is waived, whether their exclusive privileges and chartered immunities are in accordance with the genius and principles of republican government, or consistent with the equal rights of all the citizens. I will not indulge myself here to speak of the great question of bank reform—the great question of a necessary and thorough revival of the entire system and doctrine of corporations—questions which are irresistibly forcing themselves upon public consideration both in England and America, in spite of all conservative resistance in both countries. Waiving the discussion of these topics on this floor, I proceed to an examination, not of the provisions in detail, but of the principles of this fondly cherished scheme of selecting in the first instance, and then employing, by contract, state banks to perform the fiscal operations of the federal government. I arraign it before the country, and impeach it at the bar of public opinion of violating some of the express provisions of the constitution—of tending to defeat the object designed, by the substitution of a direct power to raise revenue, in place of the indirect mode of requisitions on the states—of exer-

cising "other powers not granted in the compact"—of disfiguring, if not obliterating, the line of distinction and separation between the authorities of the United States and of the respective states—of contradicting the settled doctrines of political economy, and grossly mistaking the nature and effect of taxation and public expenditure—and finally, upon a comprehensive view of all its purposes, promises, and designs, I accuse it of commending to our lips a rank and poisonous federalism, worthy of the time and the school of Alexander Hamilton.

The plan of converting the state banks, by league and compact, into an adequate and uniform fiscal system for the whole United States, requires a latitudinous construction of the constitution, and an expanded exertion of federal power, extravagant, unprecedented, and alarming. Solemnly and deliberately convinced that such is the character of the measure, I am impelled by a sense of duty to essay its exposure to public reprehension; and although I strongly desire to indulge a peaceful temper and a conciliatory spirit; to avoid crimination, dissension, and division; and to prefer no charge against personal friends and political associates; yet, sir, this sense of duty to my constituents and my country is paramount and must be obeyed.

By reference, Mr. Chairman, it will be clearly perceived that the clauses of the constitution which have been cited, absolutely require that the revenue, and all the "public money," shall be kept in a treasury. It is, therefore, the duty of congress to create by law, to call into existence by legal enactment, this treasury, in which the public money must be deposited when collected or received; and it is also the duty of congress so to regulate and guard the custody of the revenue, that it may be ready at every moment, without contingency or delay, after its receipt into the treasury, when required, to meet appropriations. As the revenue must be placed in the treasury, and as no money can be drawn therefrom but in consequence of appropriations made by law, it results conclusively that no part of the public money once received into the treasury can be intermediately withdrawn, or otherwise used and employed. Now, sir, a treasury cannot be recognised by these essential characteristics—of being the receptacle of all public money, retaining it secure and inviolate for any purpose but for appropriations, and keeping it ever ready for these—unless it be of the entire creation, and under the separate and independent supervision and regulation, of the constituted authorities of the United States. This treasury, to answer the wise purposes of its institution, must, of course, be entrusted to the management of human agency; and this agency, to insure its fidelity and efficiency, must be held strictly accountable and responsible, and made susceptible of coercion into a proper discharge of duty. The laws creating and organizing the treasury may and ought to contain sanctions; they may and ought to prescribe and enforce fine and punishment for delinquency and failure. Corporations, especially those existing by state authority, cannot completely and effectually, if at all, be subjected to compulsory and penal legislation. Hence not only the superior expediency, but, to my mind, the necessity, of selecting *individual* rather than *corporate* agency—of employing *natural* rather than *artificial* persons. If this be so, it cannot be completely and effectually accomplished unless the treasury is wholly administered by officers of the federal government. Yes, sir, the officers proper of the treasury must be appointed and commissioned, as officers of the United States, by authority of the federal government, must be amenable to the same authority, punishable by the same authority, and by the same authority removable from office.

According to my perception, it appears clear and indisputable that the deposit of the public money in the state banks, and the grant of its entire custody to them and their officers, are a violation of the positive provisions of the constitution, which require that this public money shall be placed in the treasury, and there so kept, that no part shall be withdrawn at any time, or for any purpose, "but in consequence of appropriations made by law." But the revenue, the public money, thus on deposit, although collected and received, is not *actually* in the treasury of the United States. It is there only by contemplation of the law—it is there only by the magic of legal construction. The revenue is placed in the possession of these corporations; they have the same use and control of the public money, for all purposes of business, as they have of the money and funds of themselves; and, in palpable contradiction of this flagrant fact, a credulous and confiding constituency are gravely inclined to believe, to take it for granted, that the money is really and *bona fide* in the treasury, lying ready and capable of being drawn therefrom according to law.

Sir, this requires a force of the imagination, a transport of the fancy, utterly beyond the exertions of plain sense and common observation. It is offering an idle mockery to an honest man's reason. It cannot be that the mass of the people of this country have a love for fiction and romance so extensively cultivated, so exquisitely refined, as to require artifice and deception for its gratification, in the dull and dry concern of an account current of receipts and expenditures. It cannot be that the people are yet prepared to adopt a system, and stamp it with "a final consideration and deliberate adherence," which authorizes and requires financial inventions, instead of "a regular statement and account of the receipts and expenditures of all public money." An honest and confiding people cheerfully and generously discharge all their public burdens; they ungrudgingly, and without complaint, satisfy the last exactions of their government; with an uncorrupted simplicity, they readily believe that their contributions, rendered in willing obedience to law, will be put in their own common treasury, and drawn out only to meet legitimate and necessary appropriations; and that their servants will give them, from time to time, a plain, intelligible, and satisfactory exposition. Instead of a regular statement and account, comprehensible to an ordinary mind, they receive an elaborate dissertation upon the condition of the finances, and an abstruse explication of *available* and *unavailable* funds. The very laws are an offence to their sense of morality and their love of truth, because they require technical misrepresentations of the true state of the treasury.

Sir, congress is guilty of gross financial dilapidation, by surrendering the public money to irresponsible persons and bodies politic for their own use and benefit, instead of keeping it securely in the treasury; and but for legal forms and technicalities, would be justly chargeable with peculation and embezzlement. The withering indignation of a betrayed and outraged community is prevented only by imposing on them "a fiction of law" for "a matter of fact."

Mr. Chairman, I have endeavored to show that the constitution requires that the collected revenue shall be safely kept in the treasury of the United States, and that it cannot be intermediately used or employed, because there is a positive injunction against taking any money out of the treasury but to meet appropriations made by law.

I have also endeavored to show that this treasury, which is *thus* to hold the public money, must necessarily, if it accomplish its intended purposes, be wholly created and solely governed by the authority of the United States. Those who are required to place money in a treasury, and keep it there securely, without being used by themselves or others for any purpose, until wanted for a specific object, and are then bound to produce it, must, in the very nature of things, not only have access to this treasury, but must also, to the entire exclusion of all others, have the entire possession and control of it. Now, sir, bank officers and directors and stockholders do not correspond with this description of persons; and the banks do not, and cannot, constitutionally, constitute such a treasury as I have described.

A mere direction to deposit the public money in the banks does not, *ipso facto*, convert them into the treasury. The act of congress does not create them, cannot increase or diminish the powers, and cannot rightfully stipulate for the performance of any service regnant to their charters. It will hardly be argued that congress has power directly and peremptorily to require the banks to receive, to keep, to transfer, and to disburse the public money—to prescribe, by law, the manner in which these duties shall be performed, and to punish for refusal failure or neglect. Sir, I hazard nothing in expressing the opinion, that no man will maintain that congress can *compel* the banks to become the depositories of the revenue. If there be no substantive power, which can be *directly* exercised to compel the banks to perform these duties, then the authority to accomplish the same end circuitously, by indirect means and by contrivance, must be derived by unfair interpretation. If congress does truly possess the power under the constitution, to devolve this duty on the banks, then it may legitimately carry it into execution, and may adopt *coercive* measures. Not only does the constitution expressly authorize the passage of all necessary and proper laws to carry into execution a granted power, but it is the very essence of law to exact obedience. A law is a rule prescribed, which must be obeyed—it enjoins duty, and may compel performance—it speaks to command, and not to parley—and a want of approbation cannot render a law, enacted in pursuance of the constitution, nugatory, or justify disobedience on the part of those to

whom it is addressed. If a *sanction* cannot be annexed—if a *penalty* cannot be enforced, then it is clear that there is a want of legislative authority to *command* what it proposes to be performed. In other words, an evident and acknowledged inability to enforce compliance, to compel performance, is conclusive proof of the non-existence of the power. As then congress cannot constitutionally impose fine and punishment on these corporations and their officers, for refusing to keep the public money, for failing to keep it safely, for declining to transfer or disburse it, for neglecting to refund it when required, or even for embezzling it, it would seem idle to discourse about the existence of any substantive or efficient power to prescribe and command such duties. A palpable defect of power can be supplied only in the mode designated in the constitution: it cannot be obviated by artful contrivance, by indirection, and by circuitry of legislative action. No compact, stipulation, or agreement with these corporations can confer on congress, or the executive, or any department of this government, additional powers. The authority of congress over the subject of finance and revenue cannot depend, in whole or in part, for its existence or its exertion, upon the assent or dissent of bodies politic. The consent of one or more states cannot empower congress to do an act not warranted by the constitution, nor can the dissent of one or more states prevent the exercise of a power clearly granted. This doctrine applies *a fortiori* to corporations created by the states, and subordinate to their sovereignty.

The conclusion is regularly reached, and is undeniable, that the state banks are not, and cannot become, the treasury of the United States, as designed and required by the constitution itself. The corollary from this conclusion is, that public money placed in the banks on deposit, is not in the treasury, safe, and ready at every moment, from the time of its receipt, to be drawn therefrom, "in consequence of appropriations made by law," and incapable of being subtracted therefrom, in consequence of any thing else. It is true, that the secretary of the treasury annually reports all that public money as being in the treasury which is on deposit, and in possession of the banks; and it is also true that the acts making appropriations, regard this public money in the same point of view. But, sir, I think it has been made manifest in a previous part of my argument, that this whole proceeding rests upon delusion, and not upon reality; upon hypothesis, and not upon fact; that artificial conclusions are required by the character of our financial system, and the nature of our legislation, not warranted by the actual condition of the treasury. Are we to be told that there is no distinction between the actual possession of money, the real cash in hand, and a debt due, a mere liability to pay money. I understood my colleague [Mr. Garland] as asserting that money deposited in bank was just as much in the possession of government, as when in the hands of its own officers. Do you recognise no difference, Mr. Chairman, between drawing money out of your own chest, and paying your creditor, and giving him a check or order on your debtor, in satisfaction of his claim? The most ordinary intellect must perceive clearly the distinction in the case of individuals; and, having perceived this, must inevitably admit that there is a similar distinction between money in the treasury, in the actual possession of the government, which can be seen, touched, counted and used, and a debt or liability from the banks to the government, which may or may not be paid, according to promise and contract, on demand. Many an honest creditor, by the story of his disappointment and distress, a tale of real life without the embellishment, of fiction—can readily and easily explain the difference between receiving money drawn out of the treasury and paid to him by a responsible and authorized officer of the government, and receiving a draft upon an insolvent or suspended debtor bank, in discharge of his claim. Such an one knows and feels the difference between the receipt of money and the receipt of a bill drawn on another for money. A debt due and unpaid, is not money in possession. This delusive idea, that money deposited in bank is in possession of the government, is dissipated by a positive enactment of congress at the late extra session. This act rests upon the existing facts of the case, and not upon the hypothesis of the deposit system.

[Mr. Dromgoole here introduced and read to the committee the act of congress passed October 16th, 1837, and entitled "An act for adjusting the remaining claims upon the late deposit banks."]

Here, sir, is an admission of the fact, which the deposit system endeavors to conceal and mystify, that the public deposits in the banks are not public money in the treasury. This act recognises them as debts due to the United States from those

institutions; it extends indulgence to them; and it exacts interest for delaying payment. It is an utter absurdity to assert that the same identical money is in the treasury, and at the same time an unavailable or unpaid debt. It is defaming the constitution to charge it with giving sanction or countenance to such inexplicable contradictions—such irreconcilable inconsistencies.

Next in the order of impeachment, Mr. Chairman, I am to make good the charge, that this union of the banks with the government tends to defeat the object designed by the framers of the constitution in substituting a *direct* power to raise revenues in place of the *indirect* mode of making requisitions on the states. It is unnecessary to detain the committee with the history of the requisitions made by congress, under the articles of confederation, on the different states of the union; with an account of the delay or failure of the states, in many instances, to comply; or with explanations of the insuperable difficulties, indeed the acknowledged inability of congress to enforce compliance. The principles of legislation for states or governments, in their *corporate* or *collective* capacities, as contradistinguished from the *individuals* of whom they consist, was pronounced by the writers of the day to be the "great and radical vice" of the existing confederation. The narrative of those times, the current essays, and the solemn debates, incontestably prove that the correction of this radical vice was a powerful and leading inducement in the formation of the present constitution. So thoroughly penetrated were the framers of the constitution, and the American people, with the conviction of the necessity of delegating to congress a power of raising revenue, separate from and independent of the states, in order that that body might preserve the public faith, comply promptly with all engagements entered into in behalf of the United States, and execute efficiently all acts requiring an appropriation of money, that they consented, in this particular, to give the government of the union a *national* instead of a *federal* aspect.

Congress was, therefore, authorized to apply the revenue power *directly* to the persons of the citizens, relieved from any dependence on the states, as communities, in their *corporate* character, and exempt from the embarrassments and difficulties of their intervention. The principle introduced is that of obtaining the necessary revenue by acts of legislation operating upon *individuals*; the *object* was to secure to the government the appropriate application or use of this revenue to its wants, without dependence on *corporate bodies*. The principle will have been introduced in vain, if, after the collection of the revenue, it may be returned to the states under the name of deposits, by which operation congress is again reduced to a *dependence* on them, and compelled again to resort to the abandoned system of requisitions. And is not the principle violated in a twofold degree by a *dependence* on banks, by creating the necessity of making requisitions on *corporate bodies*, which are but the creatures of the *corporate authority* of the states? The case is too clear for argument, that in both instances the principle is violated, and in both instances the *object* is defeated. These corporations may delay or decline compliance with the requisitions of the government—may refuse to pay the bills of government drawn on them—may deny to the government the use of its own revenue. The patriotism, the public spirit, the sense of justice which resides in corporations, is a sorry and unsafe reliance for the support of government. Suppose they lock up the revenue; suppose they refuse to yield it up for ever, or for a time, in peace or in war, where is the remedy against their contumacy; where is the relief from this miserable dependence? For the present, I only raise the question of remedial action—I do not go into a discussion of its feasibility.

Mr. Chairman, I am sincerely convinced that a government made, by its organization, dependent on corporations is fundamentally defective and imbecile; if the agents, entrusted with its administration, voluntarily reduce it to such a dependence, they are faithless to their charge. Such a dependence, especially in matters of revenue, is incompatible with the very idea of government. A government does not exist in its full constitutional health and vigor, which depends, for its supplies, on the contingent will of a corporation.*

The next count in the bill of indictment which I have preferred, charges the scheme under examination with exercising powers not granted in the compact. It usurps a power, nowhere granted, of loan-

ing out the public money. The constitution does not, and for wise reasons, ought not, to confer on congress the authority to lend money. "To borrow money, on the credit of the United States," is expressly authorized; but no permission of the converse operation is to be found in the enumeration of grants to congress. To loan public money is not necessary or proper for carrying into execution any vested power, and cannot be regarded as of indispensable implication. The power to loan money implies the right to levy and collect an excess of revenue beyond the necessary and appropriate wants of the government. Applications for loans would greatly multiply the inducements to superfluous, unjust, and oppressive taxation. A desire to negotiate loans from the government, urged under the pretext of promoting the public good, would enlist a host of expectants and applicants, and would combine an interest in favor of surplus revenues, which would ultimately prove irresistible and overwhelming. Among the most eager and importunate in their solicitations for the use of the public money always, as at present, will be seen the corporations of the country. Deficiencies of the revenue appear to have been contemplated as of probable occurrence, and hence, very properly, the power "to borrow money" is expressly granted, and made permanent; but the idea of a surplus revenue of taxation beyond the necessary wants and consumption of government, seems to have been cautiously excluded from any place in the constitution. We search in vain for any semblance of the power to lend public money. The evident danger of abuse and oppression, by inordinate taxation, for the purpose of granting loans to favored individuals or associations, vindicates the wisdom of withholding such a power, and impresses, with certainty, the conclusion that none such could possibly have been contemplated. A total absence of all authority to lend the public money, in any form, ought to furnish some security that taxation would be restricted to the simple purpose of appropriation. Unless *loan* and *appropriation* are synonymous, or confounded, the restriction of the money in the treasury to appropriations is an exclusion of its employment in the business of loans.

Having ascertained, as I think, incontrovertibly, that "to lend money" is the exercise of a power not granted in the compact, it remains, in regular order, to inquire whether the deposits of the public money with the banks are, in fact, loans. It has been previously demonstrated that these deposits are not money *actually* in the treasury, but are *debts* due from the banks to the United States. To undertake, in addition to this, to demonstrate further that these *debts* are the result of moneys advanced or loaned, would be clearly to supererogate. It would be the useless employment of adducing testimony in proof of a notoriously self-evident fact. The eleventh section of the famous distribution and deposit act of the 23d of June, 1836, entitled "An act to regulate the deposits of the public money," expressly admits that the public money placed in the banks, under the name of "deposits," is loaned to them, and requires interest for the use of it. In committee of the whole on that bill, I moved to strike out the part requiring interest, placing the motion distinctly on the ground that it openly recognised the right of congress to loan out the public money. The clause requiring interest had been inserted and defended upon the principle that the banks ought to pay for the use of the public money. Thus did congress, "a mere trustee of the public treasure," bound to make a specific application of it, assume the right to divert it, and to loan it out on interest.

Mr. Chairman, this scheme of forming compacts or agreements with persons or bodies politic, not holding offices created, or appointments made, by this government, to take possession of the revenue, with permission to use and employ it upon condition of performing certain services, rests upon a virtual assumption of the power to "farm out the revenues." There are general laws specifying and declaring what duties or taxes shall be paid. We have an estimate of the probable amount of revenue accruing from the collection. Can the government turn over to others, be they natural or artificial, the collection of the taxes, with the right of conversion to their own use, in consideration of a promise or agreement to pay out and disburse, as may be required, an equivalent sum? Let this indebtedness, this liability, be equal to a fairly estimated amount of all duties and taxes, deducting only a reasonable compensation for the expense and trouble of collection, and making a just allowance for failures or losses; let there be ample security for strict and faithful performance, still is it competent for congress to convey and transfer the gross uncollected revenue? I shall take it for granted that no person will undertake to defend the

*The reader is respectfully referred to Nos. 15 and 16 of the letters of Publius, in the work entitled the "Federalist;" extracts from which had been noted, but were omitted in committee for the sake of economizing time.

policy or the constitutionality of such an arrangement. And where, it may very properly be inquired, is the difference in principle between receiving an acknowledgment of a debt, as a consideration for the transfer of the revenue before and after its collection? In both cases, the custody, possession, and use, of the revenue is surrendered, given, granted, and conveyed; and, in return therefor, a promise or obligation is taken for so much money, payable and to be paid on demand; to be disbursed or doled out by the grantee according to the requisition of the grantor.

The government, sir, is to encounter all the difficulty and expense of collecting the public money; it is to incur, as it should do, the responsibility and the odium, if any, of enforcing an unjust and oppressive system of taxation; and then, is to let out, by special contract, to such banks as may be the selected objects of favor, the entire revenue, to be employed, at their unlimited discretion, in the business of trade and speculation in all its varieties. No matter how artfully this system of deposit may be disguised in its terms and stipulations; no matter by what delusive epithets it may be denominated, "to this complexion it comes at last," that the banks are the "farmers general" of the revenues of the United States. I have characterized this proceeding as an assumption of a power not granted, but it might be adopting a more correct mode of expression, to designate it a surrender of the rights and duties of congress to corporations.

Let us, Mr. Chairman, to these charges of a violation of the constitution, and an assumption of power not granted, make an application of a leading doctrine of the republican party, contained in their creed, as expounded in the Kentucky resolutions, in Taylor's resolutions, and in Madison's report. In that resolution, to which the attention of the committee has been heretofore invited, it is declared: "That, in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by the compact, the states, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them." The principle here asserted is maintained also in the Kentucky resolutions; and it is clearly explained, strongly enforced, and conclusively defended, in Madison's report. It receives my most hearty and unqualified concurrence. The purpose, at present, however, is not to inquire whether it is a case of such deliberate, palpable, and dangerous exercise of powers not granted, as to require and justify the interposition of the states for the purpose of arresting it within their respective limits. Probably it might be so regarded, were it possible to discuss the matter in all its relations and consequences to our institutions, state and federal, free from the influence of banks and the power of money.

The federal government possesses its powers, separate and distinct from the states and their governments, and in a rightful exercise of them cannot be hindered, obstructed, or prevented by the interposition of state authority. The states cannot so exercise this right of interposition for the purpose of arresting the evil of federal usurpation, as to violate the compact to which they are parties. Whenever, therefore, a state can successfully interpose, without violating the compact, to defeat and prevent the progress of federal action, it would seem to show conclusively that the arrested action was not authorized by the compact. I do not mean to go into an exposition of the whole doctrine of state interposition. Let it suffice here to avow the belief that the modes are various; that the interposing act may be effected by the existing governments of the states through the agency of one or all its departments, as may be deemed best and most appropriate; and that the mode and the manner of interposing must depend on the nature and extent of the evil to be arrested.

Now, sir, is there any mode in which the states may, rightfully and successfully, interpose to arrest and prevent the employment of their banks as fiscal agents of this federal government?

Surely it will not be questioned but that the states may prohibit any subscription to the stock of their banks on behalf of the United States, and may prevent the federal government from becoming a member of any incorporated company within their respective limits. The states, in the act of incorporation, may prescribe admissions into, and exclusions from, the company. Here, then, is one species of connection which may be avoided. The states have clearly the right to supervise, regulate, and control, the conduct of their own local institutions. They may, in their wisdom and discretion, in the progress of time, discontinue, within their

respective limits, the whole banking system. They may, in virtue of their exclusive power of legislation over their own corporate bodies, interdict them from entering the service of another government. They may inhibit or annul all contracts and agreements made by the banks, which are not in strict pursuance of a rigid interpretation of their charters. These things are manifestly within the competency of state authority, and would effectually prevent any connection between federal revenues and the local banks, without impeding or obstructing the rightful action of the government; without impairing, in the least, its right "to lay and collect taxes, duties, imposts, and excises," to place all public money in the treasury, to provide for its being kept there exclusively and securely, and to regulate the mode and manner of drawing out the same by its own officers, in consequence of appropriations. If, however, the selection and employment of these banks rested upon any authority deducible from the terms of the compact, the states, who are parties, could not thus easily and efficiently interpose to arrest the progress of its exercise.

Mr. Chairman, I proceed next to show that this alliance with the banks tends to efface the line of partition between the states and the federal government. It will be borne in mind by the members of the committee, that, in the commencement of my remarks, I laid down, as part of the groundwork of my argument, the fundamental principle of a division and distribution of political power between the two governments. I have marked several passages, both in Taylor's "Construction Construed" and his "Inquiry," demonstrating and enforcing this great principle in the structure of our political systems. It is with pleasure that I refer to the views and arguments of this pure patriot and eminent statesman, on account of their own merit and the high estimation in which they are held in my own state; but to save time, now become so valuable, I will forego my desire to read extracts from the works before me.

This primary principle teaches us that each government has its appropriate and separate duties to perform, and that each has its separate and distinct functionaries and institutions. The conversion of those belonging to the states into the fiscal functionaries of the federal government, blends, mixes, and confuses the public money of the latter with the money and funds of the states, and of the local companies organized by their authority. In many instances the same banks will be in the fiscal employment of the states and of the United States at the same time. The officers and members of companies created by the states, accountable and responsible to the states, undertake, by contract, to render themselves accountable and responsible to this government, and thus to draw over them the mantle of federal jurisdiction. If, technically speaking, they do not become officers under federal appointment, yet most assuredly they are *contractors* with the government. How far, in virtue of this contract with the corporate body the character of contractor attaches to each member individually, it is not material to inquire; nor is it necessary to revive a question mooted in this house in 1806, whether *contractors* are *officers*. If the president, directors, and members, are converted into contractors, and *contractors* are *officers*, then they are ineligible to seats in either house of congress, under the sixth section of the first article of the constitution; and in my own state, every person holding any office or place, any commission or appointment whatsoever, whether any pay or emoluments be attached thereto or not, and every person in any way accepting or receiving any emolument whatever, is entirely disqualified for holding any office therein. I will not undertake to decide here for my state a question *coram non jure*, and which she is fully competent to decide for herself: whether every officer and stockholder of a bank, performing, under selection and appointment by this government, and under the terms and obligations of an express stipulation or agreement, the duties of fiscal agent, do not hold some office, place, commission, or appointment, or do not, in some way, accept or receive some pay or emolument and are not thereby entirely disqualified for holding any office in the commonwealth? It is a question, perhaps, novel to all, and never considered by any; but in the progress of the system, should it unfortunately be revived and continued, it may prove to be one of deep and vital importance to the rights of the state, and to the pure administration of her laws. It is no part of my purpose to discuss or decide it. My object was to bring to view such effects, to suggest such questions and doubts and difficulties, as served to show that the enlistment of state institutions into federal employment, tended to confuse and complicate the business and the duties of the two governments, and thereby to efface, or ren-

der less distinct, that "line of partition," which the republican members of the general assembly of Virginia, in their solemn address to the people, accompanying the resolutions of December, 1798, declared they were under "the strongest obligation to preserve unimpaired." I will conclude this division of the subject, by repeating and re-affirming some observations which were incidentally drawn from me on a former occasion:

"He was one of those who wished to organize the treasury of the United States upon its true constitutional ground, and to disconnect it entirely and wholly from its union with state institutions. He believed that good policy required it; that past experience demonstrated its necessity; and he believed it to be according to the spirit of the constitution, and the obvious intention of the framers of that instrument. He was well satisfied, from reason and reflection, as well as from the lights of former experiments, that the state banks, from their limited and local character, and from their separate and unconnected existence, under different state authorities, could never harmoniously, adequately, and efficiently perform the functions of fiscal agents to the federal government.

"Mr. D. observed that it was a principle long established in Virginia, that the business and operations of each government, state and federal, should be kept separate and distinct. That each government should be confined to its own orbit; that each should separately exercise its own appropriate powers; that the officers and the administration of the two governments should not be united or blended in the same persons—are, in the good old commonwealth of Virginia, regarded as cardinal doctrines. The proposed connection between the banks and the federal government—the mixture of the revenues of the two governments in the hands of a common fiscal agent—the transfusion of the moneys of the federal government into the business of corporations—are a palpable violation of the political creed of Virginia, which she has constantly and ardently cherished. Such was the wakened jealousy on this subject; such the anxious desire to establish and secure this great principle of state sovereignty, (doubtless to guard effectually against any sinister influence on the part of the federal government)—that at the very first session after the Virginia convention had ratified the federal constitution, the legislature enacted that any person holding any office or place, any commission or appointment whatsoever, whether any pay or emolument was attached thereto or not, or if in any way accepting or receiving any emolument whatever should be entirely disqualified from holding any office in the state. And the preamble of the act, after reciting that the convention had assented to the federal constitution and the creation of a federal government, declares, that 'it is judged expedient and necessary that all those employed in the administration of said government ought to be disqualified from holding or administering any office or place whatsoever under the government of the commonwealth.'

This was the doctrine maintained from the first by the revolutionary fathers of the Old Dominion, and solemnly embodied into law in 1788, at the session that intervened between the act of ratification and the commencement of the federal government. From that period to the present it has been carefully preserved among our living statutes. And for the purpose of upholding the same principle of keeping the state, and all its institutions exempt from any improper influence or interference by the federal government, it is a part of our fundamental law, a provision of our amended constitution, that certain persons in the service of the United States shall be incapable of exercising the elective franchise. Mr. D. unhesitatingly avowed that he was of those who advocated an entire separation between the revenues of the federal government and the state banks."

Mr. Chairman, I have also charged this scheme, of surrendering the revenues to the use and employment of the banks, with contradicting the settled doctrines of political economy, and grossly mistaking the nature and effect of taxation and public expenditure. On this branch of the subject I might detain the committee with numerous references to authors of established reputation, and with copious extracts from their erudite investigations. Admonished by the brevity of our time, and out of respect to the anxiety of others to be heard, I will content myself with a few quotations from a single writer.

On the subject of public expenditure, of consumption by government, I will take the liberty of reading from Say's Political Economy the following:

"If I have made myself understood, in the commencement of this third book, my readers will have no difficulty in comprehending that public con-

sumption, or that which takes place for the general utility of the whole community, is precisely analogous to that of consumption, which goes to satisfy the wants of individuals or families. In either case, there is a destruction of values, and a loss of wealth, although, perhaps, not a shilling of specie goes out of the country.

"By way of ensuring conviction of the truth of this position, let us trace, from first to last, the passage of a product towards ultimate consumption on the public account.

"The government exacts from a tax-payer the payment of a given tax in the shape of money.—To meet this demand, the tax-payer exchanges part of the products at his disposal for coin which he pays to the tax-gatherer; a second set of government agents are busied in buying with that coin cloth and other necessities for the soldiery. Up to this point, there is no value lost or consumed; there has only been a gratuitous transfer of value and a subsequent act of barter; but the value contributed by the subject still exists in the shape of stores and supplies in the military depot. In the end, however, this value is consumed; and then the portion of wealth which passes from the hands of the tax-payer into those of the tax-gatherer, is destroyed and annihilated.

"Yet it is not the sum of money that is destroyed: that has only passed from one hand to another, either without any return, as when it passed from the tax-payer to the tax-gatherer, or in exchange for an equivalent, as when it passed from the government agent to the contractor for clothing and supplies. The value of the money survives the whole operation, and goes through three, four, or a dozen hands without any sensible alteration: it is the value of the clothing and necessities that disappears, with precisely the same effect as if the tax-payer had, with the same money, purchased clothing and necessities for his own private consumption. The sole difference is, that the individual in the one case, and the state in the other, enjoys the satisfaction resulting from that consumption.

"The same reasoning may be applied to all other kinds of public consumption. When the money of the tax-payer goes to pay the salary of a public officer, that officer sells his time, his talents, and his exertions, to the public, all which are consumed for public purposes. On the other hand, that officer consumes, instead of the tax-payer, the value he receives in lieu of his services, in the same manner as any clerk or person in the private employ of the tax-payer would do.

"There has long been a prevalent notion, that the values paid by the community for the public service, return to it again in some shape or other; in the vulgar phrase, that what government and its agents receive, is refunded again by their expenditure. This is a gross fallacy, but one that has been productive of infinite mischief, inasmuch as it has been the pretext for a great deal of shameless waste and dilapidation. The value paid to government by the tax-payer, is given without equivalent or return; it is expended by the government in the purchase of personal service of objects of consumption; in one word, of products of equivalent value, which are actually transferred. Purchase or exchange is a very different thing from restitution."

"Turn it which way you will, this operation, though often very complex in the execution, must always be reducible by analysis to this plain statement. A product consumed must always be a product lost, be the consumer who he may: lost without return, whenever no value or advantage is received in return but to the tax-payer, the advantages derived from the services of the public functionary, or from the consumption effected in the prosecution of public objects, is a positive return.

"If, then, public and private expenditure affect social wealth in the same manner, the principles of economy, by which it should be regulated, must be the same in both cases. There are not two kinds of economy, any more than two kinds of honesty, or of morality. If a government or an individual consume in such a way as to give birth to a product larger than that consumed, a successful effort of productive industry will be made. If no product result from the act of consumption, there is a loss of value, whether to the state or to the indi-

vidual; yet probably that loss of value may have been productive of all the good anticipated. Military stores and supplies, and the time and labor of civil and military functionaries engaged in the effectual defence of the state, are well bestowed, though consumed and annihilated; it is the same with them as with the commodities and personal service that have been consumed in a private establishment.—The sole benefit resulting in the latter case is, the satisfaction of a want; if the want had no existence, the expense or consumption is a positive mischief, incurred without an object. So likewise of the public consumption: systematic profusion, the creation of an office for the sole purpose of giving a salary, the destruction of an article for the mere pleasure of paying for it, are acts of extravagance either in a government or an individual, in a small state or a large one, in a republic or a monarchy. Nay, there is more criminality in public than in private extravagance and profusion; inasmuch as the individual squanders only what belongs to him; but the government has nothing of its own to squander, being, in fact, a mere trustee of the public treasure.

"What, then, are we to think of the principles laid down by those writers who have labored to draw an essential distinction between public and private wealth, to show that economy is the way to increase private fortune, but, on the contrary, that public wealth increases with the increase of public consumption; inferring thence this false and dangerous conclusion, that the rules of conduct in the management of private fortune and of public treasure, are not only different, but in direct opposition."

In relation to the character and effect of taxation, I ask indulgence whilst I read a few selected sentences from the same author:

"Taxation is the transfer of a portion of the national products from the hands of individuals to those of the government, for the purpose of meeting the public consumption or expenditure. Whatever be the denomination it bears—whether tax, contribution, duty, excise, custom, aid, subsidy, grant, or free gift—it is virtually a burden imposed upon individuals, either in a separate or in a corporate character, by the ruling power for the time being, for the purpose of supplying the consumption it may think proper to make at their expense; in short, an impost, in the literal sense.

"It would be foreign to the plan of this work to inquire in whom the right of taxation is, or ought to be, vested. In the science of political economy, taxation must be considered as matter of fact, and not of right; and nothing further is to be regarded than its nature, the source whence it derives the values it absorbs, and its effects upon national and individual interests. The province of this science extends no further.

"The object of taxation is, not the actual commodity, but the value of the commodity given by the tax-payer to the taxgatherer. It being paid in silver, in goods, or in personal service, is a mere accidental circumstance, which may be more or less advantageous to the subject or to the sovereign. The essential point is the value of the silver, the goods, or the service.

"The moment that value is parted with by the tax-payer, it is positively lost to him: the moment it is consumed by the government or its agents, it is lost to all the world, and never reverts to, or re-exists in, society. This, I apprehend, has been already demonstrated, when the general effect of public consumption was under consideration. It was then shown that, however the money levied by taxation may be refunded to the nation, its value never is refunded, because it is never returned gratuitously, or refunded by the public functionaries, without receiving an equivalent in the way of barter or exchange."

"The same causes we have found to make unproductive consumption nowise favorable to reproduction, prevent taxation from at all promoting it. Taxation deprives the producer of a product, which he would otherwise have the option of deriving a personal gratification from, if consumed unproductively, or of turning to profit, if he preferred to devote it to a useful employment. One product is a means of raising another; and therefore, the subtraction of a product must needs diminish, instead of augmenting, productive power.

"It may be urged, that the pressure of taxation impels the productive classes to redouble their exertions, and thus tends to enlarge the national production. I answer that, in the first place, mere exertion cannot alone produce: there must be capital for it to work upon, and capital is but an accumulation of the very products that taxation takes from the subject; that, in the second place, it is evident that the values which industry creates expressly to satisfy the demands of taxation, are no increase of

wealth; for they are seized on, and devoured by taxation. It is a glaring absurdity to pretend that taxation contributes to national wealth, by engrossing part of the national produce, and enriches the nation, by consuming part of its wealth. Indeed, it would be trifling with my readers' time to notice such a fallacy, did not most governments act upon this principle, and had not well-intentioned and scientific writers endeavored to support and establish it."

The opportunity afforded the banks, the permission and encouragement to them, to employ the revenue in trade and business; its conversion, in fact, after collection, into banking capital, as the basis not only of commercial, but of various other operations, is a palpable violation of these plain and simple truths. The introduction of a system founded upon the hypothesis that that value which is consumed by government is still in existence, and capable of profitable employment and reproduction is an absurdity and a delusion little less extravagant than would be the idea, in a treatise on population, that the extinguishment of life is not a destruction of human existence—a subtraction from the numerical aggregate. It may be urged that the visible growth and prosperity of the country, the acknowledged augmentation of the grand total of national wealth, rebuts the opinion that taxation and expenditure are an absolute destruction of so much value or wealth. Such reasoning is about as convincing, such logic is as conclusive, as to maintain that the continued increase of population, the constant and invariable addition to the aggregate number in a country, by natural means, proves that no death has ever occurred. It is passing strange that a fallacy so absurd, a delusion so implausible, should be attempted upon the credulity of a whole nation. And what are the necessary consequences, the unavoidable mischiefs, of this scheme of deception and folly? The employment of the revenue in business and trade inevitably tends continually to the creation of an unnatural condition of things, tends incessantly to disturb and derange the regular and ordinary course of business transactions, and tends to produce an artificial and deceitful relation between the trade of the country, and the capital actually applicable to that trade. In the intervening time, between collection and consumption, the revenue is stimulated into active employment; it becomes a moving cause in business and speculation; it is regarded and considered as the basis upon which may safely rest extended additional operations. Whenever the revenue, thus enticed or forced by the action of government into busy employment, is withdrawn, as it must be necessarily at some time, then the public expenditure is a destruction, to that extent, of so much capital. The capital being gradually withdrawn to supply the wants of the government, in the same ratio, and even in a much greater, must business be affected. Not only the amount of business resting on this capital, artificially multiplied, must cease and perish; but the tumbling of the superstructure, thus erected, must shake and convulse all others in any way connected with it, and must produce panic and alarm throughout the country. But the accruing revenue, in order to prevent these, otherwise certain and disastrous, consequences, must be made to supply the deficiency created, must be made to fill up the chasm. Thus we have disclosed and avowed the startling, the odious doctrine, that besides the mere support of government, the object and purpose of taxation is to contribute to the increase, or certainly to prevent a diminution of that amount of capital employed by bank agencies.—The principle of transferring wealth or value, by force of legislation, from one class or portion of society to another, under whatever pretext of public utility, is a principle of plunder and robbery. It is taking the property of A, depriving him of the use, increase, and profit, and giving it to B, because he will, in the estimation of the legislature, vest and employ it more beneficially for the "general welfare." It is as clear as the sun in the firmament on a cloudless day, that this unprincipled and unconstitutional connection between the banks and the government operates as an unmitigated stimulant to superfluous, excessive, tyrannical, and unconstitutional taxation—to taxation greatly surpassing the amount required for proper and economical expenditure.

But suppose, admit, that this licensed and approved conversion of revenue into bank capital does essentially assist in augmenting the aggregate wealth of the nation to an extent not otherwise attained. The admission of such a fact would be no refutation of the charge of injustice, partiality, and tyranny, urged against the system; and would, by no means, prove that such a system operated equally in improving the condition and multiplying the general comforts of society—that its tendency was

"Dr. Hamilton, in his valuable tract upon "The National Debt of Great Britain," illustrates the absurdity of the position here attacked, by comparing it to the "forcible entry of a robber into a merchant's house, who should take away his money, and tell him he did him no injury, for the money, or part of it, would be employed in purchasing the commodities he dealt in, upon which he would receive a profit." The encouragement afforded by the public expenditure is precisely analogous.

the production of "the greater good for the greater number."

Take, for example, a small community of one hundred persons, whose total production of value, or increase of wealth, is ten thousand dollars. Whether this increase shall, by the partiality and injustice of law be monopolized by five individuals, or shall be left free to the acquisition and enjoyment of all, does not at all affect the certainty of the fact of such increase; but it does materially concern the comfort, happiness, and equal rights of ninety-five out of one hundred in society. The augmentation of the aggregate wealth of a nation is not, therefore, always the proper measure of the aggregate improvement and amelioration of the condition of its inhabitants. Strange and paradoxical, therefore, as it may at first appear, it is nevertheless undoubtedly true, that a nation may be rapidly increasing in wealth, whilst individual poverty and inequality may be still more rapidly multiplying; and this deterioration of the comfort and means of subsistence of the inhabitants, separately or in different sections or parts, may be the result of those very laws which are stimulating the employment of capital, and enhancing its profits. Such will be the tendency, in a greater or less degree, of any system which takes from individuals, by taxation, a sum more than sufficient for the most rigidly economical wants of government, and permits the sum of taxation, or any portion thereof, to be transferred to favored classes or associations, to capitalists and speculators, under the shallow pretence of sustaining credit, invigorating confidence, extending commerce, and promoting the general prosperity of the country, but really for the purpose of swelling the profits and aggrandizing the wealth of these favorites.

I should not have gone thus seriously, and at large, into this investigation of the deposit system, as connected with the principles of political economy, but for the fact that the policy of using the revenue, as active business capital, has heretofore been recommended and sanctioned; has been maintained on this floor, and has been recently and zealously urged and defended in the other end of this building. "The whole surplus revenue beyond the current disbursement of the government" is to be rescued from "barren and unproductive idleness," is to be preserved from "annihilation" as so much "national capital," and is to be made "susceptible of multiplication, through conventional substitutes, to four times its nominal amount, and capable of fructifying and sustaining the national industry to a corresponding extent."* I have felt it my duty to meet and repel this doctrine of availing ourselves of the revenue power, the power of taxing the people, for the acquisition of national capital, to be employed in the encouragement of national industry. Such a system of deriving capital from the labor of the country, such a mode of giving it employment, with the consequent distribution of its profits, is partial and unjust in its effects upon the different sections of the union, and is repugnant to the spirit and intention of the constitution. Against such a departure from the meaning and intent of the compact, against such sectional preferences, against such odious inequality, we have just cause of complaint. Without discrimination or favor, let all be left free to exert their industry and skill, to employ their capital according to the suggestions of their own judgments, and to enjoy, without interference, the fruits of their toils. But to see taxes, generously contributed for the sole purpose of equal government and equal security, diverted from their legitimate end, in order to bestow partial benefits, is to feel the sting of injustice and oppression.

In vain has the constitution secured uniformity throughout the United States, in "all duties, imposts, and excises;" in vain has it ordained that "no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another;" these provisions lose their salutary qualities under the operation of that system which regards the revenue as national capital, and allows its employment for the encouragement of the industry and trade of one commercial city in preference of another.

Mr. Chairman, notwithstanding all these objections, to the constitutionality and policy of the measure, which I have endeavored to enforce, and which, to my own mind, are insuperable, a revival of this exploded experiment is still most pertinaciously recommended. Numerous apologies, alike ingenious and unsatisfactory, are offered for past insufficiency, whilst the most liberal promises are tendered for future fidelity and prompt performance

of duty. For myself, I have no confidence in its adequate ability or its efficient agency. Unquestionably it has performed one miracle, a repetition of which, no man, in his senses, who loves his country and its government, ought to desire. With millions of revenue actually collected and unexpended, reported by the secretary as having been received into the treasury, this system has reduced the government to want and embarrassment; in the language of the day, to bankruptcy. Is it the part of wise men to urge an immediate exposure to a similar fate? Or is it not a wanton disregard of a high and solemn obligation to insist again to place the public money in an exposed condition, liable to be withheld from lawful use and appropriation at the mere pleasure of artificial and irresponsible bodies, acting under the suggestions of fraud, caprice, convenience, or necessity. Exposed to such contingencies, and destitute, as I contend, of any complete remedy, we cannot, with strict propriety, affirm that the revenues are in a place of security. He, who is exposed to danger, who is in actual peril, cannot, in truth, be considered safe, because probably he may have the good fortune to escape without injury. The banks may again suspend, (should they generally resume and get possession of the public money,) may refuse to redeem their promises, may violate their contracts, and may disregard all their obligations. Because they may ultimately prove solvent, because they may perhaps, if so inclined, refund the money placed in their custody, and because eventually nothing may be lost, is it therefore safe or prudent to subject the government, for its support and very continuance, to such contingencies? To speak with accuracy and precision, I cannot admit that banks are such agents as the public ought to believe safe and suitable. My colleague, (Mr. Garland,) however, will insist that banks give security, and are as much responsible as the officers of the government; and that we have all the power over them which we have over individuals.

It will be an exceedingly difficult task to demonstrate that there is the same degree of responsibility to this government on the part of state banks and federal officers. It will be a rash undertaking to strive, by argument, to prove that we have all the power over them which we have over individuals holding federal offices. This subject of corporate responsibility, and corporate liability to coercion and punishment, has already been anticipated. Suppose, in defiance of all principle, it should be attempted to declare by law the same penalties, the same sanctions, against state corporations, as against individual officers of this government for delinquency; suppose, by the contrivance of compacts and stipulations, you set on foot some species of prosecution in the federal courts: how can their judgments and sentences be enforced against body politics of the states? If the coercion of the civil magistracy be insufficient, shall resort be had to the coercion of arms? It is absurd to think of fine and punishment, and imprisonment, as applicable to corporations. In the very nature of things, there cannot be the same kind, or the same degree, of responsibility on their part as on the part of regularly appointed officers. In the very nature of things, no government can exercise all the power over its own corporations which it may exercise over individuals; and much less can, or ought, this federal government to exercise all the power over the state banks which it may, and does, exercise over its own officers. But there is an acknowledged distinction between a law commanding and compelling performance, and a compact or agreement for mutual service or favor. Suppose a violation of the bargain by the government, or its officers, where is the remedy of the corporations? Confiscation of the public money? Suppose a violation or failure on the part of the corporations, how can a specific performance of the contract be enforced? And again, these contracts may be prohibited by the state legislatures; nay, more: may be set aside, nullified by the stockholders in general meeting, as was the case of the contract made with the Bank of Virginia.

Having made these suggestions in relation to security and safety, to responsibility, and to the practicable application of a coercive power, I proceed to take a very cursory view of the manifold advantages so confidently promised, as the result of this fiscal connection with the banks. I am much mistaken if the ends to be accomplished, the benefits designed, will not be found, on examination, to be objects not contemplated or authorized by the constitution. The power to raise revenue, and to disburse it is unquestionably granted.

It is proposed so to exercise this power as to regulate or restrain the banks from issuing notes below a certain denomination to be prescribed by act of congress. Congress has no power to enact in

direct terms any such prohibition, and yet principle is equally violated by the adoption of regulations indirectly accomplishing the same purpose. It proposes to stimulate the banks to good management, and to deter them from misconduct, by operating on their "hopes and fears." The hope of being permitted to derive profit from the use of the revenue, the fear of losing the opportunity of enjoying this boon, are held out as inducements to the banks to conform their proceedings to the wishes of federal authority. The power to foster and encourage domestic manufactures in the states, by means of the revenue power, and by force of commercial regulations, rests on no better foundation than the power to foster and encourage the issue of a local currency. The power to encourage the manufacture of articles of prescribed dimensions and quality depends upon the same rules of construction as the right to encourage the manufacture of bank notes of prescribed denomination and value. The right to create public confidence in the strength and durability of the articles of cloth, is as clear as the right to impress public confidence upon the articles of paper promises. They are both articles of domestic manufacture, and may be produced with or without acts of incorporation.

The "reward" of public confidence is proffered to one class; the withholding of public confidence is the rod of "punishment" to another class of banks. Where is the constitutional power to convert the public confidence and the credit of the government into a system of "rewards and punishments?"

It virtually establishes a treaty of peace and cooperation with the pliant and conformable, and makes war upon the solvency and credit of the recusant and non-conforming banks.

The power of selection is founded upon the assumption of a right to pronounce upon the solvency and sufficiency of our state institutions. In practice, it makes an odious, unjust, and injurious discrimination. Its effect is to divide the local currency of the states into two classes: one class is to have the credit and confidence of the government, and its issues are to be received in payment of dues; the other class has not the endorsement of the government for its solvency, has not the favor of its confidence and good opinion, and its issues are not receivable in payment of dues. Equal though they may be in all other respects, the receivability of one in payment of dues, and the exclusion of the other, destroys their uniformity. The additional function of discharging public dues, enhances the value of the one in public estimation, and depreciates the other.

On this subject of currency the United States present an anomaly.

No State can make any thing but gold and silver coin a tender in payment of debts. The power thus prohibited to the states, is no where conferred on congress. "To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures," is a power delegated to congress, and expressly denied to the states. The gold and silver coin, thus under the regulation of congress, is the only money known to the constitution, and of which congress can take cognizance, or can produce or regulate. In addition to this current and constitutional coin of the whole United States, the states respectively claim, and have exercised, the right of creating banking companies, with the privilege of issuing promissory notes serving the purpose of a local currency.

The advocates of the deposit system propose, by an affiliation of certain banks, placed by contract under the supervising control of the federal government, exerted by an application of the revenue power, to convert this local currency into a general currency, and to impart to it uniformity. Sir, the plan, at the outset, is chargeable with the absurdity and inconsistency of promising uniformity, and actually aggravating inequality by the mode and terms of selection. The promised uniformity in the multifarious and diversified paper currencies of so many separate communities, can never be consummated. Such is its versatility, such its uncertainty and inequality, at different times and places, that it seems to expose mathematical truth to ridicule and doubt. A bank note in the city of Richmond may be equivalent to specie, and so may another bank note, of similar denomination, be in St. Louis. Now, sir, in mathematics, that things equal to the same, are equal to each other, is a truth independent of time and place. He who should act upon this truth, in reference to the two supposed bank notes, would be egregiously deceived. They are, perhaps, in no other places, equal to the same thing, and are no where equal to each other. The uniformity of such variety of circulation and currency, emanating from the separate an independent states of this

*See speech of Mr. Rives in the senate of the United States, February 6-7, 1838.

confederacy, can never be effected by any constitutional application of the limited powers conferred on congress. The want and the desire of uniformity in this various currency, its elevation above, or depression below, the standard of the constitution, its tendency to exclude gold and silver from circulation, its useful or injurious functions in commercial transactions, its agency in disturbing or deranging the fair rate of exchange between different parts of the union, neither from one, or all of these considerations combined, can any power be derived to congress over the subject. For correction and reform in the character of the currency of the several states, we must, under our forms of government, rely upon the same authority which has bestowed the privilege of creation and issue. For weal or woe, in wisdom or in folly, constitutionally or unconstitutionally, the states have adopted this paper system; they have, respectively, exclusive jurisdiction in the regulation of their own issues, and each may wholly exclude from circulation within its limits the issues of any or all the rest. Sir, I repeat that the great question of reform in local banks and currency, the great question of a revival of the whole system of corporations—these great questions between republican equality and aristocratic privilege—belong to the states separately; and any attempt on the part of congress to interfere, regulate, control, or settle state policy, directly or indirectly, overtly or clandestinely, I denounce as an unwarrantable exercise of power. Congress ought not to be permitted to divide with the states the glory of achieving a radical reformation in their own peculiar local institutions, nor ought it to desire to participate in the crime of perpetuating existing abuses by interposing the ægis of protection, upon the false and slanderous suggestion that, under the cloak of reform, the democracy conceal the demon of destruction. Let the struggles for reform of state policy be carried on, free from all unjust obstrusion and illegal interference on the part of this government.*

I see with approbation that the eminent individual to whom is entrusted the executive power, has adopted this safe rule of conduct; and, in his adherence to it, I trust confidently that he will be triumphantly sustained. The states may, and doubtless, will improve their currency; will cause it to approximate more nearly to the constitutional standard; will make it uniform, and equivalent to gold and silver within their own limits; and without, must leave it to depend upon our good character at home and the condition and wants of business. I will not doubt both the inclination and wisdom of the states to accomplish, without federal dictation or prescription, the general reform so earnestly demanded by the state of public opinion. In the fulness of time it will be accomplished. It is at a certain stage in the regular advancement of political truth, and in the gradual progress of the great democratic principle.

Mr. Chairman, let us briefly recapitulate the purposes, promises, and designs, of this union of the state banks with the federal government.

It assumes the power to loan out the public money:

It converts the state banks into farmers general of the revenues:

It reduces the government to the necessity of making requisitions on the banks for the use of its own revenue:

It effaces the line of partition between the two governments:

It applies national capital, raised by taxation, and multiplied four-fold, to fructify and sustain national industry:

It undertakes to prescribe the denomination of notes to be issued by the state banks;

It undertakes to restrain and regulate their issues:

It addresses, as motives of conduct, their "hopes and fears:"

It uses the public credit for "reward and punishment:"

It promises to give uniformity to the whole local currency:

It makes odious discriminations, and aggravates its disparity:

It proposes to recur to "existing materials," "state institutions," upon which to build up a system of federal power:

To made the most of these for the convenience of the government, as well as for the general good:

To reform their abuses, corrects their defects, and adopt every precaution which may be necessary to insure their fidelity and efficiency.

These are but an imperfect enumeration; and where, since the days of Hamilton, can its parallel be found? I call to mind none, except, perhaps, the *extravaganzas* of Richard Rush, in his first

annual report, as secretary of the treasury. There appears to my mind so strong a resemblance, that I cannot forego the opportunity of introducing to the notice of the committee the enumeration of the legitimate objects of federal legislation contained in that famous document:

"To give perfection to the industry of a country rich in the gifts of nature, and blessed in the beneficence of its government; to draw out its obvious resources, and seek constantly for new ones, ever ready to unfold themselves to diligent inquiry, urged on by adequate motives; to augment the number and variety of occupations for its inhabitants; to hold out to every degree of labor, and to every modification of skill, its appropriate object and inducement—these ranking amongst the highest ends of legislation. To organize the whole labor of a country, to entice into the widest ranges its mechanical and intellectual capabilities, instead of suffering them to slumber; to call forth, whenever bidden, latent ingenuity, giving to effort activity, and to emulation ardor; to create employment for the greatest amount of numbers, by adapting it to the diversified faculties, propensities, and situations of men, so that every particle of ability, every shade of genius, may come into requisition, is, in other words, to lift up the condition of a country, to increase its fiscal energy, to multiply the means and sources of its opulence to imbue it with the elements of general, as well as lasting, strength and prosperity."

With an avowal of so many objects and purposes of federal legislation, with our state institutions *nationalized*, and drawn, by consequence of compacts and agreements, within the cognizance of, and subjected, if possible, to the decision of, the federal judiciary, as cases in law or equity, arising under the constitution and laws of the United State, what portion of the reserved rights of the states, may we hope, will ultimately be saved from encroachment, should these alarming doctrines obtain? Then the republicans of the present day, as did the republicans of '98, will have too much cause to express their deep regret, "that a spirit has been manifested by the federal government to enlarge its powers by forced constructions of the constitutional charter which defines them."

In lieu of this scheme, which has so lately failed with a most disastrous explosion, it is proposed in the bill before us, reported by the committee of ways and means, to organize the treasury according to the requisitions of the constitution. My colleague [Mr. Garland] has candidly admitted that there is no constitutional objection to the plan which we, on our side, advocate, whilst the plan which he so zealously defends, is surrounded with insurmountable difficulties. I was glad that my colleague did not indulge in the usual cant of charging our bill with creating two currencies, one for the government, and another for the people. Sir, it is utterly untrue that this bill creates any currency at all. I have heretofore adverted to the anomalous condition of the United States on the subject of currency, and have shown that whilst the constitution requires a metallic currency, and authorizes no other, the states respectively, with or without constitutional right, have superadded a paper currency. Neither congress or this bill is at all responsible for the existence of two currencies in the country. The coinage of money, the regulation of the value thereof, and of foreign coin, is the imperative duty of congress. The existence of a metallic currency, therefore, is an indispensable constitutional requisition. There is, then, one currency, under the constitution, which is necessary and unavoidable, and must perform its intended functions: and those who are disposed to murmur because there is *another* currency, which cannot answer all the same purposes, ought to go to the source of its creation to vent their complaints and remonstrances, and ought not to hurl their indignation against our bill, which, in that particular at least, is innocent. Our bill is based upon the principle, that according to the constitution, in the payment of all dues and debts to the government, gold and silver ought to be required, and looks to the ultimate establishment and general application of this principle. Although taxation, in its broad sense, implies any species of contribution or impost for the support of government, yet I presume that it will not be contested or denied that our rates of taxes, duties, imposts and excises, must be laid and collected in a general medium denominated money. We have seen that the constitution makes money to consist of gold and silver, and does not authorize any other currency; this, therefore, must be the species of money intended to be employed, in government purposes, by the framers of that instrument. Money is only the standard or measure of value. Taxation is but the transfer of individual wealth or value to the government for its consumption. The amount or extent

of value taken from each citizen is measured by this standard. Entire uniformity and exact equity in all contributions and exactions cannot be attained *really* as well as *nominally*, but by the use of this common, or constitutional standard or measure of value. Specie payments of all debts and dues to the government are the necessary result of requiring uniformity, and employing a common and invariable standard. In addition to the argument resting on uniformity and a common standard, it will be remembered, that neither the states or the federal government can make any thing but gold and silver a tender in payment of debts. Should the government receive the paper substitutes, issued in the different states, in place of gold and silver, how can it with these preserve the public faith, and fulfil all its engagements at home and abroad, according to the terms of the constitution? Should the government receive paper at all, it ought to be with a certainty, excluding every possibility of doubt of its immediate convertibility into gold and silver, and it ought to be so converted invariably before disbursement. In such case, the government, as a matter of *convenience* to the tax payer, assists him in the process of converting his paper into that medium required for the use of the treasury.

As an authority for the receipt and disbursement of a paper currency, my colleague [Mr. Garland] relies upon the construction given to the act of 1789 by Alexander Hamilton, then secretary of the treasury, and to the subsequent practice of the government. In my opinion, sir, there has been a constant tendency to depart from the strict line of constitutional duty, in the administration of the finances, from the commencement of the government, which is mainly attributable to the unfortunate bias acquired from the doctrines inculcated by Hamilton, under the imposing authority of the head of the treasury department. Hamilton's federal ideas were embodied and brought into practice in his management of the treasury, and in his systems of finance.—Against his constitutional constructions and his fiscal arrangements, the republican party have regularly protested; and I cannot but think that my colleague, as a republican, has made a most unfortunate reference. Instead of gold and silver in the receipts and disbursements of the government, in pursuance of the provisions of the constitution, it is maintained that the receipts and disbursements of *equivalents* is a fair compliance with the constitution and the law. Sir, the doctrine of *equivalents* is unknown to the constitution. It is one of the many and fatal heresies of federalism. If congress, or any department, or officer of the government, can, in place of a *specific* thing, at discretion substitute an *equivalent*, then *all the specific* provisions of the constitution may be supplanted, at the discretion of one, or all the departments combined, by the substitution of their *equivalents*.

Sir, all the doctrines and arguments of those who profess to belong to the republican party, and yet advocate bank agency and a paper medium in the public receipts and disbursements, are of strong federal tendency; they lead, inevitably, to an admission of the constitutionality and necessity of a national bank. They maintain that bank agency is essential in the collection, safe-keeping, transfer, and disbursement of the revenue, and that a paper currency, convertible into gold and silver, and as an *equivalent* for gold and silver, is also indispensable in the collection, transfer, and disbursement of the revenue.

Now, Mr. Chairman, a chief justice Marshall would, from premises not so strong and pointed, easily and logically deduce the conclusion that it was the right, and the duty, of congress to establish a national bank as a proper, convenient, useful, and necessary appurtenance of the revenue power.

I do not mean to charge my colleague [Mr. Garland] or all his political associates on this question, with any wish or intention to favor the establishment of such an institution at present. He has always disclaimed it—disclaims it now, and I am satisfied of his sincerity. I was, however, showing, as I might legitimately do, and, as I think, I have successfully done, that the creation of such an institution must be the ultimate result, the final conclusion, of all their arguments and doctrines.

In the long departure of the government from the true rule of duty, and in the systems and practices which have grown up, I am fully aware that the habits, business, and interests of society are involved in a complicated and intimate connection. No man is more sensible than I am, that, in the application of principles, however true in theory, we ought most carefully to survey all the difficulties and obstructions presented by the existing condition of things. Whilst I would not, in defiance of every obstacle, and regardless of consequences, press an immediate adoption of a favorite system, in all its

* See Democratic Review, No 1, pages 118-19.

parts; neither would I, relinquishing all hope and all effort, abandon it in despair, because it was not, at once, wholly practicable. Existing difficulties, caused by the errors and defects of the past, cannot justify a change or an abandonment of principles founded in truth, and in the constitution. It is rather the duty of the statesman and the philosopher, sincerely convinced, and firm of purpose, to strengthen his defences by reason and arguments; and to remove, prudently and gradually, with the least inconvenience and injury, the difficulties which oppose the introduction of his system. In obedience to the suggestions of prudence, and from a desire to avoid any shock or injury to the interests of the community, the bill under consideration proposes, very gradually, an entire disuse of the paper currency for the use of the treasury, and a complete restoration of the constitutional standard; and thus, after a long course of error, to retract the government, in the management of the finances, to the simple duty prescribed in the instrument defining its powers.

Mr. Chairman, an objection has been urged, that this separation of the treasury from the banks will require an additional number of officers, and will increase the patronage of the executive. Sensitive as may be the public mind on the subject of patronage, it is yet too intelligent and too patriotic to be deluded into an abandonment of a wise and constitutional measure, by an unfounded clamor. It relies for its execution, like every other measure, upon officers competent in capacity and number, constitutionally appointed, and constitutionally responsible. Ample personal security, the solemn sanctions of oaths, liability to removal from office, the certainty of punishment for offences, the dread of exposure and disgrace—these are the guarantees, which will, in the general, ensure capacity and fidelity. Shall we surrender the belief, so long and so universally entertained in America, that man in his natural person, and in his individual responsibility, is worthy of trust and confidence, is capable of executing the ordinary functions of civil government? Shall we surrender this theory of republican government as an impracticable speculation or an idle dream, and in utter despair commit the vital concerns of this extended confederacy, to associations of men converted by legal magic into bodies politic and corporate, with chartered protections, known to the government as agents only in their artificial character, whereby responsibility is diminished, and the difficulty of applying the restraints and coercions of the law is greatly increased? In lieu of the vast and complicated machinery of bank agency, our bill substitutes only some nine or ten additional officers. The increase of patronage to be exerted through these few additional officers of the treasury department, rigidly prohibited from using or employing any public money in their charge, under any pretence, for private purposes, dwindles into insignificance, compared with the almost incalculable influence which may be secured by an alliance between the banks and the treasury. Take the favorite number of deposit banks—twenty-five; multiply these by the whole number of officers, stockholders, and debtors, too, in each: the extent of corrupt influence and patronage into which this system may degenerate is absolutely appalling. The public attention cannot be diverted from the contemplation of this stupendous combination, so susceptible of a sinister influence, and so tempting to a designing secretary, by the artful and causeless cry of executive patronage over nine or ten officers, fettered with legal restraints. Look at the number of opulent merchants, capitalists, stockholders, and stock-jobbers, who may, under the operation of this system, be brought into financial, and, probably, political, union and concert, with the secretary as common head. It would seem that the genius of Hamilton had awakened to revive "those fiscal systems and arrangements which keep a host of commercial and wealthy individuals embodied, and obedient to the mandates of the treasury," and which the advocates of free government and the enemies of corruption have heretofore assailed.

Mr. Chairman, under the separation of the banks and the government, proposed to be effected by the bill under examination, "a regular statement and account of the receipts and expenditures of all public money" will be practicable. All the artificial conclusions and legal constructions of former systems, which, in most cases, were confused and unintelligible to the mass, will be avoided. A plain system of accounts, so anxiously desired by Mr. Jefferson, will be introduced, and the object of the constitution fulfilled in requiring a publication from time to time, of the account current of the treasury. The great body of tax-payers will see and understand the whole operation of the treasury.

The strict inhibition against employing any portion of the revenue in trade or business, will remove

every inducement to excessive taxation; a superfluity of revenue beyond the economical wants of the government, will neither be desired by congress or permitted by the people. The transfer of revenue, in no way connected with trade or commerce, from points of collection to places of expenditure, can produce no inconvenience, shock or revulsion. No charge can with justice be preferred, that the financial operations of the government have interrupted business, paralyzed commerce, and destroyed credit. No class of citizens or section of the United States, can complain of partiality in the benefits to be derived from the use of the revenue, whilst all are alike excluded from any such favors. All unjust discriminations in the local currency, all improper interference in its regulation, will be avoided; and the states, without impediment or assistance, may proceed in its reformation, according to their own sense of duty and policy. The strict adherence of the government in all its money transactions to the common standard, will furnish both the measure of value and the example of enforcing it, which the constitution intended, and will be more persuasive to the states to conform to it, than any direct attempt to control and regulate their diverse currency. Finally, the organization and management of the treasury, according to the constitution, will be to exercise and vindicate the right and capacity of the people of the states respectively to govern themselves, and to emancipate their federal government from bank thralldom.

CHRONICLE.

Ship letters. The number of letters forwarded through the New York post office, by the packets, for Liverpool, London, and Havre, from the 16th of April last to the 17th July, was 61,807
For other ports, 4,860

The number received at the upper post office from 1st January to June 30th, was 240,548
For city delivery, 101,848

Tonnage of the lakes.—For the year 1837, the tonnage on the lakes was as follows:—

	Tons.
Buffalo,	2,982
Erie,	2,993
Cleveland,	6,719
Sandusky,	822
Maumee,	2,811
Detroit,	7,078

The Natchez Free Trader of the 9th inst. states that Messrs. Drane and Dinkins, citizens of Canton, Madison county, Mississippi, both gentlemen of high respectability, fought a few days ago near that place with double-barrelled shot guns, and were both killed.

Health of the cities. The number of deaths in New York last week was 199. Of these, 126 were under the age of five years; by cholera infantum, 33; consumption, 27; convulsions, 17.

In Philadelphia, last week, there were 163 deaths, of which 94 were children under two years of age, 15 were by consumption; 6 by apoplexy.

In Baltimore, it will be seen by the bill of mortality, there were 71 deaths last week; of which 41 were children under two years of age.—*Baltimore Republican.*

Emigrants. German papers mention the arrival at Berlin of a number of emigrants, rigid Lutherans, formerly composing the congregation of the reverend Mr. Schirbel, against whom, with his flock, the military were turned out. They were bound to Hamburg, thence to embark for America, having, it is said, been preceded hither by agents to purchase land. It is stated that they are not without resources. They emigrate to "preserve the true faith," and in this feature resemble the pilgrims who of old left England, and then Holland, to come to this country to preserve liberty of conscience.—*New York Sun.*

King Philip. This distinguished brave of the Seminole tribe, we learn from the New Orleans True American, expired on board of the steamboat Liverpool, on his way to Arkansas. At forty miles below Fort Gibson, the two boats containing the emigrating party, were brought into the shore, the yards manned, and the body of King Philip taken out and buried with the honors of war. One hundred guns were fired over his grave, and the Indians, under lieutenant Reynolds, commanding the party, permitted to attend the funeral, appeared to be much moved at the loss they had sustained.

Longworth's new directory of New York, contains upwards of 37,000 names, of which nearly 10,000 are not included in the preceding volume. The number of changes and alterations exceed 11,000.

Indian treaty. The Tallahassee papers of the 30th ult. state that "gov. Call and the Indian agents, Messrs. Walker and Boyd, have recently succeeded in making a treaty with John Walker and Econ Chatamico's tribes of Apalachicola Indians. The treaty provides for their removal on the 20th of October next. The Indians are paid for their lands and improvements, and a liberal allowance for their emigration. This treaty has long been desirable—the contact of the Indians with the whites in the neighborhoods of settlements bordering on the reserve, is productive of bad consequences to both parties. The reservation, too, occupies some of the best lands in the territory, which will be settled immediately upon the extinguishment of the Indian title."

Florida crops. The Tallahassee papers state that the crops of corn and cotton in middle Florida, are unusually good for the season. The corn crop will be much larger than the last year, more having been planted than usual. The lateness and drought of the spring kept the cotton backward but the recent rains have brought it forward astonishingly.

Milk sickness. The governor of Kentucky has offered a reward of one thousand dollars for the discovery of the origin of the disease called *milk sickness*, which has cut off thousands, from time to time, in parts of that state, and parts of Indiana and Ohio. The editor of the Indiana Free Press, who has "seen many cases of the milk sickness, or sick stomach, compares its malignity to that of the cholera, and adds:

"It is frequently the case that cattle have what is called the trembles, or milk sickness, without showing any symptoms of disease, until they have been driven or considerably worried, when it exhibits itself by causing the animal to fall down and a trembling similar to that occasioned by a severe shake of the ague upon a person.

"In Ohio, and in other parts of this state, it has been the cause of hundreds of deaths, and consequently retarded the improvement of the country. It also exists in parts of Illinois."

Taking Squills. A capital hoax was played off last week with several barrels of the roots of the squill, a well known medicinal bulb, which sometimes attains a large size. This plant is allied to the onion, which it resembles. They cost in the West Indies about a dollar a barrel; and as their strange appearance excited some curiosity among our amateur florists, a slight advance in price was resolved upon by the holders. By a flourishing description and the name of *Spanish lilly*, and a glowing description of colors, yellow tipped with scarlet, crimson with white stripes, &c. they were easily worked off at two shillings a piece, and carefully transferred to sundry gardens and pots about town, many owners no doubt waiting for the expiration of the four weeks, at which time they are to bloom. At any rate they can raise their own squills, and will have a curious white flower, though nothing very gorgeous. [*N. Y. Amer.*]

The olden time. Forty years ago this day, the first rural tea party was held in Northampton, judge Lyman delivered an oration, and the rural entertainment was held near the great bridge in the meadows. This festival has been seldom omitted since that time, every year adding to its interest and beauty. It is usually served up in a grove, the ladies having the chief management. Tables, decorated with evergreens and beautiful flowers, and loaded with refreshments of the richest kind, are contributed by the various families in town. Eight lady managers preside assisted by delegated gentlemen. Music is in attendance, and a dance on the green follows during the afternoon. It is a rational and pretty entertainment, free from the selfishness of political festivals and dinner parties, from which the ladies are always arbitrarily excluded. We wish they were more universally prevalent.

A heavy fall of rain was experienced in the city of New York on Thursday night the 26th ult. During the gust, St. Bartholomew's church, in Lafayette square, was struck by lightning. The lightning struck the steeple, which was shattered to pieces, and the fluid descended, and went out at the clock. A gentleman who saw it strike says it exploded like a rocket, and must have set fire to the building had it not rained so very severely.

Mr. William Bromwell was brought to Baltimore on Tuesday, from New York, where he had arrived from Mobile, in the charge of officers despatched thither, and was committed to prison, to take his trial for forgery.

Baron de Talleyrand, former perfect and plenipotentiary minister of France in Denmark, has been raised to the dignity of Peer, by a royal ordinance dated the 16th June.

Moral effects of marriage. The statistics of the eastern penitentiary of Pennsylvania, are curious in the great inequality which they exhibit between married and unmarried convicts. Of the one hundred and sixty prisoners received the last year, one hundred and ten were unmarried. Six were widowers, and forty-five only were married. I have never seen a stronger illustration of the moral influence of marriage.

By the upsetting of a schooner in Chester river, near Love Point, of sixteen persons on board, seven were drowned. Mrs. Richardson and her three daughters, of Kent island, capt. Denny, and a colored man and woman. The rest were saved by clinging to the vessel.

The following important fact has been published by the consignees of the Royal William steamer:—"The Royal William belongs to the city of Dublin company, established in 1834, to run steamers between Liverpool, Dublin and Belfast. They have a fleet of 17 vessels employed in the Irish Channel, which make annually above 1,000 voyages, and from the peculiar care used in their construction, and from their almost daily inspection, not an accident has occurred to endanger life during a period of 14 years."

From the Fur West. The steamboat Antelope, belonging to the American fur company, arrived at the wharf yesterday, from the mouth of the Yellow Stone. She brings about a thousand packs, chiefly Buffalo robes. The most valuable furs are on their way down in Mackanaw boats, and will probably be here in a few weeks. The Antelope reports the river as unusually low; she was detained nearly two weeks by reason of this.

The agent of the company reports that the small pox had ceased its ravages amongst the Sioux, but was still raging amongst the Indians higher up the Yellow Stone. The Assineboines are said to be extinct, and most of the Blackfeet have fallen victims. It was believed that more than 25,000 have died of the disease, and that it would not stop short of the Pacific ocean. [St. Louis Republican.]

Canal tolls, &c. The tolls collected on the New York state canals for the third week in July 1837 and 1838, were as follows:

In 1837	\$33,908 14
In 1838	33,897 72

Increase \$4,999 53 or nearly 15 per cent.

The flour and wheat arriving in the Hudson river via the canals for the same periods, is as follows:

	bbls. flour.	bushels wheat.
In 1837	16,748	
In 1838	26,297	10,312

Increase 9,549 bbls flour and 10,312 bushels wheat.

The merchandize shipped at Albany and West Troy for the same time, was as follows:

In 1837	2,776,800 pounds
In 1838	3,439,500 "

Increase 662,700

A respectable gentleman of this city has requested us to state that almost immediate relief may be afforded to persons who imprudently drink too much cold water during the prevalence of hot weather, by administering fifteen drops of *Spiritus Salis* in about a wine glass full of any kind of spirituous liquor. The *Spiritus Salis* may be procured at any apothecary's shop. [Bull. Amer.]

Swimming. A sailor named Samuel Brown, we are informed, swam for a wager, from Smith's foundry in this place, to Fort Washington, a distance of nearly eight miles! He was accompanied by a boat, to see that all was fair. This feat was performed on Wednesday evening. [Alexandria Gazette.]

A novel salute. When gen. Washington, whilst president, visited the works of the James river canal, the chief engineer caused the quarriers to charge some hundreds of blasts, which were exploded at Washington's approach. This internal navigation salute he pronounced the most gratifying he had ever heard: and, by the bye, he gave all the workmen a guinea a piece to drink his health.

We have received the first number of a new Graham periodical, called the *Johnny-Cake*. After a hasty examination of its contents, we have come to the conclusion that it is slack-baked.

[Boston Gazette.]

Munificent donation. It is stated, that John Jacob Astor, of New York, has presented the sum of \$350,000, for the purpose of establishing a public library in that city.

No less than four new churches are now in progress in the borough of Alleghany, adjoining Pittsburgh, and two others are in train of erection.

A curiosity. We have on our table the head of a pipe taken yesterday from the ground on the bank of Wheeling creek, in front of the dwelling of William Chaipleine, esq., where excavation for a street is now going on, which is the greatest curiosity of the kind we have ever seen. It is evidently of Indian manufacture, and we think, a petrification of wood, by the strong resemblance of the grain to it. It is nine inches in length and weighs three pounds. The hollow bowl is very small for the size of the pipe and was evidently made with a great deal of labor, as also was the perforation for the stem. The whole forms a perfect representation of a duck swimming, and is distinctly marked with the beak, curve of the neck, wings and tail, as also the shading of the breast. The stem must have been of cane or elder, and long enough to rest the bowl on the ground, as it never could have been used in any other way except by the mouth of one of Gulliver's sixty feet gentlemen. It can be seen, for the present, by the curious, at our office. [Wheeling Times.]

High pay for lectures. During the last month the Rev. Dr. Chalmers of Edinburg, delivered in London a series of lectures, for which according to a statement in the Edinburg Chronicle, he receives from the Christian Influence Society the sum of FIFTY POUNDS for each lecture. The lecturer's theory of a church establishment recognizes, not only a legal provision for the clergy, but the territorial distribution of the people into parishes, each under the superintendence of its own clergyman. His scheme proposes that the whole country should be parceled out into parishes, each containing not more than a population of 2000—and that the clergyman of each should fill his church out of his own parish, and reclaim every family and every individual committed to his care to the habits of regular church going.

The grand jury of the U. S. circuit court, sitting at New York, have refused to find a bill against the officers and crew of the American sealing schooner Anna Howard, who were charged with the commission of a brutal murder of a number of Patagonians. The defence was, that the killing was perpetrated in self defence, the natives having made an attack upon the seal vessel.

Lobby services. The New York Express says a gentleman of high standing in Albany lately presented a bill of \$1000 to a widow lady for his influence with the members of the legislature in procuring the passage of a law in her favor. And a judge of the court of common pleas in New York has commenced suit against 251 subscribers to the *Coal Stock Company*, for \$1500 for lobby services. By a late decision, however, of judge Ulshoeffer, of New Jersey this lobby business is likely to be knocked in the head. He has decided against the legality of claims for lobby services.

Fires in London. The total number of fires observed and reported by the police in 1836 was 240, exclusive of chimneys; in 1837 it was 229. Of these, 140 in the former year, and 50 in the latter, equal to 34 per cent. of the whole number, were extinguished by the police before the arrival of the engines. The estimated amount of loss, generally taken from the statements of the sufferers themselves, was 496,500*l.* in 1836, and 198,559*l.* in 1837. In the former sums is included 400,000*l.*, the estimated loss at the warehouses of Fenning and co. near London bridge; and in the latter 150,000*l.*, the loss at Davis' wharf, Shadwell. If these two sums be excluded, the loss in the two years amounts to 135,659*l.* [Jour. of the London Statistical Society.]

Wool in the U. S. The Vergennes, Vt. paper says that the fifteen wool growing states produce forty million pounds of wool annually. In 1836, the average price of wool was 58 cts. per lb. Between 1827 and 1836, it never went below 36 cts., but in 1837, the average price was only 34 1-2 cts, and in 1838, it has fallen to 28 1-2 cts. per lb.

The drought. As the train of cars was passing through Brandywine Hundred, Delaware, on Tuesday last, a spark from the locomotive fell in a stubble field, and a flame immediately flashed over the whole field, consuming the stubble and dead grass like tinder.

Mr. Sully, the artist, is expected to arrive from England in the course of the present month, bringing with him his portrait of Victoria.

Excellent. The Cincinnati insurance offices have agreed to an abatement of ten per cent. on the premium due from steam boats conducted without intoxicating drink.

The packet ship St. James arrived at New York on Wednesday. She has no news. Among her passengers are several *Bedouin Arabs*, who have been performing at Paris with much eclat.

The Pulaski. The following extract from a letter written by Dr. Sharpe to the hon. James Buchanan, has been sent us for publication. The gentleman alluded is Dr. George W. Evans, of the United States navy—a native of Morgantown in this county, and well known to many of our citizens. We understand that his friends had for some time past expected his arrival at home, but from this letter as well as other circumstances have now given up all hope. [Berks Journal.]

United States navy yard, near Pensacola,

June 25th 1833.

Sir: Your friend Dr. Evans of the navy left this place on the 6th inst., in company with judge Cameron and judge Rochester, and I am extremely apprehensive that he is one of the victims of the late disaster of the Pulaski, as I see the name of Evans among the list, and can but think that he is the person, although no title is given. He would hardly have parted company with them as he remained several days to avail himself of their society on his journey.

Oneida Indians Isaac Denniston, esq. agent for this state, returned a few days since from Green Bay, Wisconsin territory, where he distributed among the Oneida Indians the money payable to them as annuities under the various treaties from 1788 to 1824. The amount paid was \$27,963 14, which was done in a way entirely satisfactory to the Indians. The Albany Argus, from which we gather these particulars, adds:

"Mr. D. has been Indian agent for a great number of years, and has assisted in making most of the treaties between the state government and the several tribes of Indians within its borders, and most of the annuities secured by these treaties have been paid through him, amounting annually to about fifteen thousand dollars. And it is worthy of remark that the duties of Mr. Denniston's agency have been conducted with such care and fidelity as not only to meet the approbation of the state government, for a long series of years, but to protect him from any complaints on the part of the Indians."

From Valparaiso. By the ship *Natchez*, which arrived at New York in the short passage of sixty days, the editors of the Journal of Commerce received the following:

Valparaiso, May 10, 1833.

This government has declared the port of Callao in a state of blockade, and their fleet is now off that place. Another expedition is being prepared here which will sail against Peru in the course of about six weeks; it will consist of about five thousand men. It is generally believed that they will land in the northern part of the province, unless some dissatisfaction takes place in the army of general Sata Cruz—we think the expedition will again be defeated.

Buenos Ayres. A letter from Buenos Ayres of the 24th May informs that the Buenos Ayrean minister to the United States was to leave in the Nile. The government had determined that they would never accede to the demands of the French, and the blockade will of course be continued until the present chief shall be superseded, or the want and distress of the country oblige them to change their determination.

The New Orleans Commercial Bulletin of July 28, says:—"The hon. Anson Jones, minister plenipotentiary from Texas to the United States, arrived in our city yesterday, in the steamboat Columbia."

Charleston banks. The Charleston Patriot urges the banks of that city to resume specie payments simultaneously with those of Baltimore and Philadelphia, on the 13th of August. The editor states that an arrangement to that effect can be made with the Georgia banks in sufficient time.

The Army and Navy Chronicle states that lieutenant colonel Pierce declines the promotion and transfer to the 8th regiment of infantry, which had been bestowed upon him, preferring to remain in the artillery.

The New Orleans Picayune of the 27th. reports the health of that city to be over good.

A donation of 1,500 yards of calico has been made to the sisters of charity at Boston, by Messrs. John McCarty and Edward Barr, of Providence.

The amount of deposits in the Boston Savings Bank is \$2,009,832.77, belonging to 13,015 depositors. Savings banks, in which the industrious and economical may find a safe place of deposit for their spare earnings, are among the most useful institutions of the day.

It is stated in the last Charleston Mercury, that there are now about sixty stores and dwelling houses in progress of erection in the "burnt district," of that city. The ruins are said to be fast disappearing.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 24.—Vol. IV.]

WASHINGTON CITY, AUGUST 11, 1838.

[VOL. LIV.—WHOLE No. 1,412]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

The *Royal William* steam ship left New York on Saturday afternoon at 4 o'clock. She took out thirty-five cabin passengers and about six thousand letters.

NORTH CAROLINA. The elections for governor and members of the state legislature, were held in this state, in the counties of Franklin, Granville, Warren, Nash, Edgcomb, Beaufort, Pitt, Washington, Hyde and Tyrrell, on Thursday the 26th of July; in the counties of Johnston, Wayne, Lenor, Craven, Carteret, Jones and Greene, on the 2d inst. and in all the other counties on the 9th inst. Thus far 19 friends of the administration and 16 whigs have been elected—and Mr. Dudley has received a considerable majority of votes over Mr. Branch.

OFFICIAL. Notice. The money bequeathed by the late James Smithson, esq. of London, for founding an institute in the city of Washington, amounting to about a half of a million of dollars, will, it is expected, be received during the present month. By an act passed July 7th, 1838, the undersigned is directed to invest the same "in stocks of states, bearing interest at the rate of not less than five per cent. per annum." He is now prepared to receive proposals from persons who have stocks of this description to dispose of.

LEVI WOODBURY, *secretary of the treasury.*
Treasury department, August 6, 1838.

CANADA AFFAIRS. Mr. Buchanan, the British consul, received despatches by the Great Western, for Lord Durham and Sir George Arthur. It is said they are of unusual importance. They were forwarded to Quebec and Toronto by special messengers, and arrangements were made by the consul so that the return despatches shall arrive here in view to be sent by the Great Western on her return. Despatches were also received for the government of Halifax, this being the most direct communication between London and Halifax.

[*N. Y. Express.*]

Our government has purchased from the Americans a steamer, to be manned, armed, and put in charge of Lieutenant Duffie. She was coming down the Niagara river the other day to go into the Chippewa river, and owing to improper management, she passed the river, and was fast approaching towards the Falls before she could be brought up by three anchors. Should they or the ropes give way, over the Falls she goes. They have sent to the Americans at Buffalo for assistance, which is thought will be very expensive before she gets to safe moorings. [*Kingslon Spectator*, July 27.]

The staunch and swift steamboat Milwaukee has been chartered by the United States for the service of the government upon the waters of the upper lakes, in the place of the Erie.

Lieutenant Homans is to command the Milwaukee. The charge of the soldiers, &c. is to remain, however, as heretofore, under an army officer, and the vessel is to be subject to the requisitions and orders of the commanding officer on these frontiers. [*Buffalo Journal.*]

GEN. HAYNE. The Washington Chronicle of Tuesday evening says: "Gen. Robert Y. Hayne passed through this city yesterday on his way to the north, where he purposes to pass a short time in examining the latest improvements in the construction of railroads, &c. He will, we understand, return through the upper part of Virginia, with the view of examining the Baltimore and Ohio railroad, and thence proceed to the meeting of the directors of the Charleston and Louisville railroad, of which he is president, to be held on the 27th instant, in Lexington, Kentucky."

BARBECUE TO MR. PRESTON. A great barbecue was given to Messrs. Preston and Elmore, near Columbia, S. C., on the 27th ult., to which Mr. Calhoun and the other representatives of the state were invited. We learn from the correspondent of the Mercury, that only Mr. Preston was present. We learn also from the same source, that six or eight hundred gentlemen attended the

dinner, one-third or one-half sub treasury men. Mr. Preston spoke at large on the interesting topics of the times. "His argument against the sub-treasury system, (says the Mercury correspondent,) was replete with his utmost powers of wit and sarcasm, yet by no means fair, just, or effective," &c. &c. Much cheering attended his remarks. Mr. Albert Rhett gave a toast in favor of the sub-treasury, which the writer said received cheering quite as general as that given to Mr. Preston. A complimentary toast "in favor of Mr. Calhoun as a candidate for the presidency, was warmly and enthusiastically applauded." A toast was given, declaring Mr. Van Buren and Mr. Clay unworthy the vote of the state.

The writer says: "I have been greatly gratified to perceive that the general proceedings of the day manifested far less of the violent war spirit of the Telescope, and more of that of concession and reconciliation, than we had at first any reason to expect. I earnestly trust it will be met in a similar spirit—nay, I am sure it will; and that however we may differ from our old associates on principle, and honestly battle with them for the right, on that ground, we will ever be as ready to remember the old and affectionate ties which bound us with them to our beloved state as their own bearing and deportment will possibly admit. Our principles we cannot compromise, but in battling for them we will not war on persons, except in self defence, and desire to forget their personal errors, in the grateful remembrance that they "have done the state some service."

INDIAN AFFAIRS. The Cherokees. Extract of a letter from major general Winfield Scott, to the adjutant general of the army, dated head quarters, eastern division, Cherokee agency, July 23, 1838.

"It is, I learn, reported throughout this country, that the Indians collected in camps for emigration are sickly and dying in great numbers. I mention this report to contradict it. The Indians are, very generally, in excellent health, and so are the troops. Please cause this to be officially announced."

Murders in Georgia. The Darien Telegraph of the 31st ult. contains the following:

Dear Sir: I have just learned from an authentic source, of the murder of two families in Ware county by the Indians. Mr. Wilde and family were murdered on the 17th inst., and Mr. John Davis and family on the 24th, not more than twenty or twenty-five miles from Waynesville.

Mr. Davis is, I believe, well known, having formerly been a member of the legislature.

These murders were perpetrated by five Indians, whose trail was followed by the neighbors into the Okefenokee swamp, where they found the trails so large, and indicating the vicinity of so many Indians, that they were obliged to return. They estimate that there are as many as four or five hundred in the swamp. Great excitement prevails in Ware and Camden on the subject of these murders, and from Waynesville an express has been despatched to obtain particular information; and a meeting of the citizens is to be held to-morrow, to take such measures as the urgency of the case may require.

I write this in the greatest haste, thinking it may possibly—in the absence of more particular and recent intelligence than has been received here—be of service to you. Yours, &c.,

L. LYMAN.

C. M. Ardell, esq.

Murders in Florida. The Tallahassee Floridian of the 28th ult. says: On Wednesday morning last, two more of our citizens fell victims to savage barbarity. A Mr. Lasley, residing about fifteen or twenty miles from Tallahassee, on the Oculocnee river, when returning to his work from breakfast, discovered a number of Indians on his plantation. He, with his son, retreated to the house, followed by the Indians, but succeeded in defending his dwelling till about 1 o'clock, when the savages retired a short distance in the woods. Supposing it safe to retreat, the family left the house, but had proceeded only a short distance when they were overtaken by the Indians, Mr.

Lasley and his daughter shot down, and the son received a ball through the hand. Two young men succeeded in making their escape. The number of Indians was stated at fifty or sixty. We think the number exaggerated.

Governor Call has taken such measures as are in his power to give defence to the frontier of Leon and Gadsden counties, and if possible, prevent the Creeks from effecting their escape to the Seminole; as is no doubt their intention. Captain Walker's company at Shell's point, has been ordered to scour the country on the line from the point to Mr. Allgood's plantation, about six miles from this city. He has also called for a force from Gadsden, and it is probable that major Taylor's battalion, now stationed on the Oscilla frontier, will also go in pursuit of the Creeks.

The governor received, by express, early yesterday morning, information from major Taylor, that his command would be discharged from the service by major Dearborn; in which event they have been ordered by the governor to report to him at this place, when they will be employed against the Creeks. It is probable that colonel Green, of the sixth regiment, recently arrived from Green Bay, will receive the troops into the service of the United States. Colonel Green is charged with the command of the defence of Middle Florida, and is a highly efficient officer. At all events we are assured that the frontier will be defended, and protection given our citizens, if not by the United States authorities, at least by the territorial.

BANKS, CURRENCY, &c. Money affairs in Philadelphia. The New York Courier and Enquirer, of Thursday, says: "We learn from Philadelphia, that in consequence of the approaching resumption of specie payments, several of the banks of that city had seen the necessity of a speedy contraction, and had already commenced a curtailment of their accommodations, and that money was for this cause, becoming sensibly scarce, and the rate of discount proportionately advancing. This scarcity of money no doubt will continue to increase, as the banks of Philadelphia must do after the resumption, what the banks of New York did before they resumed, viz—contract their money accommodation, as much as possible; the inconvenience however will no doubt be merely temporary, and has been all along foreseen."

The *Pennsylvanian* of yesterday, says—We understand that the notes of the Philadelphia banks are now received in payment of duties at our custom house—satisfactory proof having been furnished the collector by the officers of the bank, that notes and checks on this institution are redeemed in specie.

Resumption of the Ohio banks. The Columbia (Ohio) Journal of the 3d instant has the following announcement of the contemplated resumption of specie payments by the Ohio banks on the 13th instant—the day on which the banks in the Atlantic states have agreed to resume.

It will be seen by the following circular, that Monday, the 13th instant, is the day agreed upon for the general resumption of specie payments by the banks of Ohio. The duty of laying this circular before our readers is the most gratifying we have performed this many a day.

Columbus, August 2, 1833.

At the convention of the banks of Ohio, held in this city on the sixth and seventh days of June last, the following resolution was adopted.

"Resolved, That in case the banks of Philadelphia and Baltimore do not resume on or before the fourth day of July next, then Messrs. J. Creed, R. W. McCoy, and Wm. Niel, be and they are hereby appointed a committee to fix the day, and give information to each of the banks, so soon as it shall be known that said banks of Philadelphia and Baltimore have resumed, after said fourth of July.

Believing that the banks of Massachusetts, Rhode Island, Connecticut, Pennsylvania, Virginia, Kentucky and Baltimore will, under a resolution adopted at a convention of banks held at Philadelphia on the twenty-third ultimo, resume the payment of their bills in specie on the thirteenth of August inst.; and believing that sound policy requires of the Ohio banks to resume simultaneously with

them, the undersigned, by virtue of the authority in them vested, recommended to the Ohio banks to resume on the said thirteenth day of August instant.

JOHN CREED.
R. W. McCoy, } committee.
WM. NEIL.

The Alexandria Gazette says that the banks in the District of Columbia commenced redeeming their \$5 notes in specie on the 1st inst., and will resume generally as soon as the banks in the neighboring states do.

Some of the corporations of Philadelphia which have issued small notes during the suspension of specie payments, are beginning to withdraw them from circulation.

A glorious example. The city certificates about to be redeemed. We learn with pleasure that an arrangement is made by which the Bank of the United States will redeem all the certificates of loan issued by the city of Philadelphia. This glorious example, we hope will be speedily imitated by the other corporations. The city councils deserve great credit for the movement.

[Phil. Eng.]

The notes of the corporation of Baltimore have been redeemed by the banks of that city, since the 1st of May last.

Michigan Money. The Detroit Advertiser of July 31st., says, "the money of this state is still improving in the confidence of the public, and of course grows scarcer. Nearly all of the notes of the best chartered banks are out of circulation—some having been redeemed, and others placed on deposit, which have not again been thrown into circulation."

Philadelphia money market. Bicknell's Reporter of Tuesday says—"Money is abundant in this city at moderate interest, and the prospect generally looks well. In fact the certainty of the banks resuming on Monday next, and their known ability so to do, have proved the means of restoring monetary and business affairs of the city to a healthy state."

The Girard bank has ceased to act as agent for paying the government pensions, and that business will be hereafter done by the Moyamensing bank.

Sales at the New York stock board, August 7.

328 shares U. S. Bank,	- - -	121 3-4
100 " " " b. n. w.	- - -	122

The New York Express, second edition of Monday, says—

A portion and a very large portion, of the mercantile community, too, will learn with regret, that there are some embarrassments in the establishment of a branch of the United States Bank in this city. We have it from what we deem good authority, that threats have been thrown out from persons in high authority, that if a branch is established here, measures will be immediately taken to put an injunction on the bank. This threat has had the effect for the present, as we are informed, to cause a suspension of the intended location of a bank. Whatever unkind feeling there may be lingering in the bosom of political adversaries towards that institution, there is none among men of business; all, ALL are in favor of permitting any man whatever on this side, or the other side of the water, to bring his capital here and employ it in banking or any other lawful pursuit. If there is no method by which the bank can bring their capital here in open day, we trust it will be brought here and employed through indirect channels.

The number of letters brought by the Great Western, is astonishingly great; all our merchants have their correspondence from all parts of the continent as well as England, to a very late period. They generally speak of the great abundance of unemployed capital in the principal cities of Europe, but particularly in London. Although there is no change of any importance in American funds, yet there is a growing desire to invest, and securities from this side, from the fact that they can give a greater interest, meet with great favour. United States Bank stock is the great favorite. That institution has so long paid their dividends of 7 and 8 per cent. per annum, that it has become as regular for an English capitalist to get his dividend, on this stock, as on that of the Bank of England. It is this, and probably this alone, that has caused it to be as great a favorite as it is in the London market.

The Philadelphia U. S. Gazette of Tuesday says, We learn by letter from London, that it is proposed to form a stock company for the purpose of establishing a line of Steam Packets to ply between London and Philadelphia. Shall we have no share in the matter?

VERY LATE FROM EUROPE.

From the N. Y. American.

The Great Western is back again, improving upon the speed of her former voyages. She left Bristol at 8 o'clock in the evening of the 21st of July, and took a pilot off the Hook on Saturday night, 4th August, at 10, and actually reached the quarantine yesterday morning by 9 o'clock, making her passage in 14 and a half days. Her passage out was made in less than 12 days.

She brings 130 passengers, a good deal of freight, and many letters. One of her passengers left this city only 39 days ago, and passed twelve days of the time in England.

Again and again we express our rejoicing at the success of this noble enterprise, which now, after five such trips by the Great Western, should no longer be treated as an experiment.

Of political or other news, there is really not much of interest.

The crops were moderately promising in Great Britain, and the weather generally fine.

The Great Western steam ship company have taken steps to increase its capital from 250,000l. to 1,000,000l. They have contracted for the immediate building of three large and splendid steamships, to run between Cork and New York, in conjunction with the British Queen; they are to be christened President, Great Britain, and United States. The keel of the President has been already laid; she is to measure 2,028 tons.

The parliamentary news is of a very unimportant character. The Irish municipal reform bill, notwithstanding the arrangement entered into by the leader of the conservative party with the ministers, has been nullified by the cutting out of the most important provision. On the 12th of July, on the several clauses being discussed in committee, lord Lindhurst moved that the qualification to vote, be raised from 5l. to 10l., when the radicals were left in a fearful minority. The Irish poor law bill was carried by a majority of 62.

Another discussion had taken place respecting the power of lord Durham to dissolve the old executive council in Canada. The motion ended like all its predecessors, in the ministers declaring that time must be allowed for the governor general to develop the fruits of his policy, which, if it ripened into a general pacification of the two provinces, the nation would have reason to be satisfied with, notwithstanding the appointments he had made since the reins of government had been entrusted to his hands. The conservatives are terribly bitter at lord Durham, and one of their leaders said, in the course of the debate, that under the new administration, Canada would have the singular fortune of possessing, among its principal officers of government, the only two men ever divorced by parliament on the complaint of their wives.

The bill for the abolition of imprisonment for debt, from the lords, has been twice read in the commons. Great Britain will have the honor of going ahead of the federal government of the United States in this great step of civilization.

In the course of a discussion on the international copy-right bill, it was proposed to put in a proviso in favor of anonymous authors, whose works are not protected by the bill in its present shape.

It was generally stated about the house that the present session will not conclude until the 20th August. If so, the two houses will have continued sitting for nearly nine months.

Since the year 1814, so many visitors had not been known to have sojourned in the metropolis, as during the fortnight of the coronation.

Grand reviews of the Household troops had taken place in Hyde Park and Woolwich Common. At the former place it was computed that more than 100,000 spectators were present. The inspection, with the sham fight that followed, occupied four hours. Marshal Soult was the chief lion after the queen and her staff of Amazonian aids de camp. Several accidents happened in the course of the day. A tree overloaded with sight-seers broke down and precipitated fourteen persons to the ground. A surgeon bled the sufferers on the ground, and they were sent home in coaches. One man fell from the roof of a house 70 feet high and was killed. A private of the lancers was unhorsed during a charge, and rode over by the squadron in the rear. It was expected he would recover.

An unfortunate man named Thomas Flower, who has been charged upon two several occasions at the Queen Square police office with having been found in the precincts of Buckingham palace, in order to demand the hand of her majesty in marriage, was brought before Messrs. Gregorie and White, charged at the instance of the hon. Charles Murray, with having attempted to intrude himself into the apartments of the queen at the palace. Mr. Randall, one of the queen's pages, deposed, that on

Monday night, about 10 minutes before 12 o'clock, he was passing through the picture gallery and found the defendant, who was attired in the meanest manner, seated upon a chair, within seven yards of the royal bed room. It appeared that her majesty had only retired to rest about 10 minutes previously, and that the defendant had obtained entrance by mixing with the servants of the foreign ambassadors, who had been invited to an entertainment after the review in Hyde park. Police sergeant Cook, of the B. division, stated, that the man, who styled himself captain Flower, of the 13th Light Dragoons, was most obstreperous upon being taken into custody. It required the aid of two policemen and two of the rifle brigade to convey him to the station house, and even then it was necessary to strap his legs and arms. He said that his intentions towards the queen were highly honorable. Defendant.—And so they are.—It was entirely by mistake that I wandered into the picture gallery, nor did I know that her majesty's bed room was so closely adjacent. I came to speak to lady Mary Stopford. Mr. Randall stated that the man had tried several gates of the palace before he managed to gain access to the picture gallery. Had he entered ten minutes sooner, the queen would have been passing to her bed room. Defendant, who is evidently a lunatic, was ordered to find sureties to keep the peace for the future; in default, he was sent to the Totbills-fields house of correction. The man is of a respectable family, and has for many years been connected in the jewelry line with one of the first firms in London. [London Paper.]

The mayor and corporation of London had given a grand entertainment to the foreign ambassadors and other strangers. All the great political men, without distinction of party, were present. Among the foreigners we notice the name of Mr. John Van Buren.

It is stated in the London Globe of the 20th ult. that Mr. Rush, of the United States, had sailed, two days previously, for home, in the Mediator, having succeeded in the objects of his mission.

His excellency Mr. Throop, minister of the United States to Naples, captain Perry, U. S. navy, and Mr. McCauley have been presented to the queen. The levee was attended by Mr. Benjamin Rush, secretary, R. Vaux, private secretary, and H. B. Livingston, *attachee* of the American legation.

Madame Vestris had an immense parting benefit at Covent Garden, preliminary to her starting for New York. The receipts are estimated at £600 or 700.

The British Queen. This stupendous steamship, commanded by captain Roberts, formerly of the Sirius, arrived at Port Glasgow, and has gone into dock, where she is to receive her machinery. The Queen was towed to Plymouth, from Gravesend, by the Vulture steamer. Betwixt these places she had foul winds. At Plymouth the Vulture left, and the Queen then came round by the Land's End herself in fine style, carrying all sail, and beating every vessel in her way, especially a French brig, which attempted to compete with her for some time. Having arrived at the tail of the bank early on Saturday morning, she was towed into the wet dock at eleven by the Sampson steamer, the top of whose funnel, it was observed, just reached the top of the Queen's paddle box. It is thought she will not be ready to sail as early as announced, and that the Tiger will take her place.

The steam ship Sirius, lieutenant Moule, hence, arrived off Plymouth on the 16th July, making the passage in 16 days.

The city of Cairo has been visited by a serious conflagration.

London, July 20, 12 o'clock.

Market. The public securities were rather less favorably quoted at the commencement of business this morning, but they have since partially recovered. Consols are now 94 1-4, buyers for money, and for account. Exchequer bills are 80s to 82s. premium; and bank stock 206 to 207.

Two o'clock.

No alteration in the quotations for stock has occurred in either market since our first report. Scrip of the Belgian new loan is at 2 1-2 premium.

Four o'clock.

Consols for the account closed at 94 3-8.

FRANCE.

From the London Courier.

Paris, July 18.

It appears that another misunderstanding has arisen between France and Switzerland. The French government demand the expulsion of Louis Bonaparte, whose intrigues give serious annoyance to Louis Philippe, and menace Switzerland in case of a refusal. The latter power pleads its inability to accede to the demand, Louis Bonaparte being

a citizen of Halvetia, and enjoying a great share of popularity in the Canton of Thurgovia, in which he resides. The *Allgemeine Zeitung* seems to think that the federal government will not yield to this subject.

Not content with the conviction and punishment of the editor of *Le Temps* for publishing a report of the proceedings of the peers in deliberation on the case of M. Laity, the government have directed that three opposition provincial papers, *La Feuille de Cambrai*, *Le Progres*, of Arras, and the *Liberal*, of Douai, be prosecuted for copying into their journals respectively the incriminated article.

The *Siecle* of Paris says that one of the objects of marshal Soult's mission to England, was to obtain permission to remove the remains of Napoleon to France; and in this it is said he has succeeded, with the aid of the duke of Wellington. It is stated farther, that the prince de Joinville is to proceed to St. Helena, in command of a frigate, having on board a soldier from every regiment in France, and that the remains of the emperor are to be deposited under the column in the place Vendôme, with solemn religious ceremonies, at which the duke of Wellington will be invited to be present.

Paris has been visited with another calamity. The theatre of the Vaudeville has been destroyed by fire. This is the third theatre that has been burnt in Paris within the last twelvemonth. Fortunately there has been no loss of life on this occasion, although the decorations have all perished in the flames.

The Vaudeville is situated in one of those narrow streets that connect the Place du Palais Royal with that of the Tuileries; as a building it was not in any way remarkable, indeed it was much inferior in external appearance to most of the other theatres of Paris. The minister of the interior, we are told, had ordered some time ago that no more representations should be given in the Vaudeville, but recalled his ordinance in consequence of the numerous reclamations to which it gave rise. Be this as it may, yesterday morning, at 3 o'clock, smoke was seen to issue from the roof, and shortly after, the flames burst forth with a degree of violence which alarmed the whole quarter. The inhabitants of the neighboring hotels at first thought of migrating with their effects, but abandoned this idea when they saw the precautions which were taken in order to arrest the progress of the flames. The French journals are unanimous in praising the municipal authorities for the zeal they displayed; and it is only in justice to say that they braved every danger in order to accomplish their duty. The prefect of the police set the example; I saw him in the morning issue forth from the ruins of the theatre covered with ashes from head to foot. The duke of Orleans was also present, and remained on the spot till the flames were mastered.

The adjacent houses suffered a little. Yesterday evening, at six o'clock, several of them were still on fire, but the damage, as I stated above, is not very serious. Many regret that the whole quarter was not destroyed, as it is one of the filthiest, although a central one, in the French capital.

BELGIUM.

Brussels, July 18.

The king will return from Paris on Sunday or Monday next. His majesty is expected in the camp at Beverloo on the 24th. It is said that there will be several nominations to the order of Leopold in different regiments.

The provincial council of Antwerp, in the sitting of the 16th, had to consider several important proposals. The last, and, in the present state of affairs, the most serious, was that for an address to the king relative to the integrity of the territory. It was made by M. Lauwen de Browsers, supported by Messrs. Fremie and Schoppers, and immediately discussed and adopted. The second related to the payment, which is still delayed, of the indemnity due for the losses occasioned by the revolution of 1830. It was brought forward by M. Moreliers, and taken into consideration.

Letters from Prussia make us easy respecting the pretended levies of troops for the purpose of enforcing the twenty-four articles. It is only the annual calling out of the landwehr for two months' exercise, and also to complete some garrisons which were too weak to perform the regular duty.

London, Friday, July 20.

It appears that the general impression in Paris on the Hollando-Belgic question, was, that great danger would attend the attempt to coerce Belgium. The Prussians seem prepared for all events; but it is now stated, that instead of being united to the troops of the Germanic confederation, and instead of entering with them into Belgium, the Prussian contingent will become a corps of observation on the frontier. The *Suabian Mercury*, in an article

dated Lower Rhine, July 9, states that "since the reserve of the corps of the army of the Rhine, which is to take up a position on the frontiers of Belgium, has been called out, much exertion is used in re-occupying the Prussian fortresses on the borders of the Rhine."

There was such a heavy fall of snow on the 20th June, at the Font de Cere, in the Cantal, that the agents of the Pont-e-et-Chausses, who were employed in making a survey, were obliged to suspend their labors. [*Brussels paper.*]

SPAIN.

Madrid, July 11.

The Aynntamiento of Madrid has drawn up a memorial to the queen, praying her majesty to dismiss her present councillors. The ministers are doing all they can to prevent a manifestation of public opinion, which will be imitated by the municipalities of all the great cities of the kingdom.

It is reported that a column of the army of reserve has surprised and defeated Pallillos, at Villacanas, and taken 100 of his cavalry prisoners; but no official account of the affair has yet reached the capital.

The Madrid Gazette publishes a letter from Cuenca, of the 6th, announcing that the Cure Merino was at Jesa, with 2,500 men, marching upon Santa Cruz de Moza, where he proposes effecting a junction with the insurgents of Chelva.

The Madrid Gazette of the 4th, contains a despatch from general Epartero, giving an account of a successful affair he had had on the 25th of June at Rames, with a body of Carlists, whom he put to flight, after causing them a loss of 120 men; his own loss amounted to 45 wounded.

Narvaez has been nominated captain general of La Mancha and Toledo. He has had an advantage over the Carlists and taken many prisoners. Expectation is chiefly directed towards Aragon and Valencia, where generals Oras and San Miguel are menacing the stronghold of Cabrera. According to Saragossa journals of the 10th, Padinas with his four battalions entered Daroca on the 7th.

A letter of the 8th instant from Logrono, published in the *Constitutionnel*, states that the Christino forces which are to besiege Estella will be commanded by general Van Halen, who has made several reconnoissances in the valley of Solana. The besieging army will consist of 40 battalions of infantry, and 20 squadrons of cavalry. The Carlists general, Maroto, had arrived at Estella with 6,000 men, and the total force under his command is said to be 15 or 17,000 strong. A sanguinary and decisive affair was therefore expected.

From the French frontier. According to letters from Bayonne, to the 14th instant, Munagorri had received permission from the French government to exercise his men on the French territory for a few days, and is then immediately to cross the frontier with them. Besides the necessary muskets, he is to receive three howitzers; and Jauregui, with three English officers, are to be added to the expedition, Jauregui commanding it.

The noted Carlist chief, Osma, who recently blockaded Pampeluna, was killed on the 10th inst. with six of his men, in an attempt to intercept a Christino courier at Cizur, as we learn from a Spanish correspondent of the *Messenger*.

POLAND.

"Polish frontier, July 5.

"The longer stay of the emperor at Warsaw, his easiness of access, and the gracious reception given to all those who approach him, are generally considered as tokens of good for the kingdom of Poland. It is indeed probable that not all their wishes will be so quickly fulfilled, which many sanguine persons perhaps entertained; but it is a great gain that the sovereign seems to have more confidence in his Polish subjects than after the unhappy catastrophe of 1830. This is said to be chiefly owing to the favorable reports sent to the emperor by the governor general of the kingdom. For the west of Europe, indeed, Poland is still a land of fable; and from the Paris journalists in particular, a real mine, which they work to furnish their readers with piquant anecdotes. The emperor's visit to Warsaw will doubtless be turned to account by them for the same purpose."

RUSSIA AND THE CIRCASSIANS.

On the 20th of May a Russian squadron appeared on the coast off Mamahie, in Circassia, where the troops on board vainly attempted to effect a landing. On the 23d, however, they were more successful at Sotshah, and had time to throw up some fortifications before the arrival of reinforcements to the small native corps left to defend the coast. On the 31st of May a squadron of 99 sail cast anchor in the bay of Thoapsah, and the adjoining country being level and offering no defensible

positions, the natives were unable to prevent the disembarkation of a division of about 10,000 men. The Russian general immediately afterwards addressed a proclamation to the inhabitants, offering them terms, which they indignantly rejected.

TURKEY AND EGYPT.

The Augsburg Gazette of the 11th inst. states, that the British ambassador in Vienna, had sent off a courier to London on the 5th, with important despatches relative to the difference between the Porte and Mehemet Ali. It was believed in Vienna that the cabinets of England, France, and Austria, had declared in favor of the Sultan, and were determined on adopting coercive measures against the pasha of Egypt should he persist in his rebellious intentions.

Another account says, it seems to be well settled that the pacha of Egypt has been compelled by the European consuls to abandon his design of declaring himself independent of the sultan. A letter from Constantinople, dated June 27, states that most of the Egyptian men of war have returned to their stations, and that Mehemet Ali has given the most positive assurances that he will do nothing to displease the sultan. He has paid one million of piasters on account of the arrears of tribute.

"Constantinople, June 27.

"More satisfactory accounts have been received from Alexandria, and every thing assumes a pacific appearance. Most of the Egyptian men-of-war have returned to their stations, which may probably be ascribed to the declarations of the foreign consuls, and the approaching arrival of an English and French squadron, with which Mehemet Ali was threatened, if he did not remain quiet and respect the authority of the Porte.

"He has given the most positive assurance that he would do nothing to displease the sultan. One million of piasters of Mehemet Ali's arrears of tribute has been paid. This money comes very seasonably; the garrison here had received no pay for a fortnight. The Sultan's treasury is quite exhausted, and it seems unaccountable, that, notwithstanding this pecuniary distress, so much expense should be incurred for embassies to foreign courts.

Great fire at Grand Cairo. The *Garde National* of Marseilles, publishes a letter from Alexandria of the 27th ult., containing an account of a great fire at Cairo:

"The fire broke out on the evening of the 21st ult., at the Catholic chapel, and immediately communicated to the neighboring houses. But slight assistance was obtained from the governor, Kabbib Effendi, and it is even said that the men sent by him to extinguish the flames, aided rather in promoting than in subduing the conflagration to enable them to commit acts of plunder with greater facility. The fire soon spread and destroyed two entire streets, one of which formed part of the Frank quarter. On the evening of the 22d it was considered nearly at an end, when it suddenly broke out on two new points. The Frank quarter and the surrounding neighborhood soon presented one vast blaze, and the confusion created by the anxiety of the inhabitants to save themselves and remove their property was indescribable. Several important manufactories were destroyed. Kabbib Effendi, on perceiving the serious nature of the conflagration, at last assembled the troops, and proceeded in person to the scene of the disaster. A number of houses were immediately sacrificed, in order to concentrate the fire on one point; and on the evening of the 24th hopes were entertained that the measure would be attended with the desired result. The calamity had given rise to the most lamentable excesses on the part, not only of the Arabs, but of the soldiers, who were sent to give assistance and preserve order. Hussein Bey had been invested with discretionary powers by Mehemet Ali, and despatched to Cairo, where it was hoped that his presence would operate as a check to further abuses. The panic created among the European inhabitants by the audacity of the populace and the neglect of the authorities, would seem fully justified by the extraordinary facts which were stated.

Amongst the number, it may be mentioned that M. Tidel, the French consul at Cairo, had demanded and obtained a guard of twenty-five men, and that while he was occupied in removing the archives of his office to a place of safety at Boulac, his guards commenced plundering his house, in which occupation he found them busily employed on his return. Although no further danger was apprehended, M. Coehet, the French consul general, had applied for some ships of war. A correspondent of the *Semaphore*, writing from Cairo, under date of the 25th ult. states that the fire had entirely ceased at ten o'clock on that morning.

Another letter from Alexandria, of the same date has the following:

"The viceroy was astounded at the news of this event; he could not believe the accident had been so fatal to him; and he suspects, perhaps with reason, the wickedness of his enemies. These moles of vengeance are quite in accordance with the customs of Turkey; but still, fires were not a means employed by the mob of Constantinople; and one cannot believe that the government would resort to such means. Be it as it may, the cruel event which has thus struck at the fortune of the viceroy cannot fail to exercise a considerable influence on his political views, and cause him to adjourn his plans of independence."

Notwithstanding this deplorable event, it does not appear from the letters from Egypt that any serious decline of trade was anticipated. Most of the warehoused goods at Cairo were saved, chiefly by the vigilance and energy of the English and French merchants.

Another letter from Alexandria, dated the 27th, announces that the fire which has burst out at Cairo has almost destroyed the whole of the Frank quarter. More than 600 houses have fallen a prey to the flames.

A large Egyptian ship of war had been destroyed at Alexandria.

A letter from St. Petersburg, dated June 23, says, "We learn from Pekin, where a mission from the Greek church at Russia has existed from the time of Peter the Great, that upwards of 300,000 Chinese have embraced Christianity, and that there is every reason to believe that all persecution of Christians on the point of ceasing. The emperor himself is said to have studied Christianity, and to hold it in respect; while at his accession to the throne, Christian blood was frequently made to flow. The rigorous laws against Christians now exist only on paper, and their execution is intrusted to such mandarins alone as are favorable to the Christians."

The law of 1833, although in terms applying to all Christians, was directed solely against the English, of which political influence the emperor began to be afraid. There are in China several vicariats, whose chiefs are to be found at Pekin, Nankin, and Macao. [French paper.]

VOYAGE OF THE ROYAL WILLIAM.

*Royal William steam ship,
New York harbour, 24th July, 1838.*

TO THE EDITORS:

As the American public took so much interest in the success of the "Sirius" and "Great Western," showing by the kind reception they gave to the commanders of these vessels how sincerely the people of the United States were gratified at the solution of the great problem of crossing the Atlantic by ships propelled by machinery, I am confident I shall add still more to the public gratification, and more particularly to that of the scientific portion of the population, by giving a concise statement of the result of the "Royal William's" voyage from Liverpool. The ship left the river Mersey at 6h. 30m. P. M. of the 5th July, and arrived at her anchorage here at 5h. 33m. P. M. of the 24th of July, being 13 days, 23 hours on the passage; but if I deduct three hours and a half, during which time her machinery was stopped for the purpose of attaching new packings, &c. when 9 days from Liverpool, the total time occupied in steaming was eighteen days nineteen hours and a half, and that without any intermission whatever in working the machinery. From pilot to pilot she was 18 days 19 hours. The "Royal William" is 276 horse power, on the condensing principle; she has three separate circular boilers, worked at a pressure under 8lb the inch; and the steam is economised by expansive valves. During the entire voyage across the Atlantic, the average expansion was 19 inches of a 66 inch stroke, and her total consumption of fuel was 351 tons 2 cwt 2 qrs from anchorage to anchorage, leaving a sufficient quantity on board for 600 miles additional steaming, having still in her hold 59 tons 7 cwt. She has worked the whole distance at an average of 2 cwt 11 lb. per mile, or going more into scientific detail 6 lb. 4 oz. per horse power per hour, a result, I believe, unprecedented at least in Europe.

Leaving England in the middle of summer, it may be said that her voyage has been long, and that her predecessors did more than she has done. To prevent such an erroneous opinion going forth to the world, I give below a detailed statement of the different winds she has encountered on the passage; winds as adverse as any winter season generally produces, and as a proof that the Atlantic has been visited with westerly gales, I beg to state that in latitude 42 and longitude 61, we overtook the "Sir James Kemp," out 53 days from Dundee, and in latitude 40 29, and longitude 63 18, we passed the "Hibernia," which vessel left Liverpool on the 27th of June, 18 days before the "Royal William." The

undernamed packets have not yet reached New York, and as their usual passages are much shorter than that they are now on, nothing can show more clearly the adverse weather in the Atlantic for vessels coming to the westward.

North America, left 16 June

Roscoe, " 24 "

William C. Nye, " 26 "

Louisville, " 26 "

Total time of the Royal William between Liverpool and New York 18 days and 23 hours.

	Days.	Hours.
Winds blew from N. W. to S. W.	11	11
N. W. to North	2	17
S. W. to South	2	0
Easterly	1	17
Calm	1	2
	18	23

Now as the course from Cape Clear to New York is about W. by N. it is evident the "Royal William" had to contend against eleven and a half days of opposing winds, that is to say, those blowing between S. W. and N. W.; and as it frequently blew gales, I trust some credit will be given to a vessel which has opposed them so successfully. For the eleven days she had no opportunity of setting her fore sail or fore top sail. As a proof of her capabilities for speed, it is only necessary to give the result of the last seven days she was at sea, during part of which time she had 56 hours of head winds—

Noon ending the 18th July,—206 miles,

19th " 240 "

20th " 182 "

21st " 179 "

22d " 230 "

23d " 238 "

24th " 239 "

Total in seven days, 1,514 miles.

The above are by observations—by dead reckoning she ran 257 miles on the 19th July, 257 miles on the 23d.

The "Royal William" is fitted up with water tight bulkheads, which by dividing the hull into five compartments renders it perfectly safe under almost any circumstances; certainly from collision or fire: this plan of dividing the vessel into sections, was originally adopted by Mr. C. W. Williams of Liverpool, to whom the public are indebted for so great a means of preservation to human life, and which has gained him in England the applause of the public at large. The "Royal William" belongs to the City of Dublin Company established in 1824 to run steamers between Liverpool, Dublin, and Belfast. They have a fleet of 17 vessels employed in the Irish channel which make annually above 1,000 voyages, and from the peculiar care used in their construction, and from almost daily inspection, not an accident has occurred to endanger life during a period of 14 years.

The experience acquired by the managing directors has led parties in the United Kingdom to solicit their assistance in the formation of a company to run steamers of a large class between Liverpool and New York; and in consequence of that assistance being afforded, progress has been made. Subscribers have come forward, and two vessels of 1,250 tons and 420 horse power each are now in course of construction, to be followed by others as numerous as the wants of the station will ultimately require.

I am, sir, your obedient servant,

JAS. C. SHAW, marine manager.

THE FUNERAL OF THE LATE COMMODORE JOHN RODGERS.

From the Philadelphia Inquirer, August 4.

The mortal remains of this distinguished officer of our navy, were interred yesterday evening, in Christ church burial ground, at the corner of Fifth and Arch streets. The occasion was a solemn one, and respect for the memory of the deceased, and a due sense of the virtues both of his public and private character, attracted a concourse of many thousands of our citizens to the place of interment, which large cemetery, as well as the adjacent streets, were thronged with people, amongst whom the most perfect order and decorum prevailed.

In compliance with the naval order of commodore Charles Stewart, commanding officer of the Philadelphia station, all the officers of the navy at present in the city, together with several officers of the army and a numerous company of the immediate friends of the deceased, assembled at the house of commodore Biddle, No. 260 Walnut street, whither the body had been removed from the U. S. naval asylum.

The first brigade of the Pennsylvania militia, under the command of general Provost, who officiated in the absence of general Patterson, also assembled on Walnut street, for the purpose of assisting

in the solemnity, where they were met by the fine corps of U. S. marines, from the navy yard.

Shortly after six o'clock, the procession moved towards the burial ground, the body being conveyed in a hearse, and covered with the star spangled banner for a pall.

When the coffin was removed, and taken into the burial ground, the national flag was supported by six pall bears, all of them being distinguished officers. Amongst them we observed commodore Stewart, commodore Biddle, captain Sturbrick, major H. Bache and captain Thornton, all in full uniform. The body was borne by veteran sailors of the U. S. navy. These were followed by a large number of officers, both of the navy and army, but particularly of the former service; amongst them, lieutenant McKane, Dr. Morgan, Mr. Purser Stockton, lieutenants Mercer and Bynum, Dr. T. Dillard, &c. &c. Citizens two and two; and the first brigade of the P. M. with their flags muffled in crepe.

The military made an imposing appearance; and the mournful cortege, which extended several squares in length, marching to the slow music of the German Washington Guards' band, was remarkably solemn and impressive.

Having arrived at the Arch street gate of the cemetery, the military formed in line, and preserved a clear passage for the mourners and attendants; and as the procession entered upon the ground, the rev. Dr. Tying commenced the beautiful and affecting burial service of the Episcopal church, by reading "I am the resurrection and the life, saith the Lord," &c.

After the entire burial service had been read, and the body lowered into the grave—the marines fired the customary farewell salute of three volleys. The military, friends and attendants then retired, and the thousand assembled dispersed, doubtless bearing with them to their homes, an honorable recollection of the services which the deceased had rendered to his country, and a proper sense of the fleeting and transitory nature of this mortal state of existence.

Our hope and trust is that the distinguished deceased, has put off this early corruption for a happy and glorious immortality.

We find the following interesting sketch of the life of the deceased in the "Intelligencer."

Commodore John Rodgers entered the navy as a lieutenant in the year 1798. He was 1st lieutenant of the Constellation in the action with the Insurgente which resulted in her capture. His zeal in performing his duty on this occasion, and complying strictly with the orders of his commander, (Commander Truxton,) was, in commodore T's language, "not to be surpassed." After the action the command of the Insurgente was conferred upon him.

With midshipman, D. Porter (the present commodore) and 11 men, he took possession of the prize, and commenced moving her crew to the Constellation; but before this could be done the ships were separated in a heavy gale of wind, and 178 prisoners were left on board to be guarded by lieutenant Rodgers and his handful of men, whose situation was rendered peculiarly perilous by the circumstances of there being no handcuffs or shackles on board to secure the prisoners who manifested a disposition to retake the prize. The energy of lieutenant Rodgers, assisted by the gallant midshipman Porter, conducted the prize safely into St. Kitts.

Returning to the United States, lieutenant Rodgers was commissioned a captain in the navy, in consideration of his highly meritorious conduct and known qualifications. He was appointed to command the sloop of war Maryland, in which vessel he cruised in the West Indies for many months, rendering important services. In 1801, he sailed in the Maryland, for France, with Mr. Dawson, sent as a diplomatic messenger to that court.

In 1802, he was appointed to the command of the John Adams—attached to the Mediterranean squadron—destroyed the Meshouda of 22 guns, "the largest cruiser belonging to Tripoli," and performed other valuable services.

In 1804, he was appointed to the frigate Congress, and proceeded to the Mediterranean as a part of a squadron of vessels, under the command of commodore Samuel Barron, sent thither against Tripoli.

From commodore Barron's extreme ill health, he resigned the command of the squadron in Mar. 1805, to commodore Rodgers, whose decisive conduct soon disposed the Beshaw of Tripoli, to make peace with us, and in less than two months after the command devolved upon him, a treaty of peace was concluded with that power, on terms dictated by him and colonel Lear.

In 1812, the command of a squadron was given to him. He dashed into the European seas, made a number of captures, most of which he, from se-

cessary, destroyed, returning triumphant after an absence of more than three months. At the time he sailed, a number of the enemy's vessels were on our coast, greatly exceeding the commodore's squadron in force. These he successfully evaded, and by drawing them off in pursuit of him, enabled a great number of our merchant vessels, with valuable cargoes, to return in safety to our ports. One of the effects of this cruise was to save millions to our merchants and to our government.

When the British army marched upon Baltimore, commodore Rodgers acted a distinguished part in the defence of that city. Many believe that Baltimore would have been surrendered but for the seasonable aid of the force under his command.

After the war, he was appointed commissioner of the navy, and presided over that board for several years. He was mainly instrumental in making regulations which have conducted to the economy of the naval service. He was offered the appointment of secretary of the navy, but declined it.—Having acted as president of the board of navy commissioners about ten years ago, the president invited him to take command of the Mediterranean squadron, mentioning considerations, inducing him to do so, highly honorable to the commodore. He accepted, and his flag was hoisted on board the North Carolina ship of the line, of which D. T. Patterson, esq. was appointed captain. He cruised in the Mediterranean seas nearly three years. He had much intercourse with the commanders of other naval powers, and was held by them in high estimation. The ship was particularly distinguished for her fine condition at all times, and the high state of discipline maintained on board. The commodore, his accomplished captain, and this noble specimen of American naval architecture, were objects of universal admiration. Returning to the United States, he was again appointed president of the board of the navy commissioners, and continued to discharge, with great fidelity and zeal, the arduous duties of that station, till his constitution was literally worn out, and his mind exhausted in the service. He then retired—made a trip to England in the hope of recovering his health, and was there received with those kind attentions which were gratefully remembered till his last moments.

Of his personal character, it may be added, that, though of quick temper, he was noble and generous in his disposition. He was a patriot in reality. Though stern in his appearance, he was particularly distinguished for his humanity. The story of his noble and successful exertions to save two young ladies from the massacre of Cape Francois—his sublime efforts to save a poor old negro woman floating upon a cake of ice down the Susquehanna, which were also crowned with success, must be told as characteristic incidents in his life, when these brief outlines of his character shall be filled up by faithful history.

SUPREME COURT OF THE U. STATES.

Monday, August 6—11 o'clock.

The hon. R. B. Taney, chief justice, opened the August term of the supreme court in pursuance of the law. An application was made on behalf of Duncan H. Hennen, for a writ of mandamus, to be directed to the judge of the district court of the United States for the eastern district of Louisiana, commanding the said judge to restore the petitioner to the office of clerk of said court. A similar application was made for a mandamus, to be directed to the judges of the circuit court of the U. States for the eastern district of Louisiana, commanding them to restore the same gentleman to the office of clerk of the circuit court. The petition was read by Richard S. Cox, esq., counsel for petitioner, as follows:

To the honorable the chief justice and associate justices of the supreme court of the United States. The petition of Duncan H. Hennen respectfully sheweth:

That your petitioner was, on the twenty-first day of February, in the year of our Lord one thousand eight hundred and thirty-four, duly appointed clerk of the district court of the United States, in and for the eastern district of Louisiana, by the honorable Samuel H. Harper, judge of the said district court; that a commission was given to your petitioner by the said district judge in the words and figures following, to wit:

United States of America, eastern district of Louisiana:

By virtue of authority in me vested, I do hereby appoint Duncan N. Hennen, of said state, clerk of the district court of the United States, in and for the eastern district of the state of Louisiana. In witness whereof, I have hereunto set my hand and seal, at the city of New Orleans, this 21st day of February, A. D. 1834.

[L. s.] SAMUEL H. HARPER, judge U. S.

That your petitioner accepted the said appointment and commission, presented the commission to the said district court, and it was duly recorded on the minutes of said court, on the same 21st day of February, 1834, as by reference to the said original commission now in the hands of your petitioner, and ready to be produced when and where your honors may direct and appoint.

And your petitioner further shows unto your honors that, in conformity with the provisions of the statute in such case made and provided, he took the oath of office, and gave a bond with sureties, which bond was approved by the said judge Harper, and the said bond was duly filed, and the facts of producing the commission, taking the oath of office, and giving the said bond, conditioned for the faithful performance of the duties of said office, were all duly entered on the minutes of said court, on the same 21st day of February, 1834.

And your petitioner further shows unto your honors that he entered upon the duties of said office of clerk of the said district court of the United States for the eastern district of Louisiana, and held the same, and continued to perform the duties thereunto appertaining with diligence, fidelity, and skill, to the satisfaction of said district court, and of the parties suitors in said court; that, by virtue of said appointment, and of the provisions of the statute in such case made and provided, your petitioner was also, from the period of the organization of the circuit court of the United States for the said district of Louisiana, in like manner the clerk of said circuit court, and performed all the duties appertaining to said office, and during the periods aforesaid your petitioner, in like manner, received the fees and emoluments of office belonging to the same.

And your petitioner further shows unto your honors that he so continued to perform said duties, and to receive said emoluments, and in all respects to occupy and hold said offices, until on or about the 18th day of May, in the year 1838, when he received a communication from the honorable Philip K. Lawrence, then and now the judge of the said district court of the United States for the said eastern district of Louisiana, in the words and figures following, to wit:

New Orleans, May 18, 1838.

Dear Sir: The object of this communication is to apprise you of your removal from the office of clerk of the United States district court of the eastern district of Louisiana, and of the appointment of Mr. John Winthrop in your place. In taking this step, I desire to be understood as neither prompted by any unfriendly disposition towards you personally, nor wishing to cast the slightest shade of censure on your official conduct; on the contrary, whether it will afford you any gratification to be thus assured or not, I avail myself of the occasion to declare to you that my most ardent wishes respecting you are for your entire success and prosperity through life. I consider it due to myself to have made this declaration, and a sense of justice to you demands that I should do what lies in my power to repel any unfavorable inference which might be drawn from your dismissal from the office of clerk, in regard to the manner in which the duties of the office have been discharged by you. On this subject, the situation in which I have been placed during the last two years and upwards has afforded me the means of speaking advisedly; and I am happy in being able to testify, as I now do, unreservedly, that the business of your office, during that period, has been conducted methodically, promptly, skillfully, and uprightly. In appointing Mr. W. to succeed you, I have been purely actuated by a sense of duty, and feelings of kindness towards one whom I have long known, and between whom and myself the closest friendship has ever subsisted. I cannot but consider his claims to any benefit in my power to confer as of a paramount character; and as his capacity to fill the office in question cannot be disputed, I feel that I am not exercising any unjust preference in bestowing on him the appointment.

I am, sir, very respectfully, &c.

P. K. LAWRENCE,

U. S. judge district court of Louisiana.

To D. N. Hennen, esq.

And your petitioner further shows unto your honors that he has heard and veily believes that the said judge Lawrence did, on or about the same 18th day of May, 1838, execute and deliver to said John Winthrop a paper purporting to be a commission or appointment as clerk of said district court of the United States for the eastern district of Louisiana, and that the said Winthrop, under and by virtue of the same claims to be entitled to hold said office, and does in fact execute to a certain extent, the duties appertaining thereto; and that he is

recognized by said judge Lawrence as the only legal clerk of said district court, and as such signs writs and process, and receives the fees and emoluments of said office; that he has, by the direction and authority of said P. K. Lawrence, judge as aforesaid, obtained and holds possession of the records and minutes of said district court, and in general assumes to be the clerk of said court, and performs the duties of said office; and that said Winthrop and the said judge Lawrence exclude and keep out your petitioner from said office of clerk, and from performing the duties thereof, and from receiving the fees and emoluments thereunto belonging.

And your petitioner further shows unto your honors that on or about the 21st day of May, 1838, the circuit court of the United States for the eastern district of Louisiana met according to law, when the hon. John McKinley, one of the associate justices of the supreme court of the United States, and the said judge Lawrence, took their seats upon the bench as judge of said circuit court, and your petitioner and said John Winthrop severally presented themselves, each claiming to be rightfully and lawfully the clerk of said circuit court, and the said matter was argued by counsel for each of said claimants. The said judges, however, differed in opinion upon the said question of right, and, being unable to concur in opinion, neither of said parties was admitted to act as clerk, or recognized by the court as being the rightful clerk; and no business was or could be transacted, and the court adjourned. And your petitioner represents to your honors that he is advised and verily believes that he was legally and in due form appointed the clerk of said district court, and by virtue of said appointment became lawfully the clerk of said circuit court, and that he has never resigned the said offices, or been legally removed from the same, or either of them; but that he is rightfully entitled to hold and exercise the same, and to receive the fees and emoluments to the same belonging; and that he is illegally kept out of the said office of clerk of said district court, and prevented from performing the duties thereof, and from receiving the fees and emoluments attached to the same, by the illegal acts and conduct of the said Philip K. Lawrence, judge as aforesaid, and of the said John Winthrop, claiming to hold the said office by some pretended, but, as your petitioner is advised and believes, illegal and void appointment or commission from said judge Lawrence. And your petitioner further shows that the said judges of the said circuit court continue to differ in opinion as to the legal rights of your petitioner and the said John Winthrop to said offices, so that no one does or can perform the duties of said office of clerk of the circuit court, and that the suitors in said court are thereby delayed, and the administration of justice therein wholly suspended, and the appellate jurisdiction of the supreme court of the United States over the judgments and decrees of the said circuit court altogether suspended and incapable of being exercised; all which evils are remediless at and by ordinary proceeding before said district or circuit courts, and can only be terminated and redressed by the interposition of this honorable court by its extraordinary process of mandamus. Wherefore your petitioner respectfully prays that your honors, the premises considered, will award the United States writ of mandamus, to be directed to the honorable Philip K. Lawrence, judge of the district court of the United States for the eastern district of Louisiana, commanding him that he forthwith restore your petitioner to his office of clerk of said district court of the United States for the eastern district of Louisiana.

This petition having been read, upon motion by Mr. Cox, the court granted rules in both cases, returnable to the ensuing term of the supreme court, to be held in January next, upon the parties, to show cause why the writs as applied for should not be awarded—reserving to the parties the right to move for a rescinding of the rules.

After transacting some other business, the court adjourned to the next term. [Nat. Intel.]

THE HON. J. K. POLK, OF TENNESSEE.

From the Pennsylvanian.

We subjoin a correspondence between the hon. James K. Polk of Tennessee, the able speaker of the house of representatives, and a number of his democratic friends of this city, who were desirous of meeting him at the festive board for the purpose of testifying their respect for his private worth and distinguished public services. It will be seen, however, that Mr. Polk's stay in this city was so short as to prevent him from complying with the wishes of those by whom he was addressed, as well as of the democratic party generally in this vicinity, who would have been highly gratified to join in the proposed testimonial to one who has been ever

firm and fearless in the cause of the people under the most trying circumstances:

Philadelphia, 14th July, 1838.

To the hon. James K. Polk:

DEAR SIR: Your republican friends of the city and county of Philadelphia, having heard of your recent arrival amongst them, are desirous of availing themselves of the opportunity to manifest to you those sentiments of esteem and regard, with which your private character and eminent public usefulness have so deeply inspired them.

Your uniform devotion to democratic principles and firm and consistent support of the late and present administration, together with the able and dignified manner in which you have discharged the arduous duties of presiding officer of the house of representatives, have produced an impression upon the minds of your democratic fellow citizens in this section of the union, which cannot be effaced, and which they would be extremely gratified to express to you in a body, at such time as it may comport with your convenience to favor them with a meeting.

Be pleased to accept the assurance of the high consideration with which we are, very truly and sincerely, yours,

Henry Horn, Wm. V. Pettit, George Taber, Bartholomew Rees, Jos. H. Newbold, Pierce Butler, Christian Kneass, Peter Wager, F. A. Raybold, H. M. Phillips, J. W. Nesbitt, Wm. J. Leiper, C. J. Jack, H. R. Campbell, George Guier, C. F. Breuil, J. Page, J. Sidney Jones, Wm. Duncan, Wm. Dilworth, Joseph C. Neal, John Thompson, Lemuel Paynter, Henry Simpson, Thomas S. Stewart, John Horn, Rowland Perry, F. Stoeber, Michael W. Ash, Benjamin Mifflin, Robinson R. Moore, R. A. Patton, W. Bonsall, J. Murray Rush, Miles N. Carpenter, R. T. Moffit, Wm. R. Cash, James H. Hutchinson, Wm. English, Edward M. Meader, Benj. Brewster, E. A. Penniman, Thomas Cook, James Campbell, Geo. F. Lehman, Benj. E. Carpenter, James Eneu, jr.

Philadelphia, July 14, 1838.

Gentlemen: I have received your letter of this date, inviting me to attend a "meeting of the democratic citizens of the city and county of Philadelphia" "at such time as may comport with my convenience." I regret that the limited time which I can remain in your city, will deprive me of the great pleasure which I would otherwise take, in meeting that portion of my fellow citizens whom you represent; citizens, who, though residing in the strong hold of the power of their political opponents, have, under the most trying circumstances, firmly maintained the great principles of democracy, which we profess. Pennsylvania, justly regarded as the "Key Stone" of the political arch, has more than once saved the democracy of the union from overthrow, and is destined, I doubt not, in the great contest of principle which is before us, proudly to maintain her position at the head of the democratic states. Under her lead the democracy have nothing to fear. In the political contest in which we are engaged, the country is thrown back more distinctly upon the ground occupied by the federal and republican parties some forty years ago, than it has been at any time since that period. Party names have changed, but the principles which divide us are essentially the same. Our political opponents have drawn to their aid, in the pending contest, the power of associated wealth, in the form of privileged banking corporations, and have made them the instruments, as they are the natural allies of that party in the country who have at all times, distrusted the power and capacity of the people, for self-government. These corporations are now with a few exceptions, notoriously in close political alliance with the "prostrate federal party," in a struggle to resuscitate and again fasten upon the country, the exploded doctrines of that party. A self constituted and dangerous political power, unknown to the constitution and laws, not chosen by the people and not responsible to them, has arisen in the country, and in the hands of the party opposed to the democracy, claiming the right not only to violate all law and disregard all engagements, but arrogantly assuming to control the action of the government, and to dictate public policy. The country has to choose between the government of this self-constituted, dangerous and irresponsible power, and the regular government of the constituted authorities, chosen by the people and responsible to them. In such a contest the course of the democracy is a plain one. It is a bold, fearless and unyielding adherence to principle. There can be no middle or "conservative" ground. There can be no compromise when principles are involved.

Regretting that I cannot meet my "republican friends" "in a body," during my short visit to your city, I have to thank you for the kind terms in

which you have been pleased to refer to my public course and services: and have the honor to be, with sentiments of respect, your obedient servant,

JAMES K. POLK.

To Messrs. Henry Horn, Wm. V. Pettit, George Taber, Bartholomew Rees, Joseph H. Newbold, Pierce Butler, Michael W. Ash, and others.

THE CROPS OF EUROPE AND THE UNITED STATES.

The New York Express has the following advices touching the European grain market, derived from its London correspondent.

London, July 4. We have nearly got over our fright about our crops, the fine weather till to-day having quieted the anxiety. In Scotland the harvest will be very late. There is a great complaint of thinness in the largest wheat growing counties. We shall not have a great crop, but if the weather continues favorable, we shall not have a bad crop.

The news from the United States of the prospects for favorable crops has prevented the otherwise decided advance that would have taken place in our wheat market. If you have no call for the surplus wheat of the Baltic, that surplus will more readily come here. In Ireland our prospects are best for a good crop.

We have advices from St. Petersburg of the 17th ult.; Kubanka wheat was offering for delivery in August at 25ro. per chetwert, with 5ro. down, which at the exchange of 10 5-8 would bring the price per imperial qr. or free on board 34s. The accounts from the interior were by no means favorable, the crops of all kinds of grain suffering from dry hot weather.

From Konigsberg we have letters of the 21st ult. The holders of wheat continued to ask high prices; the accounts respecting the growing crop were still unfavorable, both in Prussia and Poland; high mixed qualities were held at 39s. to 40s. mixed at 35s. to 36s., and red qualities at from 32s. to 34s. per qr. Rye was also held at higher rates, and the best kinds could not be obtained below 22s. per qr.

Our Danzig letters reach us on the 22d June, on the 17th of the month the weather had become more genial, with refreshing showers of rain, which had continued up to the 22d; this auspicious change it was hoped would still be in time to benefit the crops, and in some measure to repair the damage done by the severity of the winter and lateness of the spring. On the 19th, prices of wheat had declined about 1s. per qr., but as the London mail of the 15th brought favorable accounts, a renewed demand had been experienced on 22d, and prices had fully recovered the slight depression; altogether about 360 lasts changed hands, part of which was high mixed of a fine bright color, which had obtained 47s. per qr.

At Hamburg on the 26th June, wheat was in brisk demand and about 3,000 qrs. were disposed of. Red Mecklenburg, weighing 62 lbs. had made 49s; old red Brunswick, 61 lbs. 46s. 3d; Silesian, 60 to 60 1-2, 46s. 2d; red Madgeburg, 59 1-2 lbs., 42s. 6d; and mixed Polish weighing 50 lbs., 46s. per qr. free on board. Some business had also been done free on board in the Baltic ports, a cargo of red, 61 lbs. Wheat had been sold at 43s. 6d. free on board in Elbing, and one of fine red Holstein, free on board at Newstadt, at 42s. 6d. per qr; at the latter rates there were more buyers but no sellers.

There was a brisk demand for flour, no sales however were made, as there were no stocks to meet the orders, and the manufacturers refused to enter into contracts for forward, delivery unless buyers were disposed to pay prices equivalent to the value of wheat.

The Rotterdam market on the 25th June opened briskly for wheat, and in the beginning of the day fine Zealand realized an advance of 1s. per qr. prices varying from 48s. 4d. to 56s. per qr. according to quality. Bonded wheat was in animated demand for English account, and prices were 2s. per qr. higher than during the previous week; good Rhine was quoted from 46s. 3d. to 47s. 6d. per qr., and Danzig 46s. to 53s. 3d. according to quality; Pomeranian of 62 lb. weight could be had at from 47s. 6d. to 48s. 3d., and red Konigsberg at from 44s. 6d. to 45s. 5d. per qr. all free on board.

We gave yesterday, a notice of considerable length relative to the corn market of London, with a view of following it up with some remarks upon the European markets and crops, and the harvests of our own country. The connexion between these, is of course, intimate, and the subject is one of interest to a majority of our readers.

We think ourselves warranted in setting down the wheat and rye crop of this country as large, not only in regard to the general yield, but also in reference to the number of acres cultivated. There

have been failures in some places, and in some others it is probable that the harvest has not quite fulfilled its early promise, but the average of the crop is good, and the amount of wheat gathered in is very great. How is this great crop to be made most serviceable to the producer, to the merchant, and to the business of the country? This is a question which can only be answered by a reference to the state of the markets and grain fields of Europe. This is evident, because there is a superflux which must seek foreign markets, and on the state of supply in those markets will depend the price, and consequently the profit or loss, of those who send their bread stuffs thereto.

Let us, then, spend a few moments in examining the state of the principal market of grain, and the means of supplying any deficiencies therein beyond our own produce.

Undoubtedly London must be looked to for a solution of all the questions upon the demand and supply of bread stuffs, which concern the United States.

The crop of 1837 was deficient in England to a considerable degree, and to a far greater extent on the continent, say to the north of France. This state of things was early known; and as soon as the harvest of 1837 closed in England, orders to purchase wheat on English account were despatched to all the ports of export of that grain on the German ocean and the Baltic. Now it is known that these orders were being executed and contracts made under them, from the December following until the middle of May, 1838, about which time, say, the latter end of May, all further proceedings under these orders were arrested by the very considerable advance in prices that occurred in the principal ports of the continent, in consequence of the great prospects of a failure of crops in Germany and Poland.

The wheat purchased between December, 1837, and May, 1838, was regularly shipped, and early before the first of June, it seemed to be coming into the British ports from all parts of the continent. This sudden influx caused a pause in the rise of the article in England; but early in June the demand was estimated in Liverpool, and large sales were made in one market day.

Our readers will recollect that our information relative to the London markets is incomplete, there being a chasm (at least in our information) from the 16th of June to the 3d of July; but we find that the weekly average of the 15th of June is 64s. 11d. and on the 22d it is 65s. 6d. Prices, therefore, of wheat free for home use must advance. Free wheat is quoted in Liverpool on the 3d of July, in the regular price current, fully as high as during the week previous, though the sale was rather dull. This brings us to notice the probability of the introduction of foreign wheat; and in order to form a correct opinion upon this subject, especially as to the rate of duties, it is necessary to recur to the production of the former harvest, or more properly to the stocks on hand.

The stocks remaining with the farmers can only be inferred from facts. The harvest was, it is admitted, deficient. The millers and corn dealers, however, as the farmers seemed anxious to sell, or, to use a technical term, seemed to be free sellers, purchased only to supply immediate demands, as we gather distinctly from the quotations and remarks in the price current from day to day, and they were in turn as free sellers as the farmers—no wheat was hoarded or laid up in speculation. When Lady day came (25th March,) and found the corn dealers and millers without stock, and the farmers without their customary deliveries on that pay day date, there was at once forced upon the public mind the apprehension of a necessity for a large import, and this apprehension has been strengthened by fears of the deficiencies of the coming crops in England.

We have, on the 7th of June, the opinion of one of the most intelligent merchants of England, versed in the corn trade, that a million of quarters (8,000,000 of bushels,) of corn will be required to be admitted, before the harvest could be made available; and be confidently expected that it would be admitted at a duty of 20s. 8d. to 24s. 8d.; and on the 6th of July, the same gentleman thinks that the duty will be from 18s. 8d. to 20s. 8d. This implies a reduction which could only take place from a proportionate advance in the price of wheat free for consumption.

As early as the 5th of June, there were strong apprehensions that the growing crop would prove considerably deficient. The root had been killed, and the fine weather, by promoting the growth above ground, showed how much had been destroyed. So extensive and general had been this injury, that on the 5th of July the opinion was entertained that in the most favorable state of weather, there could not be expected an average crop—and it is known that

England requires a full average of her own and of the Irish growth, to meet her consumption.

We have above expressed the opinion that a million of quarters of wheat (eight millions of bushels) must be admitted into England before the harvest. What proportion of this can be readily obtained, we are unable to state explicitly, and must, for want of data, trust to conjecture.

In London on the 4th June, the amount of wheat in bond was 248,000 qrs., and it is a fair calculation to take the amount in London as half that of the whole kingdom. This assumption is founded on the fact that London is the great market both of corn and capital—is situated on the east side of the island, and is contiguous to the continent. We find, however, on recurrence to the "Corn Reporter" of July the 2d, that the official return for the whole kingdom gives 627,233 qrs. or 4,217,664 bushels. But Holland is also a competitor with England for wheat, and at Rotterdam on the 25th of June, it is remarked that the duty on bonded wheat introduced for home consumption, was reduced to one shilling, the minimum of duty for wheat admitted for domestic use. This fact has an important bearing upon the subject, because it shows that there is a scarcity of, and of course a demand for, corn in that market.

We have above referred to the fact, that the continental grain fields were not promising, and we may add, that the stock of old wheat, both in England and on the continent, is far less than has been held for many years previous. Of course, then, the demand in Holland, as well as in England, is to be made upon a reduced stock, and it would seem that English grain dealers regard the subject in this light; because while they speak favorably of the weather in relation to the grain fields, they at the same time remark that "the duty on wheat from foreign ports is reduced one shilling per quarter this week"—a necessary consequence, of course, of the rise in the price of wheat, and that rise in England shows that the landed interests have not the wheat wherewith to keep down the price, and thus prevent a glut of the market by the introduction of foreign wheat into England; though it would seem that the surplus on the continent is so small, that if any considerable portion was sent to England, that is, if an over drain of the continental ports were to be made, the prices in England would become depressed, and the bonded wheat must return to the ports whence it came, to supply the want caused by its own shipment.

The fluctuations in prices of bonded wheat unknown, are not always significant of quantities brought to, or taken out of, market. Much wheat is held on speculation, and the prices of that must always be affected by the money wants of the holder, who will rather force a portion of his speculation upon the market at a reduced price, than to suffer for want of the money invested therein—hence we repeat, that fluctuations afford no criterion to judge of the wants for consumption.

We would add that our remarks are not founded upon the supposition of a failure of the English and continental crops—we believe that both will be less than an average, and the want of stock remaining over from last harvest, will produce the demands which we have anticipated; and as the continental crops cannot supply the demand of England before the harvest, we may suppose that she must look elsewhere.

Should our anticipations prove correct, and the demand for flour in England and Holland more than exhaust the supplies of the continent, it will follow as a matter of course, that the surplus of the large harvest of this country will go towards making a balance of trade in our favor, in different parts of the world. The demand in England, and the want of abilities to supply in the continent, will leave open to our merchants the West India and South American markets; and we may add, that while there has been a diminution of supplies in Canada, there has been a large accession to the means of consumption, so that the flour of the western part of New York will probably find a ready market on the British side of the lake.

From the view of circumstances at home and abroad, we come to the conclusion that a judicious course on the part of our merchant, and a *let us alone* (*laissez nous faire*) course on the part of the government, will with existing means at home, and certain want abroad, place our commercial relations in a most enviable position, rewarding the producer for his toil, and the merchant for his enterprise and risk, of paying off and giving to the government in due time the means of its newly created responsibilities, while at the same time it sees the people enjoying prosperity, as the fruits of commercial integrity and honest industry.

We are not unmindful while we speak of grain as entering into the means of our national prosperi-

ty, that there is a mutual dependence among the great staples of our country, and that our foreign and commercial relations, especially those with Great Britain, are best sustained by an average produce and demand for them all abroad. [N. Y. Exp.]

SPEECH OF MR. DUNCAN, OF OHIO,

On the bill making appropriations for harbors, and in reply to Mr. Bond of Ohio, delivered in the house of representatives, Saturday July, 7, 1838.

Mr. Duncan addressed the committee as follows:

Mr. Chairman: I am happy to have this opportunity to make some remarks in relation to the financial policy adopted, and so far pursued, by this and the late administration. The bill now under consideration has been amended in the senate, by striking out the appropriation of twenty thousand dollars for the improvement of the Cumberland river within the limits of Kentucky and Tennessee.

The gentleman from Kentucky [Mr. Williams] says that this amendment was made in a *certain* quarter (meaning the senate) for a *certain* purpose, (I suppose to punish the people of Kentucky for not being more democratic,) and to affect a *certain* individual, [Mr. Clay.] This may all be, if we are prepared to suppose that grave senators could so far forget their high stations as to make such paltry considerations an object of action in the discharge of their high functions and sacred duties. But I think we may find another reason for this judicious and laudable amendment—a reason that has its foundation in patriotism and economy. The howl of extravagant profligacy and bankruptcy has never been out of our ears since the commencement of the session until this time, and it will continue with the session. Yes, sir, that howl has cost the people more money than would redeem the treasury notes now in circulation, which constitute our present national debt. I say it was a regard for economy, and a desire to confine the appropriations within the probable estimates for the year, that induced the senate to make the amendment in question.

Sir, what base and sickening inconsistency do we witness here every day: a charge constantly kept up that the government is bankrupt, and the best prospects of the country ruined, by a profligate administration; when it is a well known fact, and the journals show it, that every measure of extravagance and profligacy is brought forward, sustained, and carried through to a law, by those who are opposed to the administration, and who are constantly denouncing it for its prodigality.

It seems, from the profligate and reckless course of the opposition in worthless and extravagant expenditures, that bankruptcy of the government is one of the means by which this administration is to be brought into disrepute with the people, and finally overthrown. Whenever there is an attempt made at reform, it is denounced as demagogical. Whenever there is an attempt made at economy and prudence in public expenditures, the whole pack of oppositionists who may have the most remote local interest, raise the howl that this attempt at economy is made for party purposes—to affect a *certain* state—to affect *certain* individuals—and to effect *certain* purposes. Yes, sir, although economy dwells on the lips of a certain party, extravagance has its home in their hearts. For the truth of this assertion, I refer you to the examination of the journals of the last six or eight years; where on all appropriations made that savor of extravagance, there will be found a large majority of the names of those opposed to this and the last administration in favor of such measures, and the names of a large majority of the members friendly to those administrations will be found to be recorded against them.

Sir, I hold up the journals which contain the evidences of what I say. I only ask investigation. Among the vast number of unwarrantable appropriations, which I have not time to notice specially, I ask your attention to one, only distinguished from the rest by the size of the sum. It is the appropriation made in the session of 1835 and 1836, for liquidating the debt due from the District of Columbia to Holland, and for carrying out certain improvements for which that loan was made. This entire appropriation amounted, I think, to one and a half millions. But let us inquire for what purposes this money was applied. It was applied first to the construction of a canal through the suburbs of your city, (Washington,) which needs a canal about as much as a cart wants a third wheel. The south side of the south wing of this capitol faces the whole line of that canal. It is in view of every one who looks out of one of the south windows. I have been looking out for seven months, and I have yet to see the first boat disturb the stillness of its water. One is at a loss to know which to be most astonished at, the wickedness that conceived such unpardonable folly, or the sterility of the soil through which the canal is excavated, or the poverty and sterility of the country for

whose benefit it is made. This canal is of whig origin. The next extravagant and worthless appropriation of this money is for the construction of a turnpike road, made on the bank of the Chesapeake and Ohio Canal. This road was made at great expense, and runs the extent of the District. The next is the turnpike road running parallel with the former. I am unable to draw the distinction between the folly involved in the construction of each of those roads. The existence of the one completely supersedes the necessity of the other, and both of but little use. The hill road seems to have been made to display the power of the federal government to prostrate hills and fill up hollows. I occasionally ride out in the evening for exercise. My rides have, some six or seven times, been on these roads. I generally go out the bottom road and return the hill road. I have once seen a shackling wagon drawn by two mules and a jack, (Demerara-tean,) so poor that one might hang his hat on their hip bones. This establishment was driven by a negro half naked, lame in one leg and blind of one eye. This, sir, is a specimen of the use made of what is called the bottom turnpike road; but I have never seen the first living creature on the hill road except the horse I rode. So much for the roads—useless roads—I mean those that have come under my observation, which have been made by the people's money, and, I undertake to say, in gross violation of their rights, if not in violation of the constitution.

But, sir, the most profligate and extravagant appropriation is yet to be presented. It is the appropriation for the Georgetown and Alexandria canal and aqueduct. This canal is now under way. Is located on the bank of the Potomac—a canal, deep, still, and wide, (being tide water.) Why, sir, what will your people say when they learn that half a million of their money has been appropriated for the construction of a canal on the bank of the Potomac—a canal constructed by the Almighty, as far superior to your pitiful effort as the majestic steamboat that rides upon its bosom is superior to the contemptible packet that floats upon your canal? But, sir, for whose benefit has this vast appropriation been made? For the benefit of the city of Alexandria. It is almost incredible with those who have seen Alexandria within the last three or four years, that such an appropriation should be made for her—a city that seems to have the anger of God and the hand of ruin upon it—now desolation itself, and without the most remote prospect of ever surviving. The almost total abstraction of trade from her port, the barrenness and poverty of the soil that surrounds her, must ever prevent her from being revived. Nothing can save her from final prostration and ruin. In half a century from this time, there will hardly be a standing monument of art for the tooth of time to operate upon; and yet it was for the benefit of these tottering remains of a city that this vast and expensive work has been undertaken, and to finish it, must take much of the sacred proceeds of toil and sweat of those who will never see or witness the practical result of such consummate folly and wicked extravagance. Sir, you may draw upon the industry of the people for, and recover, a sufficient amount to complete this work; but there never will be commercial motion enough on it to prevent the stagnation of its water. The noble canal which the Almighty has made, (the Potomac,) and of which yours is but a contemptible imitation, will for ever bear the produce destined for other places, (no toll being to be paid on it, but, like other divine gifts, free.) Your canal will be the generator and birth-place of reptiles, and the abode of frogs. It will be a putrid, green pool of pestilence; and its exhalations will spread disease and death over your country. These, sir, are specimens of the appropriations that have emptied your treasury, and been part of the means that have made it necessary for you to use your credit in the form of treasury notes, to keep the wheels of government in motion; and I repeat it, that these profligate appropriations are made at the instance, and carried into ruinous practice by the votes of the very party who are constantly denouncing this and the late administration for their extravagance and profligacy.

Sir, my object in discussing this question is not only for the purpose of sustaining the amendment in question, and to sustain the principles and policy that induced it, but also to answer and refute many of the propositions and assertions contained in a small pamphlet, which I hold in my hand, purporting to be a speech delivered by my colleague, [Mr. Bond, from Ohio,] on a resolution offered some time since by the gentleman from Virginia, on the subject of the public printing.

In order to give his remarks upon that resolution some force with the democratic party, my colleague says that the gentleman who offered it acts generally with the administration party. I deny that assertion. I deny that the gentleman from Virginia,

[colonel Hopkins,] had acted generally with the administration party; and I say so without any disrespect to the gentleman, for he has a right to act with whatever party he pleases, and no one has a right to question his motives. But fair play is a jewel; and my colleague must represent things as they are, not as he would desire to have them, for political effect. Sir, this is a little pamphlet, but it contains more federal poison in a small way, than any thing I ever saw of the kind. It is a little pamphlet, and its whole contents remind me of minnow-catching. I live near a river called the Little Miami, and into it there empties a creek called Sycamore. I fish in the river, and my boy catches minnows in the creek for bait. It is this last operation that the contents of this little pamphlet remind me of. It is a system of a small kind of fault-finding; and yet I am told that there is not a foul stream of federalism in the union, on which it does not float. Every corrupt, bought-up federal press in these United States, I am told, has given it an insertion in its columns; and the mails have groaned under the weight of its multiplied numbers, by the franking privilege, ever since it made its appearance.

Sir, seeing, on one occasion, a great number of federal members engaged busily in franking documents, my curiosity induced me to walk round among them to inquire what documents they were franking for distribution. I asked one: Mr. Bond's speech; another: Mr. Bond's speech; another: Mr. Bond's speech; and so on. This led me to a perusal of my colleague's speech, and the vast circulation which was given to it, for political effect, induced me to collect some statistics by which I might neutralize any poisonous effects his speech might have on the political atmosphere. Those statistics I have procured, and have them in my hand, and will ask that they may constitute a part of my speech, which I design to write out more fully than time will now permit to deliver.

But to the speech. My colleague complains that, within the last nine years, there has been an increase of public officers and of public expenditures, which he charges as a fault of the party in power. It is their fault, too, I suppose, that within the same time, two new states have been added to our union, and several millions of people to our population. If public officers have been increased, so has public business, and in a much greater ratio. As a matter of course, an increase of expenditures must follow. If this be an evil, it can only be cured by stopping the extension of our settlements, and the increase of our population. There is a large increase of clerks in the New York custom-house; but the business there has been more than doubled. There has been a large increase of clerks in the land office; but the business of that office has increased ten-fold. It was physically impossible that the president could sign the increased number of land patents, and yet it is made an offence to create another officer for that purpose. There has been some increase of clerks in the war department; but the business in that department has been more than doubled. The number of postmasters has been doubled, and so has the number of post offices, for the convenience of the people.

Would our new-light bank federal reformers have six or seven thousand post offices discontinued to avoid an increase of executive officers? Do the people want any such reform? Would they shut up the land offices, because to keep them open requires an increase of officers? Would they deny patents to purchasers of land, because it takes a few additional clerks to make them out? Shall the business of all the departments remain undone, because it requires more clerks to do it as it increases with the growth of our country? These would be reforms worthy of federal bank reformers! Let the business of the people's government remain undone, and the banks will govern for the people.

There are few offices, if any, in the country, in which the public business has not increased faster than the clerks and the expenditure. As our country increases, the public officers and public expenditures must and will increase. It is unavoidable, as every man knows. It is as stupid as wicked to complain of the party in power on account of this increase, for no party can prevent it and do its duty to the country. The only inquiry should be, whether there are too many clerks to do the public business; whether any of them spend in idleness the time for which the people pay. If so, they should be lopped off. But no such thing is alleged. It is not asserted that the clerks who have been added have not enough to do, or that the public business could possibly be done without them.

These new-light federal-bank-reformers propose no measures to retrench, because they know that no retrenchment can be made, but seek only to fill the country with false impressions, for the sake of producing political results favorable to the federal-

bank cause. This game of base and foul lying, to get into power, is as old as Absalom, the son of David, and older too. My colleague undertakes to arraign certain members of the administration for having, in some instances, received payment for extra services. But does he pretend that any one of them has received such compensation in violation of law? not at all. He knows that the principles upon which those allowances were made have been repeatedly adjudicated upon and sanctioned by the supreme court, the highest judicial tribunal in the country. The allowances, therefore, were all lawful. Is the principle wrong? If gentlemen think so, why do they not bring forth a proposition making all such allowances unlawful? If they were really in favor of a reform, or change in this respect, should we not see them proving it by acts, rather than by words? They have a majority in this house, and have had during this seven months' session, and yet they have made no attempt at reform of any kind.

Perhaps my colleague may have thought the prospect discouraging; but he ought not to have stopped on that account, he ought rather to have followed the example of the gallant colonel Miller, who, when he was ordered on a perilous service on the Niagara frontier during the war of 1812, did not say it was impracticable, but said "I'll try, sir," to the commanding general. He did try, and he succeeded. The achievement not only rendered essential service at that crisis, but honored his country's arms, and elevated his own fame. I hope my colleague will not be dismayed, because the undertaking of reform of the abuses of which he complains is perilous. If he will try he may succeed, and if he does, he will render essential service to his country, and crown himself with laurels as unfading as those of colonel Miller. But, sir, the fact that they content themselves with mere clamor, without attempting to do any thing to bring about reform, is conclusive that they do not believe there is any thing wrong in the principle, and have only one object in view, that is to put others out of office that they may get in. How they used their power over the public money while in office, and how they may be expected to use it again, I will attempt to show before I am done.

But my colleague brings a general charge against the party in power, who, by their representatives in part (colonel Benton, Mr. Cambreleng, and others) had promised something like reform (should they get into power) in abuses which they said existed, and which they set out in a report on that subject, and which my colleague has presented in a garbled manner to the public attention, through his speech. Does my colleague not know that many of the abuses in that report complained of, grew out of the manner in which the powers that then existed got into office, and the corrupt manner by which they held the administration of the government? The government fountain being corrupt, all the streams that flowed from it conveyed abuse and violation wherever they reached; and that by a reformation of the administration, most of the abuses that flowed from it were dried up; which, in a great degree, superseded the necessity of further reform. Some abuses still remained; they were reformed in part, as I will show you before I am done. Some remain unreformed, and always will, as they do in all governments, and are of a nature like the cholera, incurable. Yes, sir, the people have made that general reformation, by pulling down an administration that had its origin in a corrupt bargain, and existed in violation of the spirit of the constitution, and the sacred right of the elective franchise.

Here, sir, permit me to name some of the objections my colleague presents to the public against this administration. Some of the practices which he denounces as corrupt, and still existing, notwithstanding the reform the people were promised; and permit me to compare these practices, that he is pleased to denounce as corrupt, with those of a similar character, but a thousand times more aggravating, as practised by the administration of Messrs. Clay and Adams, which is urged upon us as worthy of example, and entitled to the confidence of the American people, and soon to be revived.

My colleague complains that the aggregate expenses of the government far exceeds the expenses of the administration of the dynasty which he wishes revived.

That there is an additional number of clerks in all the departments, and consequently an unnecessary expense incurred to the government. Such is the character of his charges against each of the departments of the government.

And now, sir, I proceed to answer the gentleman on some of these charges, and, I trust, I shall be not only able to prove many of these destitute of foundation in truth, but that the gentleman has withheld

many important truths in relation to reforms and abuses, which it is due to this administration that the people should know.

Sir, there is very little difference in the moral offence of withholding the truth, where it may be due to reputation and character that it should be told, and telling that which is willfully false. The gentleman constantly (indirectly) holds up to view the coalition administration (Adams and Clay) as a mirror, in which is to be seen a pure administration. I think, sir, we shall find some corruptions charged to this and the last administrations, which will be found to have been practiced with unity in that. One of the great violations of economy and extravagant expenditures of the administration of general Jackson, was sending Mr. Buchanan and Mr. Randolph, severally, as ministers to Russia, with a salary of \$9,000 per annum, and an outfit of \$9,000; that each of them staid but a year and a day, and then returned. Now, sir, let us see if we can offset this "useless" expenditure of general Jackson's administration by one of a similar character in the administration of Messrs. Adams and Clay. During the immaculate dynasty which my colleague desires to have renewed, no less than three ministers were sent to England, viz: King, Barbour, and Gallatin, with an annual salary of \$9,000, and an outfit of \$9,000. This made 27,000 in outfit, besides the annual salary, which amounted to the same. Also, the son of Rufus King, who was left secretary of legation, was left by his father as charge d'affaires, who received an outfit of \$4,500, although (being there) he had not to fit out at all.

Then the account for money expended for keeping up our legation in England, during that short reign of corruption and bargain, which only lasted four years, was—

Outfit for R. King	-	-	-	\$9,000
" for A. Gallatin	-	-	-	9,000
" for J. Barbour	-	-	-	9,000
" for Mr. King's son, who never was fitted out	-	-	-	4,500
Salary for do.	-	-	-	4,500
" " Ministers	-	-	-	27,000

\$68,000

Yes, sir, \$68,000 was spent during that administration, to procure the discharge of the diplomatic duties of one single individual. I think this will offset the Russia diplomatic story. My colleague had better have kept that story in the dark, as his reform is a kind of one-sided reform. My colleague says that the state department sent Mr. Early to Bogota with despatches, and that he never delivered them, but received his pay. Well, sir, this was a hard case, and, taken in the abstract, smacks of fraud and improvidence. But what is the whole story? Mr. Early was sent to Bogota with despatches: when on the way, and within two days of St. Thomas, the vessel in which he had taken passage caught fire. There was a cargo of powder on board. The crew and passengers, amounting to nineteen in all, were instantly, to save their lives, compelled to take to the boats, two in number. They had left the vessel but half an hour when she blew up; and with her went the despatches. After the lapse of seventy-four hours without water or food, the famished crew reached the island of Hayti, from whence they got home as well as they could. I believe Mr. Early was paid the same as though he had delivered the despatches. Perhaps this was wrong; but I can tell you something worse under the coalition administration.

Mr. Clay (secretary of state,) sent Mr. Plazens to Buenos Ayres with despatches. It is said that he found the crew rather unpleasant, (he being a pleasant man,) being principally mechanics and workies, and not the white fingered gentry. He put the despatches in the possession of the captain, and he wheeled about and put for England, where he amused himself in high life a time, and returned; for which Mr. Clay paid him nineteen hundred and forty dollars. So I think this will offset the charge of paying Mr. Early.

So far, I think my colleague has been unfortunate in his charges, inasmuch as they have the effect to call to recollection charges against the dynasty he wishes to reinstate, much more aggravating and pernicious. This, so far, seems to me to be a blunder on his part; but the worst has to come yet. I think his speech will be unfortunate for his party and his purposes. Another most important blunder has been committed by my colleague in his "few comments on the profession and practice of Mr. Amos Kendall, late fourth auditor, now postmaster general." He quotes from certain letters of that gentleman, published soon after he came into office, showing some of the abuses he found in office, committed by my colleague's political friends, and showing, also, that he had or would reform

them, and affects to show that he had not done so. One of these extracts is as follows, viz: "The interest of the country demands that this office shall be filled with *men of business*, and not with *babbling politicians*." Can any man say with truth that this principle was not carried out? I assert, sir, and challenge contradiction, that the fourth auditor's office, while Mr. Kendall was in it, was "filled with men of business," and not "with babbling politicians." Mr. Kendall himself was "a man of business," and neither he nor his clerks ever neglected their public duties to babble politics with any one. When he went into that office, what did he find to be its condition under the dynasty which my colleague is laboring to restore? Was it all purity, all honesty, all industry? No, sir: it was all rottenness, all idleness. His predecessor was one of the favorites of the Clay party; and Mr. Kendall soon discovered that he had been guilty of the grossest and most direct frauds on the treasury, of which he was found guilty by an unwilling court, and more unwilling jury, after a tremendous party struggle to secure him from punishment. What thanks did Mr. Kendall get from my colleague and his party for exposing these frauds, and bringing them to merited punishment? Why, sir, he was abused through the party presses as a conspirator and persecutor, and while the prosecution of the culprit was in progress, was night after night *insulted and hooted at under his window*. Yes, sir, this was the mode the gentleman's party undertook to prevent the exposure and punishment of their corruptions. This was the reward they, then, bestowed on integrity and fearlessness in office; and the same game has been kept up since, down to the speech of my colleague. Now, I ask, was it no reform to remove a speculator upon the treasury? My colleague does not seem to think so. Why? It is because he belonged to his party.

Well, Mr. Kendall filled the fourth auditor's office, "with men of business," and what was the consequence? Much of its business was one, two, and three years in arrears, and in about a twelve month, it was brought completely up. Did he obtain or ask any additional force? No, sir. After the business was brought up, he snubbed two clerkships to remain vacant for a long time, and one until he left the office, because, having "men of business" about him, he did not need the whole force which the law allowed. Moreover, under the Clay administration, which my colleague would restore, the contingent appropriation for the fourth auditor's office was \$1,500 a year; but Mr. Kendall reduced it to \$1,000, and one year asked for no appropriation at all, having enough surplus of former appropriations on hand to meet his wants. Thus the expenditures of the office were largely reduced by him, while its business was greatly improved. What credit do my colleague and his friends give him for it? They have poured on him, from beginning to end, a torrent of unceasing abuse. On every new exposure of a defaulter or a rogue, through his instrumentality, their abuse has been redoubled; clearly showing that an honest and fearless public officer is their bitterest antipathy.

While complaining that the party in power have not made the promised reforms, my colleague gives incontrovertible evidence of his *sincerity* by sneering at those which were made. He even finds grounds of attack upon Mr. Kendall for sending to the post office, to be charged with postage, the letters and pamphlets fraudulently enclosed to the fourth auditor to evade the post office laws, and for discontinuing sundry newspapers, because he could derive no assistance from them "in settling the accounts of the United States navy." Yes, sir, in the reforms actually made by Mr. Kendall, as well as in those not made, the bank attorneys, innaculate and consistent men! find ground of attack!!

When Mr. Kendall went into the fourth auditor's office, the legal postage on private letters received under cover to the fourth auditor, was about a dollar a day, or at the rate of \$365 a year, and on the supposition that as great a number had gone out under his predecessor's frank, the fraud on the post office revenue, through that single office, under the Clay-Adams administration, was over \$700 a year! Mr. Kendall put an entire stop to this abuse, and what thanks does he get from the bank stipendiaries? They hate and abuse him the worse for it. But, says my colleague, he franked some prospectuses of the Globe. Well, if he chose to send them to his friends, had he not a lawful right to do so? Did he violate any law, or do so much of it as to constitute an abuse? That is not pretended, nor can it be with truth. But because he put a stop to violations of the law, and then exercised his privilege in conformity with law, the bank attorneys find an inconsistency in it! I can tell my colleague, upon unobscured authority, that Mr. Kendall's course in that respect is not changed; that he uniformly sends to

the post office letters for others enclosed to him, to be charged with postage, and sometimes pays it himself; that he covers no letters with his frank, not strictly his own; no, not even those of his wife and children. What praise does he get from the bank attorneys for this scrupulous obedience to the law? The highest praise—their *unceasing abuse*.

My colleague finds a vast inconsistency in Mr. Kendall's discontinuing newspapers as fourth auditor, because they gave him no assistance "in settling the accounts of the United States navy," and paying for a number of them as postmaster general! Is this effort to show inconsistency a whit sort of contemptible? The papers were not of use to him in performing his public duty as fourth auditor, and therefore he did not take them; they are of use to him in performing his duty as postmaster general, and therefore he does not discontinue them. Is there any inconsistency in this? None but a bank attorney can make it out. While Mr. Kendall was fourth auditor, he paid all his newspaper subscriptions out of his own pocket, because they were exclusively for his private use; but, as postmaster general, it is essential that he should have not only the general but the local intelligence from every quarter of the country, and the only wonder is that he pays so little for it.

It is natural, sir, for the bank attorneys to find fault with the part acted by Mr. Kendall in the removal of the deposits. Their client was destroyed by that measure, and the source of many a good fee dried up. But here, again, Mr. Kendall is followed by misrepresentation. "He got ten dollars a day," it is said, "for doing this injury to the public"—meaning the bank. Now, sir, I pronounce this statement entirely without foundation. Mr. Kendall, under an appointment from the secretary of the treasury, visited the cities of Baltimore, Philadelphia, New York, and Boston, to negotiate with the banks, and spent some days in each city. He had necessarily to see much company at the hotels where he stopped, and those who have had occasion to take private parlors, and have private tables, at the public houses in those cities, where they necessarily see, and treat civilly, many gentlemen calling on them, know that the actual expense, including travelling, can scarcely average less than ten dollars a day. Mr. Kendall paid all these expenses out of his own pocket, and received from the treasury barely enough to make himself whole. This is the whole of this mighty air, and the sum received, all told, was \$316 11. How rich this man must have made himself!

My colleague follows Mr. Kendall into the post office department, and makes another *mistake* at the first jump. "The printed list of clerks in his department," says he, "exhibits his father-in-law, and two nephews, with salaries of \$1,000, \$1,200, and \$1,400," &c. Mr. Kendall has not, and never had, two nephews among the clerks of his department. But what if he had two nephews in his department? Have they not as good a right to be there as any body else, if they are honest and competent to the duties assigned them? If there be places of peculiar trust, is it wrong that the head of a department should fill them with men whose integrity he best knows, although they may be his nephews or his brothers? When abuses and frauds, instead of the most honest and honorable discharge of their public duties, are perpetrated by his relations, it will be time enough to censure their appointment.

Nothing will satisfy these bank attorneys. Major Barry is abused for not keeping every thing right in the post office department, and Mr. Kendall is abused for putting every thing right. The committees of congress, majority and minority, complained of major Barry for making extravagant allowances to Stockton and Stokes, and now Mr. Kendall is abused for not being willing to pay them allowances a thousand times more extravagant. One of my worthy colleagues [Mr. Whittlesey] I believe wrote some twenty five pages in a book, 30,000 copies of which were printed by order of the house, to prove that major Barry had allowed those contractors some \$100,000 more than they were entitled to by law, and yet voted for an act under color of which they have been allowed \$161,000 more under the same pretences, and has stood quietly by and seen Mr. Kendall compelled to pay it by judicial usurpation, if not something worse. I should like to ask my honorable colleague [Mr. Whittlesey] a question or two. Did he not thoroughly understand this case, having investigated and written a long report about it? When the bill for the relief of Stockton and Stokes was before the house, did he not offer a long string of provisos, which were adopted? Were not these provisos so carefully framed as not to touch one of the claims in controversy, and be, in fact, perfectly negatory? If so, what was the object? If he did not think Stock-

ton and Stokes entitled to as much as they got from major Barry by \$100,000, why did he vote for a bill to give them more? And when he found that an enormous sum more was awarded them, why did he not propose to repeal the act, instead of standing by and seeing Mr. Kendall compelled to pay it?

This case will illustrate the *sincerity* and *honesty* of the bank attorneys. For political effect, they abused major Barry for making allowances, then voted for a bill authorizing allowances much more extravagant; and because Mr. Kendall refused to pay still further allowances, which he did not believe authorized even by that act they abuse him for withholding from Stockton and Stokes their *just dues*! All this shows that they care not a fig what use is made of the public money, and that their only object in finding fault is, to impair the confidence of the people in the administration. They see \$161,000 wasted on Stockton and Stokes with indifference, if not with joy, and complain that \$316 was allowed Mr. Kendall, to pay his expenses when upon public service.

Sir, I have taken some pains to ascertain on what principles the post office department is administered by this much-abused man. I understand that he went into it with a declaration that he should try the experiment of administering in a strict conformity to moral principles, and the laws of the land; and, if convinced of its impracticability, would fold it no longer. It was the fashion for officers and clerks in the department to receive presents from contractors; and, when travelling, to ride free in their coaches. Believing that, to say the least of it, these practices tended to corruption, he forbade the reception of all or any such favors from contractors under penalty of dismission, and prescribed the same rules for himself. All presents from contractors he has declined; and on every occasion has refused to travel free in their stages, steamboats, and cars. Free tickets have been sent him from some of the great lines, which he has uniformly returned.

As before remarked, this man does not cover with his frank even the letters of his wife and children, but pays the postage out of his own pocket; nor does he take stationery from the department for his own use, much less for that of his family, believing that the public stationery is not his property, and that he has no right to use it but for public purposes. Of this, I have the most conclusive testimony, not coming from himself. When I was informed of this fact, although I was bound to believe it myself, I did not know that others would believe Mr. Kendall's honesty was so scrupulous. I therefore addressed the following note to his stationer, of which this is a copy, and received the annexed answer.

Washington city, D. C. July 1, 1838.

Dear Sir: Will you be so good as to inform me where the Hon. A. Kendall, postmaster general, procures stationery for the post office department? If from you, will you have the kindness to inform me from whom he procures his private stationery, such as he uses for his private purposes, and for the use of his family? If from you, will you next inform me whether both are paid out of the public contingent fund, or is the latter paid for out of his private means? These inquiries are not made from any sinister motives, nor are their answers intended for any unfavorable prejudice to Mr. Kendall or any other person.

Your early attention to this request will much oblige your friend,
John T. Sullivan, esq.

A. DUNCAN.

Washington city, July 1, 1838.

Dear Sir: In reply to your note of this morning, I would remark, that I "supply stationery for the post office department," which is charged to that department, and paid for "out of the public contingent fund." Those articles are procured by the messenger, and are entered in a pass-book kept by him.

I have also furnished paper and other articles of stationery for Mr. Kendall's private use. These have been ordered by his servant, or by members of his family; sent to his private residence, and charged, in every instance, to his individual account.

I remain, very respectfully,
Your obedient servant,
JOHN T. SULLIVAN.

Hon. A. Duncan.

I know that most men think Mr. Kendall over-scrupulous, and too precise on these points; but to all such suggestions he replies, that it is impossible for a man to err on that side, and that he will go out of office as conscious of rectitude as he came in. And has this man done nothing for the public that he should thus be pursued with never-ending

abuse? Has he not been efficient and faithful in every public trust? Could the duties of fourth auditor be better discharged than they were by him? Did he not bring the post office department out of deep embarrassment as by magic? Has he not almost doubled its business and usefulness? Has he not, with great skill, sustained its credit under circumstances which shook that of all the banks in the country, and of most business men? In fine, could that department be managed with more efficiency or better success?

Sir, it is for his virtues, his talents, and his success, that the bank stipendiaries hate him. They know he will not corrupt, and cannot be corrupted. He was efficient in putting down the Bank of the United States; and he desires to see the government independent of institutions which, experience proves, have not discretion enough to manage their own affairs, and, of course, not enough to be trusted with the use or custody of the public money. These are his real offences. It is feared that his integrity, his efficiency, and his success will give weight to his opinions and his judgment; and every pretext is seized on to assail him. He has sent a few prospectuses of a newspaper to a few friends; he has expressed his opinions in certain letters and toasts; he takes a few newspapers to see what complaints there are of the mails, and what suggestions of improvement; and he received three hundred and sixteen dollars for his expenses in negotiating with the state banks! Are these his only crimes? No, sir. It is made an offence in him to have said that he could sustain the credit of his department without the help of congress! The treasury department is abused because it wanted help, and the post office department because it did not; as if to put it out of the power of Mr. Kendall to sustain the credit of his department, we have been throwing extra allowances upon him, and endeavoring to force upon him, in the present depressed condition of the revenue, near 500 new mail routes to be put in operation. And I have seen men exult here, under the impression that they would thus embarrass him, that they had "got him up a tree at last." It has even been said that he was already embarrassed; but this is so far from the truth, that the most credulous do not believe it. Their "wish is father to the thought." The committee on the post office expenditures contains a majority of opposition men. If they find the department embarrassed, why do they not show the fact? Do you think, sir, the matter would not be examined into, and reported if there was the slightest faith in the assertion? If it were so, we should soon know it, and the exultation of certain patriotic gentlemen on this floor, would know no bounds. But, sir, scrutiny is invited, and malignant aspersion defined. Instead of having treed their game, gentlemen will find themselves still "barking up the wrong tree."

I cannot help giving some very conclusive evidences of the sincerity of the bank attorneys, in their attack upon the administration in money matters.

Mr. Kendall is abused for having received \$316 to refund his expenses, after performing a journey on public business. Now let us see what the bank men did while in power.

Mr. Southard was secretary of the navy in 1826, 7, 8. He is now, I understand, one of the pillars of the party; a man whom they specially delight to honor. He had a chief clerk, named Hay; he was positively forbidden by law to advance the public money to any body but disbursing officers of the navy, and persons employed in the naval service, on distant stations; yet, though thus positively forbidden, Mr. Southard advanced to his chief clerk \$300 of the public money, in November 1826, and sent him to New Orleans to look after the accounts of a former navy agent. He did nothing there whatsoever, but got \$100 more from the navy agent; and without any bills rendered, Mr. Southard allowed him \$890 for his expenses, when he was allowing only \$200 to officers of the navy for the expenses of the same journey. Would you believe it, sir, after hearing my colleague's speech? This man was receiving his \$2,000 salary as chief clerk during the whole period of his absence. In what case has any member of the present administration so grossly and directly violated the law?

This Mr. Southard, as secretary of the navy, was also commissioner of the navy pension fund, which was vested in stocks. On the 1st of July, 1828, these stocks were paid off to the amount of \$281,334 72, and on the 1st of January, 1829, to the amount of \$243,880 17 more. These were not reinvested until February 17th, 1829, by which means more than \$9,000 of interest was lost. Who was using the money in the mean time, is what I do not know. Mr. Hay having written a letter or two on the subject, and perhaps conferred with the cashier

of the branch bank in this city, made out an account, charging half per cent. commission for reinvesting these stocks, and \$150,000 more which had been reinvested in 1825. Mr. Hay was still Mr. Southard's chief clerk, at a salary of \$2,000 per year; he was cut off by law from receiving any extra compensation; the service rendered was properly a part of his regular duty, and did not probably occupy him two hours; and yet Mr. Southard allowed him this monstrous charge of \$3,376 32, and he pocketed the money. Thus was this charity fund for the support of the crippled officers and seamen, and their families plundered; yes, sir, plundered, by loss of interest through neglect, and cash actually paid Hay, in violation of law, of about THIRTEEN THOUSAND DOLLARS; and yet the men who want to restore the dynasty who did this, mouth at us about corruption and abuses which now exist only in their own corrupt hearts. Has any thing like this been done by the present administration? No, sir, it has put an end to the allowances of commissions in all such cases.

Let us look a little further at the pure dynasty whom the reign of banks is to restore.

Upon Mr. Southard's recommendation, Mr. Adams, in 1828, I believe, appointed one Andrew Armstrong, navy agent at Lima, in Peru. This is believed to be the only instance on record, in which a foreign navy agent was nominated to the senate, that class of officers having been considered special agents, not expressly provided for in the law. Mr. Southard then advanced to Armstrong \$10,000 out of the treasury. What this was for, nobody out of the secret could divine; for exchange at Lima is always in favor of the United States, and it seemed ridiculous to send money to a country where money grows. But a reason has been discovered. No sooner was the money got, than \$2,000 of it was lent to Mr. Southard's chief clerk for two years, without interest, and was never repaid by him! Whether this was the true reason for a departure from all usage in this proceeding, I know not. Whether Mr. Armstrong thus bought his appointment, I know not. All I know is the fact I have stated, and every one must draw his own inferences.

What an outcry is kept up, Mr. Chairman, by the bank advocates, upon the false allegation that the administration is seeking, by the independent treasury plan, to get the public money into their possession for sinister purposes! Those who are struggling to get the public money for private uses, are clamoring to the skies against those who wish it kept by sworn and bonded officers, subject to heavy penalties, for public purposes only! Let us see what was the practice of these men when in power.

When Mr. Southard was secretary of the navy, he converted the public cannon and cannon-shot into money to the amount of \$25,000, and had the money placed to his own credit in the branch bank in this city! But, sir, I will give you particulars. General Mason, who has a foundry near Georgetown, was applied to by some of the South American authorities for a quantity of cannon; but he had none on hand, or not enough to meet the order. So, to enable him to make a good speculation, Mr. Southard lent him a quantity of the public cannon and shot, and, as security for the return of new guns in their place, required him to deposit \$25,000, as already stated. It was, I believe, about eighteen months before general Mason completed the deliveries to replace these cannon, and in the mean time the money remained at Mr. Southard's credit, unless he used it, as it was in his power to do. If he did not use it, the bank did, by discounting on it as a deposit.

Now I should like to know what law there was for such a transaction? I should like to know what law authorized Mr. Southard to lend the public property, and receive money into his own pocket, (for that is the amount of it,) as security for its restoration? It is in palpable violation of all law and all propriety. But did the bank advocates ever whisper a word of censure against this illegal conduct of one of their great champions? Not a hiss, sir. All is right because a bank man did it! The public property or money may be lent out and used by banks and their peculiar friends with perfect impunity; and to put a stop to it is a humbug and a crime! But have the gentlemen found a case like this, in which any member of the present administration has put \$25,000 of the public money or property into his pocket for a twelvemonth? No, sir, nothing like it. If they could, we should begin to hear, and justly, too, of impeachment by this house. Yes, sir, any public officer who will commit such an outrage, ought to be instantly impeached.

The corruptions and abuses of the Clay-bank administration were manifold and glaring.

The same secretary of the navy, aided the fourth auditor in fraudulently drawing thousands from the treasury, and afterwards attempted to screen him

from punishment by withholding important facts, when sworn before a grand jury and petit jury to tell "the truth, the whole truth, and nothing but the truth."

He directed the fourth auditor to settle a claim of Messrs. Allen and Leonard of New York, which was originally about \$2,500, as stated by themselves, but had been increased by additional charges, from time to time, until it was swollen to upwards of \$10,000, and, under the direction so given, upwards of \$11,000 were allowed, \$1,000 of which were forthwith lent to the same fourth auditor, and never paid!

He violated the positive laws of the land in multitudes of cases, by causing moneys to be expended for one purpose, when they were appropriated for another.

He made to congress estimates for the service of the navy department which were false, and, year after year, spent, for contingencies, nine to ninety thousand dollars more than was appropriated; taking it out of other appropriations, in violation of law, and concealing the fact from congress.

He made use of a favorite clerk in the fourth auditor's office, at a salary of \$1,400, as special agent to make certain payments, and by commissions and a double salary, in violation of law, increased his compensation to upwards of \$2,000 a year for a series of years.

But the most obnoxious case remains to be noticed. The navy agent at Boston had made advances on account of the government during the last war with Great Britain, upon which he claimed interest. That claim, amounting to \$7,679 64, or thereabouts, was allowed by Smith Thompson, secretary of the navy, in 1819, and passed to the agent's credit. The agent went out of office in 1826, and early in 1828, he made out an account for certain alleged omissions in his former accounts, going back to 1812, upon which he charged interest. This claim was submitted to Mr. Southard, who wrote thus on the voucher with his own hand, viz: "Let him be allowed interest upon the aggregate advance of \$3,899 72, in conformity with the decision made by Mr. Secretary Thompson on the former accounts." S. L. S.

8th March, 1828.

Accordingly interest was calculated on the voucher up to the time of settlement in 1819. This shows that Mr. Southard knew the interest account had been settled.

Soon afterwards, the late navy agent trumped up a new interest account upon his war advances, obviously unfounded and false in every particular. This new claim was submitted to Mr. Southard, who wrote a letter to the fourth auditor, as follows, viz:

Navy department, May 21, 1828.

Sir: Having examined the claims of Amos Binney, late navy agent at Boston, as far as the pressure of business during a session of congress will permit, I see no reason to doubt the justice of a claim on his part for losses on treasury notes, &c. But I do not feel at liberty to authorize the allowance of any of the items, except for interest actually paid by him, which you will be pleased to settle.

For the other claims, he will be obliged to address himself to congress, where, I do not doubt that his application will be successful.

I am, respectfully, &c.

SAM'L. L. SOUTHARD.

T. Watkins, esq., fourth auditor.

The auditor took up the case, and passed an account allowing upwards of THIRTY-ONE THOUSAND DOLLARS for interest, when all parties concerned, Mr. Southard, the auditor, and the claimant, KNEW that every cent of just claim for interest had been settled and paid nine years before! Yes, sir, Mr. Southard knew it. I have given an entry of his on a voucher, dated 8th of the preceding March, not three months prior to his letter to the auditor, conclusively proving that he knew it!

But this is not all. This allowance gave Mr. Binney no ready money. It all went as a set off against moneys due from him to the government, leaving him still in debt over \$9,000. He could not, therefore, readily pay his corrupt instrument in this and many other gross frauds on the government. But Mr. Southard was kind enough to help him out. Money could not be legally advanced to him out of the treasury, because he was not a disbursing officer, having been two years out of office; but law, or want of law, was no obstacle in those glorious times, which my colleague thinks are soon to be restored. So Mr. Southard advanced to that man, who was officially reported in debt to the government, about \$9,000, the comfortable additional sum of \$30,000 more out of the treasury! Yes, sir, having allowed a corrupt claim of more than \$30,000, he puts the recipient of his bounty in cash by advancing him, in the face of the law, \$30,000

more, to be covered by claims equally fraudulent and corrupt; and it was afterwards covered by his friend, the fourth auditor, and the government brought in debt upwards of \$49,000, in addition; but the accession of the no-reform administration of general Jackson, prevented the consummation of this last outrage.

What was done with the \$30,000 thus advanced in cash? I have heard what became of a part of it, but I cannot prove it. So far, I have not spoken what I believe merely, but what I can prove. In relation to the men and things of that day, I believe many things which I cannot prove. I believe some \$10,000 of the \$30,000 advanced by Mr. Southard, went directly to men in power, or was applied to promote their designs. A charmingly pure administration that was, when secretaries put the public money in their pockets, \$25,000 at a lick, and distributed it gratuitously to their favorites, or investments, \$30,000 at a time! Can the impudent assailants of the present administration justly charge it with crimes like these? Yet, they are zealous to thrust out the men who have put a stop to these corruptions, and restore to power those who committed them. What a fourth auditor got fraudulently from the treasury, secretaries guzzled down in wines and meats, and other luxuries at his table, or won of him in gaming. The bank candidate for the presidency has been grossly wronged, if he did not, in the way of brag and other games, profit more by the current frauds on the treasury, than the men who committed them. But that was all pure and right, Mr. Speaker; to put an end to it is no reform, for which Mr. Van Buren ought to be put out, and Mr. Clay put in.

And where now is the man who committed, authorized, or winked at, all these corruptions? Do you find any account of him in my colleague's speech? Not a word, sir. There is too much of a fellow-feeling between them. Mr. Southard, who held the navy department, is now one of the open-mouthed foes to executive corruption and abuse; but, if report speaks true, he profits as much by bank abuses, as he could have formerly done by government abuses. He is president of one of the gambling bank concerns of the day, a particular adjunct and favorite of the Biddle bank, at a salary of \$6,000 a year! He holds a public station which gives him \$8 per day, and at the same time, I am told, receives his thousands in fees for practising as a lawyer in the supreme court. He is paid as a bank president, a legislator, and a lawyer, all at the same time, and of course, is absent most of his time from his public duties, except when there is a bank question on hand. There is no abuse or corruption in this. To be under pay by a bank, while pretending to serve the people, is no offence in the eyes of those who would pull down this administration. But do you think, sir, the people, when they understand the game, will be content to be governed by bank presidents from New Jersey, and bank attorneys from Ohio? The banks pay better than the people. It is but a small part of \$6,000 which a member of congress gets from the people; but the banks can afford to pay thumping salaries and fees, especially to those who are honest enough to represent them in congress instead of their constituents. One Henry Clay, who is looked to as the restorer of the old order of things, is known to have received in fees, from the bank of the United States, upwards of \$17,000, and probably \$20,000 more from the branches. What a pure government we shall have, when the president, heads of departments, and a majority of congress, shall be presidents, directors, stockholders, debtors, and attorneys of banks! Should not the farmers, mechanics, and all other honest men in the country, be required to lend a hand in putting down the present administration, that they may bring about so glorious a reform?

To bring suspicion on innocent men is one of the arts used by villains to escape detection. Our bank orators and stipendiaries practice upon this principle. Corrupt themselves to the very core, they are eternally bawling corruption against the administration, hoping to gain credence by their impudence and their perseverance. The very men who have practised all sorts of abuse and corruptions at the expense of the people while in power, and are sold, body and soul, to banks, great and small, are now spending their money to disseminate, far and wide, a certain speech, knowing it to be charged with false and libellous imputations from beginning to end. To add the honors of office, and the emoluments of government corruption, to those of bank corruption, which they now enjoy, without regard to honor, justice, decency or truth, is the great end and aim of all this false clamor and mischievous industry.

Let the people not be deceived. Great reform was notoriously accomplished by general Jackson's

administration, in expelling from power the direct, profligate, and felonious plunderers of the treasury. Yet it is said there has been no reform! and the people are appealed to to restore the old order of things. Yes, to restore Southard to the navy department, and perchance Watkins to the fourth auditor's office, and Clay, the head man of the whole corrupt gang, not to the state department, but to the presidency *de jure*, as he once was president *de facto*. And poor old general Harrison, having, with one White, been used by them until they feel strong, is to be laid on the shelf, and yield all honors to Monsieur Brag, the corruptest of the corrupt. Whether honest men of any party can be so deceived as to relish such reform, remains to be seen.

My colleague has made an attack on the war department, and because there is an increase of clerks and expenditures consequent upon the increase of business and unavoidable duties to more than double of what they were in the times of the economical administration of Messrs. Adams and Clay, and has attempted to impress the public mind that extravagance and profligacy mark this department with the rest, and that reform promised has been neglected in relation to this department.

To ascertain the facts, I called upon Mr. Poinsett, the secretary of war, and presented him a copy of my colleague's speech, with a request that he would furnish me answers to the allegations and charges contained in said speech. In conformity with my request, he has been kind enough to furnish me with the following statements. They are full and complete so far as they go, and will be satisfactory to all who hear or see them. Comment is unnecessary. Time and space have not permitted a further investigation into this and other departments; but I have little doubt that the result, on further investigation, would be the same. I before stated that abuses do exist, always have existed, and always will exist, in this and in the administration of all other governments. It is impossible that this vast political federal fabric can be conducted without some abuses so long as frailty and depravity exist and form a part of the very nature of men, by whom it is governed. But here follows the statement from the war department:

*Paymaster General's office,
Washington, July 5, 1838.*

Sir: In compliance with your instructions to examine Mr. Bond's speech, as published in the National Intelligencer of the 4th and 5th of May last, and report how his statements agree with the facts as they are known to exist in this office, I have the honor to submit the following statement:

Mr. Bond says, "in 1828, the paymaster general employed three clerks, whose united compensation was \$3,900."

"In 1838 the salary of the same number of clerks is \$4,290, besides the messenger's salary."

The estimates submitted to congress for those years, show that the sums asked for the clerks and messenger in the office of the paymaster general, were as follows:

In 1828.—	Clerks in the office of the	
	paymaster general	\$3,900
do	"Messenger	700
		4,600

In 1838.—	"Clerks and messenger in the of-	
	fice of the paymaster general	\$6,100

Difference between the two years	\$1,500
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Accounted for as follows:

The clerks and messenger in the office of the paymaster general are appointed under the act of the 20th April, 1818, which provides for, viz:

1 chief clerk, at a salary of \$1,700	\$1,700
1 clerk " " 1,400	1,400
2 clerks " " 1,500 each	2,300
3 clerks " " 1,000 each	3,000
1 clerk " " 800	800
1 messenger " " 700	700
	\$9,900

The business of the office has not required, at all times, so many clerks, and they have been reduced accordingly. In 1828, but three were employed, and not all of these at the highest salaries. The numerous volunteers and militia, called into service to suppress Indian hostilities, increased the business so much as to make it indispensable necessary to re-employ one of the five additional clerks to which the office is entitled, and, in order to retain the services of competent persons, to allow to those employed the highest salaries provided by law. This make the difference in the estimates for the two years.

It is still competent for the secretary of war, under the act of the 20th of April, 1818, to appoint for this office three additional clerks, at

\$1,000 each per annum, and one at \$800 per annum.

Very respectfully,

Your obedient servant,

N. Towson, P. M. G.

To the hon. J. R. Poinsett, secretary of war.

Comparative statement of the number of persons employed in the quartermaster general's office, in the years 1828 and 1838.

In 1828—3 officers; 2 clerks; 2 sergeants, acting as clerks; 2 sergeants, acting as messengers; total 9.

In 1838—2 officers; 6 clerks; 1 messenger; total 9.

Note. It will be seen that there is no increase in the number of persons employed in the quartermaster general's office, since 1828. The only change is in the substitution of clerks for officers and sergeants then employed. During the last two years the duties of the office have been increased fourfold.

T. Cross, acting Q. G.

*Quartermaster general's office,
Washington city, July 5, 1838.*

Surgeon general's office, July 3, 1838.

Sir: In obedience to your instructions, I have examined the speech of Mr. Bond, of Ohio, so far as it relates to this office, and have the honor to report, that the regular salary of the clerk employed in this office is the same as was received by him in 1828, viz: \$1,150 per annum, to which ten per cent. was added during the last year, by an act of congress, making \$1,265 per annum, and not \$1,266, as stated in the speech referred to; this addition of ten per cent. continues to the adjournment of the present session of congress.

From the organization of this office a sergeant from the army was employed to perform the duties of messenger, until 1836, when, by an act approved on the 4th of July of that year, provision was made for a messenger in lieu of the sergeant, whose salary is \$500 per annum, and to which 20 per cent. was added by the act of congress of the 3d of March, 1837, referred to when stating the salary of the clerk, so that the actual difference consists in paying the messenger by specific appropriation, instead of his being paid from the army appropriation, as was the case when the sergeant was employed. I have the honor to be, very respectfully,

BENJAMIN KING,
Acting surgeon general.

Hon. J. R. Poinsett, sec'y of war, Washington.

*Office of the Com. Gen. of Sub.
Washington, July 3, 1838.*

Sir: In compliance with your request of 2d inst. the speech of Mr. Bond of the 4th and 5th May ult. has, as far as regards this office, been examined, and I have the honor to report, that in that speech as published in the "National Intelligencer," it is asserted, that

In 1828, the subsistence department employed four clerks, whose joint compensation was \$2,950; and

In 1838, the subsistence department employs four clerks, whose joint compensation is \$5,880.

In 1828, the number of clerks permanently employed in the subsistence department was three, and their compensation was, thus:

2 clerks per act, 26th May, 1824	\$2,150 00
1 clerk per act, 2d March, 1827	800 00
	\$2,950 00

1 clerk temporarily employed by permission of the secretary of war at \$25 per month,	300 00
	\$3,250 00

At that period, an orderly sergeant was employed as a messenger, who received his compensation from the "pay of the army."

By the 1st section of the act of 9th May, 1836, the employment of non-commissioned officers in any of the offices of the department of war was prohibited; and it became necessary to ask compensation for a messenger to be paid out of the appropriation for the civil list.

In 1838, the compensation of clerks and messengers in the subsistence office is,

1 principal clerk per act, 3d March, 1835,	\$1,600 00
1 clerk, " " " " " "	1,200 00
1 do. " " " " " "	1,000 00
	\$3,800 00

And the messenger paid by appropriation, 500 00

Aggregate,	\$4,300 00
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By act 3d March, 1837, congress added ten per centum upon \$2,800, of the above salaries, making - - - \$280 00
And upon \$1,500, including the messenger, twenty per cent. - - - 300 00

Making, - - - - - \$580 00
Which added to the above, - - - 4,300 00

Makes, - - - - - \$4,880 00
Being \$1,000 less paid to clerks permanently employed, than stated by Mr. Bond; but when the resolution of congress of 1st February, 1836, passed, "authorizing the president to furnish rations to certain inhabitants in Florida," the secretary of war directed that a special account should be kept in this office of the issues under that resolution; the permanent force in the office being insufficient for that purpose, in addition to their other duties, it became necessary to employ a clerk to attend especially to that business, whose annual compensation was fixed at \$1,000, which, added to the other items, constitutes the amount as stated in the speech.

When the department was rendered permanent by act of 3d March, 1835, the then secretary of war thought that the salary of the clerks in this office, should approximate as nearly as practicable, those of clerks employed in the civil bureau, as he was particularly aware, that the salaries previously paid, were inadequate to the services rendered, and the responsibility attached to the situations; but in every instance where compensation to clerks or messenger in this office has been paid, it has been done invariably under acts passed by congress itself, except in the two instances above mentioned.

Very respectfully,

Your most obedient servant,

GEO. GIBSON, C. G. S.

Hon. J. R. Poinsett, secretary of war.

Indian department.

Assertion No. 1—The business of Indian affairs was discharged by some one or two of the seventeen clerks employed in the war department.

Fact—In 1823, four clerks were engaged in the transaction of this business—Mr. McKenney, Mr. Hamilton, Mr. Kurtz and Mr. Miller. The secretary then conducted a much larger portion of the correspondence, and supervised the details far more extensively than now.

Assertion No. 2—In 1823, there was one superintendent of Indian affairs, who was paid \$1,500 per annum.

Fact—In 1823, there was one superintendent *eo nomine*, at \$1,500, and three governors of territories, acting as superintendents, one at \$1,500, and two at \$750. These allowances were made by Mr. Calhoun in 1821, 1822 and 1823; to the governor of Michigan in 1821; (see Mr. C's answer to the resolution of the house of representatives of January 13th, 1832, State Papers, 1st session 17th congress, vol. 6th, Doc. 60;) to the governor of Arkansas in 1822; and to the governor of Florida in 1823; (see extract herewith of letter to governor Duvall of October 25, 1823;) aggregate compensation \$4,500.

Extract of a letter from the SECRETARY OF WAR to his excellency WILLIAM P. DUVALL, dated 25th October, 1823.

"Your letter of the 2d ult. was duly received.

"Upon a review of all the circumstances, the following principle has been adopted for the settlement of your claim to compensation as superintendent of Indian affairs in Florida, to wit:

"For the time past when there was no Indian agent for Florida, an allowance will be made to you, as superintendent, at the rate of fifteen hundred dollars per annum, which is the rate of compensation allowed to the Indian agent now authorized by law.

"Since the appointment of an Indian agent for the territory, in virtue of the authority above mentioned, and for the future, an allowance will be made to you at the rate of seven hundred and fifty dollars per annum, which is intended to cover the expense for clerk hire, office rent, and all others necessarily incurred by you in your intercourse with the Indians, that being the same amount as is now allowed to the governor of the Arkansas territory, and is considered a fair compensation for all expenses incurred by him of a similar nature."

Assertion No. 3—In 1833, we find four superintendents of Indian affairs with salaries of \$1,500 each.

Fact—In 1833, there is one superintendent at \$1,500, and one governor (of Wisconsin) acting as such, whose compensation as governor and su-

perintendent is fixed, by law, at \$2,500. Adopting the principle of division established this session, in regard to the governor of Iowa, and his pay as superintendent will be \$1,000; aggregate \$2,500.

The other two acting superintendents are Indian agents, and receive only the pay of agents, as fixed by the law of 1834. This is stated in a note in the Blue Book, page 91, to which Mr. B. evidently had referred.

Assertion No. 4—In 1823, there were twenty-one Indian Agents, (three at \$1,800, six at \$1,500, one at \$1,400, five at \$1,300, six at \$1,200; see State Papers, 2d session 20th congress, 3d vol. Doc. 117, page 7,) and twenty-eight sub-agents. In 1833, ten Indian agents at \$1,500, and fourteen sub-agents at \$750.

Fact—In 1833, there are but eight Indian agents, exclusive of the two acting as superintendents, and whom Mr. B. has counted as such.

In 1823, the appropriations for the superintendents and Indian agents was \$31,000—In 1833 it is \$16,500.

In 1823, the appropriation for sub-agents was \$15,100—In 1833 it is \$13,000.

In 1833, the number of interpreters at agencies is eight less than in 1823. The average pay of an interpreter in 1823 was \$100 per annum, (see Blue Book for that year,) making the aggregate compensation of the thirty-nine employed in that year \$15,600.—Appropriation in 1833, \$9,300.

Assertion No. 5—In 1838 we hear of a commissioner whose salary is \$3,000, and 12 clerks and two messengers, whose joint compensation is \$19,400.

Fact—In 1828, governor Cass, and gen. Clark, at the invitation of the secretary of war, prepared a report, containing among other things, "a code of regulations for the government of the (Indian) department, and for the general administration of its affairs." This was in the form of a bill. The first section provided for the appointment of a commissioner at \$3,000; the second prescribed his duties; the third related to the number of clerks; the fourth gave him the franking privilege, and the fifth authorized the employment of a messenger. These five sections are stated to "contain substantially the provisions of a bill reported by the committee on Indian affairs" in the house of representatives, at the first session of the same congress.—(See State Papers 2d session of the 20th congress, vol. 3d, doc. 117, p. 4.) This report was submitted to congress by the secretary of war, "with a respectful but earnest recommendation."

The number of clerks now employed in the Indian office is 12. The number in 1828 was 4. In 1830 1 was added; in 1831 another; and in 1832 a messenger. In the latter year, the business of emigration was committed to the commissary general, who employed 5, and a messenger. In 1836, 2 were authorized by law to be employed on the business of Indian reservations. The increase was occasioned in 1830 and 1831, by the passage of the act of May 28th, 1830, providing for an exchange of lands, and the treaty of September 27th, 1830, with the Choctaws, according to the stipulations of which, their removal was immediately commenced. The provisions in the same treaty, in that with the Creeks of March 24, 1832, and with the Chickasaws in 1832 and 1834, granting reserves to individuals and heads of families, to the number of about 10,000, and which were the first provisions of the kind to any extent, authorized in the judgment of congress the employment of the other two in 1836. The whole number was 13.

The business of emigration has been transferred to the Indian office; the number of clerks is 12, and the number of messengers is 2.

Thus far for the Indian department in the two years specified, independent of treaty stipulations. The expense of superintendents, agents, sub-agents and interpreters. In 1828, was \$61,970; in 1838, it is \$38,800; less in 1838, \$23,170. This is exclusive of the compensation of the acting superintendents, which, as has been shown, is \$2,000 less than in 1828; making the entire difference in favor of 1838, \$25,170 †

* So, then, it appears that this Indian department, with its commissioner at \$3,000, clerks, and messengers, was first proposed by a whig committee, under a whig administration, in the very year 1828, when the business was not more than one-third of what it is in 1838.

† There is also another consideration. The appropriations for the Indian department proper, in 1823, were under four heads—pay of superintendents and agents, pay of sub-agents, presents, and contingencies. The amount under the latter was

We now come to the composition of the Indian department under and by virtue of treaty stipulations.

Mr. Bond enumerates 6 superintendents of emigration, 15 conducting and enrolling agents, 2 valuing agents, 8 collecting agents, 2 issuing agents, 16 assistant agents, 15 physicians, 11 clerks, 14 interpreters, 2 conductors of exploring parties.

Remark—These are all engaged in the business of emigration. As no agents of either of these classes are stated to have been employed in 1828, or prior thereto, the impression will naturally be that none were employed.

Fact—In the treaty with the Creeks of January 24, 1826, were stipulations for the valuation of their improvements; for their removal and subsistence; valuing, collecting, enrolling, conducting, and issuing agents were employed. The number of each class, and the pay of each, cannot be ascertained without reference to the auditor's office, and a long examination; the fact of their employment is proved by the correspondence in the Indian office. Some appointments of the same kind were also made under the treaty with the Choctaws of May 6, 1838.

Remark—The treaty with the Choctaws of September 27, 1830, was the first under which emigration took place extensively; and it was not until the following year that it commenced with much vigor under that with the Choctaws of 1828; and it was in 1831 that, for the first time, regulations were prescribed which gave form and system to the business of removal. These provided for the employment of the different classes of agents above enumerated, and fixed their compensation. These were not only approved by the president, but, slightly revised, have been appended to the reports from the Indian office for the last year.

For the reasonableness of them, consider the number of Indians to be removed, and the stipulations to be fulfilled. Since the beginning of 1828, sixty-four treaties have been made with Indians. Of these, thirty-four provided for the removal of the Indians, the valuation of their improvements, stock, &c. and their subsistence for twelve months at their new homes. Living in different sections of the country, different sets of agents were necessarily employed, the number in each case being graduated with regard to the number of Indians, and the amount of service to be rendered. For the removal of the larger tribes, a general superintendent was essential as the only means of preserving harmony and subordination among the other agents, and among the Indians, and of ensuring unity of action. All responsibility was devolved upon him. To him was committed the selection, in the first instance, of all the other persons to be employed, and also the power to suspend them from duty; and upon his requisitions alone were the disbursing officers, military and civil, to make payments. For this responsibility, and his various and numerous services, \$2,000 will not be considered too large a compensation. The six named by Mr. Bond as in the service in 1828, are general Smith, superintending the removal of the Choctaws, numbering 18,000; Maj. Upshur, the removal of the Chickasaws, 5,500; Colonel Pepper, the removal of the Pottawatomies, Ottowas, and Chippewas, 6,700; Colonel Sands, discontinued, and duty transferred to Pepper. There are, then, four, three at \$2,000, neither of whom will be in service, probably, at the close of the present year, as all these Indians will be removed. There is one other at five dollars a day, collecting straggling Choctaws in Mississippi, whose employment is temporary, and the sixth, who received the same pay, has been discharged.

Of the fifteen enrolling and conducting agents, five are employed among the Pottawatomies, Ottowas, and Chippewas, five among the Chickasaws, and five among the Choctaws, whose services will terminate before those of the superintendents. The enrolment must exhibit the name of each head of a family, and the number in each family, to be ascertained by personal inquiries through the nation, and it is required to regulate the issues of rations on the route and payment and subsistence after their arrival west. The conductor has charge of the movement of a party, directs the issues of provisions, the transportation of the sick, and of the baggage, &c. and is held accountable for the delivery of the party to the agent of the govern-

\$95,000, which was applied at the discretion of the department, and out of it were paid smiths, farmers, interpreters, and any body the department might choose to employ. In 1838, the appropriations are specific, based on laws and treaties, and the estimates for which are minute and full.

ment west of the Mississippi. The interpreters as necessary in the emigration as at the agencies; their compensation is high, to cover the expenses of travelling. The employment of physicians is required by humanity, and the experience with the earlier emigrants would not justify the government in refusing to employ them, merely to avoid the expense. Four of the physicians enumerated by Mr. Bond are provided for in treaties; so is that with the Winnebagoes, of September, 1832, and two in that with the Ottawas and Chippewas, of March 25, 1836: in both the pay is fixed. Conductors of exploring parties are also employed under treaty stipulations.

Mr. Bond says: "We find thirty-three commissioners and special agents."

Remark. Of the thirty-three, twelve were employed under resolutions or laws of congress, directing negotiations, or the examination of claims; six to execute treaty articles, and one conducted an exploring party, for which the appropriation was made at the suggestion of the committee on Indian affairs in the senate. Of the remaining nineteen, ten were employed by the express requirement of laws or treaties, two to execute treaty articles, one to conciliate the wild tribes of the prairies, and bring deputations of them to Washington; and the last is the district attorney in Florida, charged with temporary duty, having in view the removal of the Apalachicola. Of the thirty-three, there is but one not authorized and required by resolution, law, or treaty, and that one has been employed to preserve the peace of the western frontier. Since the 30th of September, 1837, the late of the report from which Mr. B. quotes, 19 of the 33 have been discontinued. The pay of commissioners was, as far back as 1801, eight dollars per day, from the time they left home, until they returned, and all necessary expenses were reimbursed, (see instructions from general Dearborn to Messrs. Davie, Wilkinson and Hawkins, American State Papers, Indian Affairs, vol. 1, page 650.)

Mr. Bond presents an array of fifty-three blacksmiths, twenty farmers, eighteen teachers, five millers, one surveyor, and five miscellaneous agents. It is enough to say with regard to these, that with the exception of one in the last class, who is a messenger in the office of the acting superintendent at Detroit, performing duty also as a clerk, at \$30 per month, (not a very extravagant allowance,) they are all employed in the fulfilment of treaty stipulations, and that when the treaty does not fix their compensation, it is regulated by the 9th section of the act of June 30th, 1834, organizing the department of Indian affairs. Every one conversant with Indian relations, knows that, in every negotiation, the Indians wish provision made for smiths, farmers, and teachers, &c. and the government has always assented, because such measures will conduce to their civilization. The amount set apart for these purposes, forms a part of the consideration paid for the lands ceded by the Indians. If these persons were not employed, so much more money must have been paid to the Indians. But in this case, too, Mr. Bond leaves it to be inferred, that such persons were not in the service in 1823. But from a very hasty examination of the reports from two of the superintendencies, St. Louis and Michigan, it appears that there then were thirty blacksmiths, twenty-two laborers, nine farmers, two teachers, three physicians, and four special agents. And it is probable that most of the treaties under which they were employed, are still in force, and of course these appointments make a part of those enumerated by Mr. Bond.

But, says Mr. B., even this is not all. The commissioner of Indian affairs says the list in the Blue Book is not accurate or complete. He leaves room to add or alter. And why did he not quote the reason assigned by the commissioner?

"It being required that the names of all the persons employed on the 30th September should be given, it is impossible to procure the returns in season for printing the Register. Besides this, many of the agents neglect to make returns, and in other cases it is impracticable, from a variety of causes, to obtain the requisite information. It is believed to be complete and accurate, so far as this office has the means of making it so." Knowing well the provisions in the treaties, the commissioner could not help seeing at once that the returns did not embrace all the persons in the service. Taking only the treaties made since 1828, (sixty-four in number,) he knew that they provided for forty principal smiths, while the list shows only twenty-eight; the residue of the fifty-three named by Mr. B. being assistants; and so with the other classes of persons.

"Here, indeed," exclaims Mr. B. "is a display of patronage." Truly it is a great thing to have the appointment of a smith or a farmer for Indians on

the frontier, and hardly within reach of a white settlement. But how has it happened that so much "patronage" rests with the executive? Not by any act primarily, of his own. It is congress that directs a treaty to be made, ratifies it, and makes appropriations to carry it into effect. If the executive, in consequence, possess power, it has been knowingly and deliberately given by congress.

It has been shown that the expenses of superintendents, agents, and interpreters, is twenty-five thousand dollars less now than in 1828. And more than that. In doc. 474, house of representatives, first session, twenty-third congress, page 46, may be found an "organization of the Indian department," proposed by the committee on Indian affairs, the expense of which is a fraction more than the present. This report was prepared by Mr. Everett, of Vermont, who deservedly acquired much credit by it, and the country was congratulated on the reform and retrenchment introduced by the laws then passed, and which were based upon it.

The sum of the matter is this. There having been sixty-four treaties made with Indians since 1823, the states have been slowly and gradually relieved of their Indian population. The tribes have been settled beyond the Mississippi and Missouri, so that intercourse with them is necessarily more expensive than ever. New features have been introduced into treaties. The Indians have not been talked with merely to get their lands, been offered for it only trifling and temporary aid, and left in the neighborhood they were found in. They have had assigned to them a fertile and healthy country, and have been liberally supplied with ploughs, hoes, and axes, for the men, and looms for the women; with mechanics to teach and work for them, and farmers to break up land and plant it for them, and teach them to do likewise. They have ceded to the United States 18,250,000 acres, for which the government has stipulated to give them in land, money, &c. \$72,560,056; and it is expected that all this should have been done at no increase of expenditure over that in 1828.

My colleague has recourse to the official statements of the amount received by the Globe office, during the last and present administration, as proof of the extravagance of the republicans, and ground of suspicion against the honesty of the editor. He gives the sum total of the amount paid for printing for congress and the departments, in the Globe office, hunting through the terms of two presidents, at \$220,000. I take it for granted, having no opportunity for the examination of the multitude of items of which it is made up, that this sum may have been disbursed through the Globe office for printing and paper, and other materials necessary to this species of work, so absolutely indispensable in the proper discharge of the business of congress and the departments. My colleague will allow that printing must be done for the government. It is looked upon as the glory of our free government, that all its acts are exhibited in print, and full information afforded to an enlightened community of every thing done by its public agents. This is the medium through which the functionaries and representatives of a people overspreading a continent, are held to an accountability, stricter than that which the people of the ancient republics could command in a district of country, not greater than one of our large counties. The only question brought up by my colleague's display of the public printing done by the Globe establishment, are, has it been done well? Has it been done cheaply? Has it been done honestly? By bringing together the labors of a great establishment from its foundation to the present moment, my colleague [Mr. B.] would insinuate an accusation of exorbitant charges against the government on the part of Messrs. Blair and Rives. My colleague showed his caution in thus accusing by innuendo. He was perfectly aware of the unimpeachable honesty of the proprietors of the Globe office, and did not dare to make a single specification against them. But a member from Tennessee, [Mr. Crockett,] in pursuing the game of the opposition in a private letter, charged that three or four hundred thousand dollars of the public money had been paid to the Globe office for printing the speeches of Messrs. Benton and Calhoun in defence of the administration. His colleague, [Mr. Carter,] perceiving that this exceeded by some hundreds of thousands all the public money that passed through the Globe office in payment for work done and materials purchased for all the departments and congress, came to the rescue of his friend [Mr. Crockett] by declaring that a tariff had been laid on the pay of the clerks to make up the sum paid for publication. The moment that the charges appeared, the editor of the Globe, through his paper, challenged an investigation by a committee of congress. The members of congress who made them

were told it was their duty to bring the delinquent they denounced to justice. My colleague and his accomplice advisers shrunk from meeting the man they had charged, before a committee of our own body. Mr. Blair then appealed to this house, by petition, to refer the matter to a committee, and have a full scrutiny of all his accounts with the public. The special committee was ordered by this house, and then commenced the chort of the opposition to defeat, by indirection, the inquiry, which they knew would disgrace the persons they had put forward to stigmatize the administration and the official paper by their accusations. Only six weeks of the session remained, and the opposition knew how difficult it would be, when all the business of the session was loaded into this narrow space, to take up a postponed question, especially in regard to a petition which could only come up, by the rule, on the Monday of every ultimate week. And lo! therefore, after the inquiry had been ordered by a special committee, a conservative [Mr. Hopkins, of Virginia] moved a reconsideration. This hung up the decision two weeks, and was, I am afraid, intended for that purpose. When the subject was again taken up, every artifice was resorted to for the purpose of defeating inquiry. It was first proposed to refer it to a standing committee, composed of one of the accusers [Mr. Crockett] and others, making a majority of opposition members who had shown themselves afraid of the investigation. If the case had been referred to the accusers as judges, would not the whole inquiry have been snuffed out, or report as foul and erroneous as the original charges returned by those making them? The accusers [Bond, Crockett, and Carter] exerted themselves in this attempt, but it was voted down by the house. An effort to lay the subject on the table, and so get rid of it, was tried by the same party in vain. At last, after the committee was appointed, and had the instructions of the house to inquire into the whole subject of the public printing, when it came forward and asked the ordinary power of sending for persons and papers to obtain evidence of the facts it was required to report, the opposition opposed this, and moved to discharge the committee altogether from the duty assigned.

This failed, and the committee met and organized for the examination. It opened its sittings almost every morning at 8 o'clock, but not one of the accusing members came forward to make good their charges. At last the committee addressed a note to Mr. Crockett, inviting him to support by evidence, the allegations made by him in the house and his private letters. Mr. Crockett replied, if the investigation was to be confined to the prayer of the petition, to a scrutiny embracing only the accounts of the Globe office with the public departments and congress, he would have nothing to do with it; but if the committee would go out of the instructions of the house, and inquire into the private accounts of the editor of the Globe, he would examine witnesses! How the committee treated this evasion, I am not informed; probably with silent contempt. But I am authorized by Mr. Blair to say that he is willing to submit his private accounts and his private life to the closest scrutiny. The bold assailants in this house skulking thus from the summons, the committee had no alternative but to seek out testimony on the allegations made before the representative body, by interrogating those who, from the nature of the charges, must know their truth or falsehood.

Mr. Crockett's charge, made by him in writing, verified by his signature, and secretly circulated, was couched in these words:

"Hundreds of thousands of Mr. Benton's and Mr. Calhoun's speeches, as I am informed, have been printed gratuitously, and circulated by 'the party' throughout the land."

"My opinion is, honestly, that they are paid for out of the public treasury, and I believe it could be proven to the satisfaction of every unprejudiced mind; at any rate I should like to know how dear Blair, the printer of the Globe, can afford to print so many thousand speeches for nothing, and find himself? No man can believe it who is not as blind with party prejudice as a snake in dog-days. The cost at the ordinary rate cannot, I think, be less than from 3 to \$400,000."

As explained by his colleague [Mr. Carter,] in the presence of the house and of Mr. Crockett; and afterwards published by Mr. Carter in the National Intelligencer, it stood thus:

Sir, my colleague did not intend to say that the money was taken directly from the treasury, and applied to these purposes, but he intended to say, and does say, that the public money is indirectly appropriated, and applied to this specific use. Sir, are there no grounds for this opinion? If the salary officers of the government are paid extravagantly, and those salaries made sufficiently high to

give the officer a reasonable compensation for his services, after contributing several hundred dollars for party purposes—to pay for these partisan speeches and extra Globes, if you please, which is said to be coerced from them by this party regulation and discipline—I would ask, in the name of common sense, if this is not virtually defraying these expenses out of the public treasury, to all intents and purposes? Sir, it is virtually the same thing, just as much so as if the editor of the Globe was directed by the government to cause to be printed ten thousand copies of that paper every week, and circulated to non-subscribers, and to draw his money directly from the treasury. The effect is the same; the government pays the money in either case, and, in either point of view, improperly. Sir, were not the salaries of these officers increased ten or twenty per cent. just before the last presidential election, upon the recommendation and vote of the party that reigned and ruled in this house so triumphantly—increased just as much as is said to be the tax laid and collected off those officers for party operations?”

This imputation on the government and the editor of the Globe thrown out in secret letters at first, and afterwards promulgated on the floor of this house, for the purpose of giving it the stamp of a congressional impeachment; and which, as I have shown, they attempted to keep pending and unrefuted by an inquiry, until after the elections, was put down by a cloud of witnesses. The committee addressed a note to all the departments, in pursuing the inquiry as to the facts put in issue by Messrs. Crockett and Carter.

It was responded to by all the departments; every one proving that no change in the ordinary price of printing had been made favorable to the Globe office; but on the contrary, the department of state, treasury and post office, point to particular instances of considerable reductions. The clerks of all the departments have, in a body, given written testimony, signed by their names, establishing, in the most explicit manner, the utter want of foundation in truth for the assertion of the members from Tennessee, [Messrs. Crockett and Carter,] that a tariff had been imposed on them to pay for publications at the Globe office. I select the shortest replies as a sample of the whole:

Navy department, July 7, 1838.

Sir: I herewith transmit the answers of myself and clerks, and that of the clerks of the navy commissioners' office, to the queries propounded in your letter of the 3d instant.

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

J. K. PAULDING.

Hon. Jas. J. McKay,

Chairman select committee, house of representatives.

District of Columbia, ss.

Personally appeared before me, Robert Getty, one of the justices of the peace for said District, James K. Paulding, secretary of the navy of the United States, and being duly sworn, saith:

1. That he does not know of any instance in which the editors of the "Globe" have been allowed for printing for the navy department a compensation greater than that usually paid to other printers for printing, similar to that required to be done by those editors.

2. That he does not know any instance since he has been at the head of the navy department, in which printing, not properly chargeable to the United States, according to law or the usages of his predecessor, has been ordered and paid for out of the public fund, either to the editors of the Globe or any other printers; and that he does not know of any of the officers of the navy department being tarified or required to raise funds to pay for public documents or speeches to be published at the office of the Globe or elsewhere.

3. That no change as to the mode or prices in the execution of the printing done for the navy department has been introduced since he has been at its head, differing from that customary under his predecessors; and further saith not.

J. K. PAULDING.

Sworn and subscribed this 7th day of June, 1838.

ROBT GETTY, J. P.

Navy department, June 7, 1838.

The undersigned, clerks in the navy department, respectfully state, in answer to an inquiry contained in a letter of the 8d instant, addressed to the secretary of the navy by the hon. James J. McKay, chairman of the select committee of the house of representatives, to which was referred so much of the memorial of F. P. Blair as invites a scrutiny into all his accounts for printing for congress and the public offices, that they have not "been tarified

or required to raise funds to pay for public documents and speeches to be published at the office of the Globe, or elsewhere."

(Signed)

JOHN BOYLE,
J. D. SIMMS,
L. B. HARDIN,
T. L. RAGSDALE,
B. M. VOORHEES,
H. STARK,
M. POOR,
A. H. QUINCY,
N. B. BOYLE.

Sworn and subscribed before me, at Washington city, this 7th day of June, 1838.

(Signed)

ROBT GETTY, J. P.

A declaration like the above was sworn to and subscribed by the clerks in the navy commissioners' office, before Chas. W. Goldsborough, J. P. and sent to the committee.

There are 444 clerks in all the departments. Of these a large majority are in opposition to the administration, and to the press which supports it; and yet, with perfect unanimity, they bear unhesitating testimony to the utter groundlessness of the charge made by the members from Tennessee, [Messrs. Crockett and Carter.] It appears there was not the slightest circumstance to countenance it—not a pretence to found it on. It was made on this high authority, was to do mischief to the administration in the approaching elections, under the hope that inquiry might be baffled during the remnant of the session, or that the committee would not be able to examine the whole subject submitted to it; and that as it could not report in full, the evidence would not come out in time to correct what I might call fabrication, until it had done its work for the party. To defeat this iniquitous scheme, I felt myself called on to seek from the same quarter the same evidence which the committee has obtained, and I use it to put in a proper light before the country those who would abuse their high station to destroy the reputations of innocent men for party objects.

It appears from the official and verified statements of the departments, that no increase of price on any jobs executed for them by the Globe office, has in any instance taken place; on the contrary, that great reductions have been made on several; and on inquiry, I learn that the printers and others who appeared before the committee, who measured the work, and made the requisite calculations to ascertain whether it had been well done by the Globe office, and charged for according to law, proved, as far as they progressed, that all was right.

To enable the public to judge of the excess of profits, which my colleague, [Mr. Bond,] by his aggregate of \$220,000, would make the impression had been made by the Globe office, I have obtained from Mr. Rives, who has the entire management of the establishment, the following statement:

"The prices which congress pays for its printing were fixed by three disinterested practical printers in 1819, residing in different sections of the union. Two weeks after the Globe office commenced printing for congress, (the 11th December, 1835,) the wages of journeymen printers were raised by the typographical society of this city, 10 per cent. on former prices. That rate has continued ever since; but the price paid by congress has remained unaltered."

The Globe office and materials cost \$40,000; the wear and tear of materials is about \$5,000 a year; the interest on \$40,000 is \$2,400; the hands in the Globe office have been paid in six years \$140,000; the paper used in printing for the departments and congress, cost \$68,000."

It will be seen, therefore, from the foregoing statement, that the actual expenditure of the Globe office, in connection with the public work, is \$268,000; a sum greatly exceeding the amount received from the treasury. Yet a reasonable profit has been made upon the public work, because an establishment adequate to its performance in the intervals of public employment, and in association with it, is enabled, by publishing newspapers, speeches for members of Congress, jobs for private individuals, and advertisements, to add largely to its income.

I now turn to the public printing executed at the newspaper offices of the opposition in this city. One would suppose from the outcry that they, at least, had been proscribed, as they pretend the office-holding partisans of federalism have been, and were almost starving for patronage, while the Globe was rioting in an enormous monopoly. My colleague—who has been almost petrified with horror at the extravagance of the administrations which (with the command of the departments and majorities in congress) have, in a course of six years, allowed the only press in this city advocating the republican policy to derive a reasonable profit on

work and materials furnished to the amount of \$220,000—does not think worth while to mention the trifling amount which has passed through the mills of the Intelligencer and Telegraph during the same six years, and when both were devoted to the cause of the opposition. Every body in Washington knows (it is of record) that the National Intelligencer office, house and lot, types, presses, profits due and to become due, are deeded to the bank of the United States for facilities granted it at various times, amounting to between ninety and one hundred thousand dollars. This is *prima facie* proof that it has been starved at the treasury during the six years that the Globe has rolled in such abundance. I have looked to the record, and find that the editors of the National Intelligencer have drawn the following sums from the treasury during the six years of long abstinence that the Globe interfered with its income:

Gales and Seaton received during the six years beginning the 1st October, 1831, and ending the 30th September, 1837 - - \$432,348 18
Duff Green received - - - 363,293 94

Together,

\$795,642 12

For the extra session, in the name of Allen, up to this time (7th July) Gales and Seaton have received for printing to the house - - \$120,000 00

In addition to this, is an appropriation of \$49,000, which has just passed, for the purchase of Gales and Seaton's Register of debates, (volumes made up from the pages of the Intelligencer) and other books which they have printed and kept on hand for distribution, at the expense of the public, among the members. Of this sum, a few job printers in this city will come in for five or six thousand dollars. Gales and Seaton's part will be at least - - - 43,000 00

For work ordered at this session and not yet paid for, there will be added to the receipts of Gales and Seaton (in the name of Allen) at least - 15,000 00

The sum total already voted by the present house to its printers, is - 178,000 00

If the next session of three months may be calculated upon as the ratio, (and as there is always more work done in the same space of time in the short session than the long one,) it is a fair calculation that one-third of the printing expenditure already incurred by the house, may be set down for the coming short session—that is - - - 59,000 00

The following results are shown by the comparison:

1st. The editors of the Intelligencer will have received for the printing for one branch during the 25th congress, and for old books distributed among the members, seventeen thousand dollars more than the whole amount which my colleague [Mr. Bond] has drawn together for work done by the Globe establishment for all the departments, and for congress, during six years.

2d. It shows that the two leading opposition presses in this city have received about one million dollars, commencing with the period which my colleague [Mr. Bond] has fixed upon as beginning the condemned career of the Globe establishment.

And yet my colleague sees nothing extraordinary in the enormous expenditure on the National Intelligencer, but is shocked at the pampered condition of the Globe.

But if the difference of amounts received by the two establishments is amazing, the mode in which the Intelligencer's receipts have been so swollen is not less astonishing.

Neither branch of congress has ever been solicited by the proprietors of the Globe to print books for distribution among the members; nor have any such publications been voted to be done by the Globe office. Only two works, I understand, have passed through its press—the Diplomatic Correspondence of the United States from 1783 to 1789, and the Commercial Regulations. The former was printed for less than it had been done for previously; and the latter, which had not been printed before, was printed and bound at less than congressional prices.

The enormous sums which have swelled the bloated receipts of the Intelligencer, are made up of books to fill the private libraries of members of congress, being the republication of old state papers and registers of debates, containing the speeches of the members themselves. This system of seducing members of congress, by their private in-

terests and personal vanity, to vote the wagon loads of volumes annually distributed from the Intelligencer office, began before I came here. The old members having obtained their share, the new comers do not refuse what has been previously printed for them: and the old members, as matter of course, vote it, because, if they did not, it would be an acknowledgment that they had taken money from the treasury to make perquisites in books for themselves to which they were not entitled; and so this abuse is handed down from congress to congress by the rump of the old members, who are obliged to give to the new members the douceur of books which they had previously shared among themselves. I voted for this resolution. I regret that I did so. I did not understand, at the time, its full bearing, and the amount it involved; and I now say, that the portion of the books which falls to me, is the property of the government, and at its service, whenever it may be found advantageous to surrender them. The senate have again and again voted down this appropriation; but the majority in the house then tack it on some indispensable appropriation bill, and compel the senate to vote it, and the president to sign it, or else lose the means of supporting some regular establishment of the government, and be compelled to throw the business of the country into confusion, or leave it undone. The forty odd thousand dollars appropriated to the Intelligencer's book contribution, was rejected by the senate at the present session, as heretofore; but it was afterwards coupled by the house with the bill "to provide for the support of the military academy of the United States for the year 1838, and for other purposes," and so forced upon the senate and president. It is in this way, when the federalists have a majority in either branch of Congress, that they compel a democratic administration to submit to the appropriation of unnecessary millions, with which, by log-rolling, they load the bills indispensable to the support of government. Their corrupt appropriations to subserve private, local, and personal interests, are always tacked to a bill which must be passed, or the government be stopped.

But another mode is adopted by the federal party having the majority in either house, to swell the expenses against the wishes of the administration, and then charge the extravagance to it. For example, at the present session, the house printed more than one hundred thousand dollars in documents, many of them not worth the paper (now made waste paper,) on which they are printed. Of this sort is a volume of one hundred and thirty-eight pages, consisting entirely of the cancelled drafts of the treasury which my colleague [Mr. Bond] called for, and had printed. He could have had no motive in calling for this but to make a fat job of rule and figure work for Gales and Seaton. It is just as valuable a work as so many cancelled checks drawn on a bank. In the beginning of the session, Mr. Garland of Virginia, a conservative, called for the correspondence of the treasury with the banks. The house was informed that there were not clerks in the department sufficient to prepare it during the term of the members. It would have made a fat job of at least \$50,000, on which the gentleman's friend, Mr. Allen, would have had a per centage, and Gales and Seaton their profits. Another call was made by him for all the documents in regard to the defaulters to the treasury; and this would have been to copy and print the papers of the office of the solicitor of the treasury out and out. This would, besides the expense of copying, cost at least \$50,000 more for printing. It was found there were not clerks enough to make the copies, and Mr. Garland moved a resolution to authorize new appointments for this purpose, but it failed. This shows what the conservatives and whigs would have done, by way of bringing grist to Gales and Seaton's press, to afford vast profits to them, and increase the per centage of Allen. What they have done appears from the gross sum of a hundred and twenty thousand dollars for the extra and present session of the house printing, with an arrear of fifteen thousand dollars yet to be received for it, with forty-three thousand dollars for books; and at least fifty-nine thousand dollars to be realized, at the same rate, for the approaching session, showing an aggregate of TWO HUNDRED and THIRTY-SEVEN THOUSAND DOLLARS for one branch of congress for one congressional term; whereas Messrs. Blair and Rives have received, during the six years my colleague, [Mr. Bond,] has scanned their printing, only one hundred and six thousand dollars for congress printing and materials, and one hundred and fourteen thousand from all the departments, for the same time.

But the most scandalous part of this history of the printing of the house is yet to be told. Although Gales and Seaton receive all this money for

printing, they were not elected its printers. Allen was elected to perform this confidential trust, although he had only about 21 or 22 votes, in a house of 242 members. Does it not look as though after three days' balloting a corrupt bargain was made, under which it was arranged that Allen was to become nominally the printer to the house, but Gales and Seaton were to do the work and receive the pay? After the caucus was held which consummated the infamous agreement, (if such was the case,) by which it was stipulated that Gales and Seaton's friends would go over to Allen and unite with the conservatives in his election, suspicions were excited by the announcement of this determination; and several of the honest conservatives, whose votes were necessary to the success of Allen, interrogated him as to the supposed intention of transferring the printing to Gales and Seaton. He denied positively that there existed such an engagement, and pledged himself to execute the printing in his own office, declaring that he was making provision for that purpose. That he made the pledge, and forfeited it, it is established by the statement of a member on this floor, (Mr. Snyder, of Illinois.) Their votes were, in effect, sold to Gales and Seaton, although they protested in advance, against being made accessory to such a shameful and corrupt transaction.

Mr. Chairman, a high public trust, personal in its character, has been farmed out in violation of all principle and decency, to individuals to whom it is known a majority of this body, as well as their constituents, were unwilling to confide it; and Allen, in violation of another republican principle, holds a sinecure. Will any one hereafter say, that this house is to be trusted to elect the chief magistrate of this country, when it is found, that in electing a printer, pecuniary considerations, the bases of bargaining between parties, have controlled the result.

Another natural consequence of this bargaining, has been discovered before the committee appointed to investigate the subject. This committee being appointed at the heel of the session, has not yet had time to make full investigation, and report; but I feel at liberty to use the information which I have derived from a witness, sworn before it. A first rate practical printer, called on by that committee to measure the work and calculate the price which it was lawful to charge for it, and compare it with that which Gales and Seaton, in the name of Allen, as printer to this house, had received for it, found that the first document printed for this house at this session, by Gales and Seaton, was fraudulently printed; and that by diminishing the page, and using types different from those authorized by law, they had made an illicit profit, amounting to between thirteen and fourteen hundred dollars. He examined another document, and found a like fraud committed; and an unlawful profit of between 3 and \$400 obtained by it. This was but a beginning. The committee had not time to prosecute the inquiry further at this session; and asked leave to continue it at the next, which was granted. I have a statement of these facts, in writing, from the witness, as sworn to by him before the committee. He is a first-rate printer, well acquainted with congressional work, and of unimpeachable character. I have little doubt from this commencement that it will be found in the end, that Gales and Seaton have made as much out of their frauds, as will pay Allen the per centage he required as compensation for the deception practised upon those conservatives whom he betrayed; and to make good to those who acted with him his promise, to convert the consideration he received into the means of supporting the press established in this city for their common benefit. All the legitimate profits upon the public work will thus, probably, be cleared to the Intelligencer; and the aliment of the Madisonian will be derived from the frauds committed by his whig accomplices on the treasury. How characteristic this of the two printing concerns, and the two parties which entered into the vile coalition that gave birth to the bastard Madisonian? Is it not notoriously fed on offal of the foul peculations of the Intelligencer? And this is an earnest of what the federal party will do for the little Spartan band of conservatives, who shall have joined their standard, in the event of success. They will, no doubt, give them a share of the plunder, but not an atom of the power, of the government.

Will not the American people ask, for whose interests the honor of the great representative body of this country has been compromised, and its hall made a market place, in which the votes of members, and a high public trust, have become a subject of mercenary barter between the leaders of two parties assuming to be actuated by lofty political principles? When understood, their principles are like the man for whom they have sacrificed the noble character of the country. He is an Englishman, a perfect pro-

stitute in politics—notoriously the stipendiary of the Bank of the United States—and the ready instrument of every faction, which, in alliance with that institution, would contribute to the overthrow of our republican institutions. He is an alien, too, in all his feelings. He was found the willing organ of Gorostiza in vindicating the cruel and perfidious conduct of Mexico towards our citizens, and its insults to our government. He took the part of France when she shamefully withheld the indemnity she was pledged by treaty to pay, and endeavored to throw the blame on our government, and raise a party for France, in case we were driven to war in defence of our rights. He has encouraged the resistance of the Indians to the policy of the government, and stimulated the feeling which led to the butchery of so many gallant men, the exhaustion of the public treasury, and the ruin of the Indians, whose cause he pretended to espouse. It is on this dishonest fraudulent Englishman, that more than a million of the public money has been lavished from first to last. And yet my colleague, (Mr. Bond,) and the party with which he is associated, think him poorly compensated.

Mr. Chairman, I think I have said, perhaps more than once, that there are existing abuses; and for reasons which I have given, abuses will exist. But if "those who administer this government were as pure as the angels that minister in heaven," there would be lean, lank, hungry, unprincipled hyenas to howl around this capitol, with appetites prepared, not only to devour the reputation of those who live to administer the government, but the grave itself would be insufficient to secure the dead from their blighting and withering howl.

My colleague has finished his speech with a case from the Old Testament Scriptures, illustrative, as he supposes, of the corrupting influence of power upon the democratic party, the total want of analogy between which, in some of its strongest points, may be easily perceived; for while Hazael came to the throne by the murder of his master, that is, through blood and crime, the present and past administrations came into power, not by crime and blood, but by the sullages of a free and independent people; and by the same operation which brought these administrations into power, was a corrupt and usurped administration politically throttled, and its corrupt workers of iniquity thrown into the mud. But, sir, to the Scriptural case. I shall close my remarks by a reference to a case from the same high authority. Sir, the course of the party at present out of power—but earnestly desiring, and sparing no pains, labor, or expense, to get into power—reminds me, and may remind the country forcibly, of the case of the unfortunate Absalom. I refer not to his contriving the death of Amnon, nor his forming a conspiracy with Ahithophel against the administration of the government, but to his ambition, and the means he used with the people to carry his designs.

Being suffered to return from his banishment into the neighborhood of the throne, he lied his political wiles with the unsuspecting people, alleging that justice was not done them, promising if he was put into office, that things should be made better. Thus speaking, and forming a party against the government, we are told that Absalom rose up early, and stood beside the way of the gate, and if any man had a controversy, and came to the king for judgment, then Absalom said "The matters are good and right, but there is no man deputed of the king to hear thee. O! that I were made judge in the land, that every man which hath a suit or cause, might come unto me, and I would do him justice." And it was so that when any man came nigh to him to do him obeisance, he put forth his hand, and took him and kissed him. So Absalom stole the hearts of the men of Israel. He sent spies throughout the land (political missionaries) to all the tribes of Israel and under pretence of piety towards God, he left Jerusalem for Hebron, where he was to set up his authority. But ere his mad ambition obtained its consummation, the beast which he rode forsook its rider, and Absalom fell by the hand of trusty Joab, who made his grave in a pit.

Absalom went out to war upon a mule—a mongrel beast, half horse, half ass. What kind of a mongrel hobby is the present opposition mounted on? Bank, anti-bank—tariff, anti tariff—masonic, and anti-masonic, &c. &c. They have no opinion in common, except it is hostility to the people's best interests, and a contempt for their understanding, or, in other words, a decided hatred to the simple institutions of democracy. But when the people shall rise in their strength, this modern mule shall forsake its riders, and leave them to the fate of Absalom.

With all the ambition and chicanery of Absalom, backed by the cunning of his counsellor, Ahithophel, the federal party never can again succeed in getting into power. They have been driven into political banishment, from which they never will be permitted to return.

CHRONICLE.

Naval. The U. S. brig Porpoise, lieutenant commodore Ringgold left the Navy Yard at New York, on Sunday evening, and put to sea, for Norfolk, where she joins the exploring squadron. The following is a list of officers:

1 lieutenant commanding—Cadwalader Ringgold.
1st lieutenant—M. G. L. Claiborne.
2d lieutenant—Aug. L. Case.
3d lieutenant and acting master—G. F. Emmons.
Acting surgeon—Charles F. B. Gillon.

The Journal of Commerce says:—"The Porpoise left us amid hearty cheers from the government vessels at this station, and carries with her the best wishes of thousands. We cannot refrain from congratulating the officers upon the change of being toward this long delayed and much abused expedition, not only among the public at large, but more particularly in the navy itself. If in the vast field for hydrographical research and scientific exploration, any thing can be accomplished by activity, perseverance and energy, guided by nautical science, we may surely expect it from this expedition."

The Army and Navy Chronicle mentions as a rumor, that the ship of the line *Ohio* is to be fitted out for the Mediterranean station, under the command of commodore Hull.

Old Ironsides. The Norfolk Herald of Friday has the following notice of the gallant old ship Constitution, which arrived in Hampton Rhodes on Tuesday the 30th ult.

The Constitution frigate came up on Wednesday afternoon, and anchored off the naval hospital. The steamboat Old Dominion was engaged to assist the stout old warrior into our port—but with a "thank's for nothing." Old Ironsides did not wait to be assisted, but spread her wings and came up alone, before the steamboat had got cleverly under weigh. Nearly the whole crew of the Constitution have run out their term of service, and about two hundred of them demanded their discharge the moment the ship came to anchor, which was granted, and they were as promptly sent on shore. We learn that their behaviour on the occasion did not comport with the character of "Yankee tars," though it must be confessed they had right on their side.

The commodore has not yet left the ship—probably because the condition of the crew requires his presence.

While the ship was being moored, a man fell from the main topgallant yard and was instantly killed. His name was Butler—a foreigner by birth.

This is the first visit we have had from this gallant ship since the late war. She now rides proudly at her moorings abreast of the town, the tout ensemble presenting a most imposing spectacle as viewed from the town. The ships now at the anchorage are five in number, moored in the following order—the Constitution, Peacock, Macedonian, Vincennes, and Relief.

Cotton. The editor of the New York Herald, writing from Liverpool under date of 20th July, says—

During the last few months, since the cotton has been arriving in great quantities from the United States, there has been a great struggle here between the buyers and sellers about the prices. The large holders here have been straining every nerve to hold the cotton in order to keep up the prices—the spinners and manufacturers have been pursuing the opposite policy of taking as little as possible. I think the contest will be governed by the crops in this country and the ability of the bank in the United States—that is to say, it will terminate in a compromise, leaving the prices and demand nearly as they are at present.

For two years to come, the cotton market will not vary much. It will take that time to start in a fresh career under the new impulses now in action. But for the United States Bank, and the other banks of our country that came into the market including also their policy of a suspension of specie payments, the value of our present cotton crop would have been \$10,000,000 less than it will fetch. The agents of the United States Bank here, Humphries & Biddle, have an immense stock on hand, and are daily receiving more. Only consider that at this moment there are 120 American ships in this port—in London, only half a dozen. The policy of delaying the resumption of specie payments in the south, whatever be the morals of it, has undoubtedly realized \$10,000,000 to the United States that would have been thrown away here.

Escape of Uncles. The New Orleans Picayune of the 21st ultimo, says, that Uncles, who was in jail in that city, charged with stealing the jewels from the bank of the Metropolis, Washington, suc-

ceeded in making his escape on the night of the 20th, by cutting his way through a plank partition four inches thick, and then making a hole in the brick wall of sufficient size to let him out.

Health of the cities. In New York last week there were 202 deaths—more than half of which were persons under two years of age. There were two deaths by hydrophobia.

There were 190 deaths in Philadelphia last week, 114 of which were children under two years of age.

In Baltimore last week there were 78 deaths—48 being children under two years of age.

In Cincinnati during the week ending on the 1st, there were 42 interments, of which 23 were children. The Cincinnati Gazette of the 4th remarks:—"Notwithstanding the continuance of warm weather our city still continues healthy for the season. There is considerable sickness among children, but at this season of the year this is the case almost everywhere."

In Washington, forty-one deaths have been reported to the board of health, for the month ending July 31. Of these, there were of the age of two years and under, 25; between 2 and 10, 6; between 10 and 30, 4; between 30 and 50, 4; between 50 and 80, 2.

Diseases.—Summer complaint, 15; scarlet fever, 3; accident, 1; not reported, 3; inflammation of brain, 3; dysentery, 3; intemperance, 2; drinking cold water, 2; consumption, 3; water on the brain, 1; rheumatism, 1; mumps, 1; abscess, 1; killed, 1; still-born, 1.

The Ohio River, is unusually low for the season, there being as we are informed by pilots, less than three feet water in the channel, between Wheeling and Pittsburgh. A number of the lightest boats, are plying regularly from this to Pittsburgh, carrying but a small quantity of freight, although filled with passengers. In consequence of the low stage of the river, freight has advanced to one dollar per hundred from Pittsburgh, and cabin passage to Cincinnati, eighteen dollars.

A number of boats of the second class, continue to run from this city to St. Louis, without much interruption, and with a slight advance on passage and freight. [Cin. Rep. of Aug. 2.]

Charles L. Bonaparte, (prince of Musignano) who distinguished himself in our country by his ornithological researches, particularly by his continuation of Wilson's work, has lately published a geographical and comparative list of the birds of Europe and America.

The New Brunswick Fredonian states that the connecting link between the Trenon and Philadelphia rail road and the New Jersey rail road, which now terminates at New Brunswick, will be completed before the close of the present year, making an uninterrupted line of rail road from Washington to New York.

The British army. Return of the numbers of the descriptions of armed force in the United Kingdom, on 1st January, 1838. "The regular army of all ranks."

	Great Britain.	Ireland.	Total.
Cavalry	*5,601	2,035	7,636
Foot Guards	4,051	635	4,686
Infantry	*14,627	16,629	31,256

Total 24,279 19,309 43,588
*Including the depots of India regiments.
Adjutant general's office, 30th April, 1838.

JOHN MACDONALD, A. G.

Hayti. The schooner Orient, at New York in 15 days from Port au Prince, reports that the new tariff, reducing the import duties, had passed the house of representatives and was sanctioned by the senate, and, it was expected, would be enforced immediately.

Limestone. A gentleman of Genesee, New York, in digging a well, has hit upon a bed of what he supposed at first to be plaster of Paris, but which turns out to be friable limestone, from the application of which to the soil much benefit has been derived. The material is represented to be easily dug with a pick, and productive of great fertilizing effects, as attested by a single years experience. The whole of the country of the old states abounds in one description or other of fertilizing material, which, if properly made use of, will, in the course of a few years, restore our soil to its primitive richness. Farmers, instead of running away to the west, should pay attention to this fact, as in doing so they may rest assured of an ample return for their trouble. [Ball. Ame.]

Most infamous and inhuman conduct. It will be recollected that capt. Davis, of the schooner Henry Cameron, of Philadelphia, rescued a number of the passengers from the ill-fated *Pulaski*, and carried them into Wilmington, N. C. The Henry Cameron arrived this morning from that port and has furnished us with an account of the following infamous and inexcusable conduct on the part of the captain of a schooner, the name of whom we regret is not recollected. The information was communicated to captain D. by his pilot, and can be implicitly relied upon.

The schooner Merchant, of Elizabeth city N. C. bound to Wilmington, N. C. with a cargo of corn, passed the passengers on the wreck of the *Pulaski*, heard their desperate cries for aid, saw them struggling with the waves, when even hope had almost forsaken them, and notwithstanding he was distinctly hailed by them he refused to offer them any assistance, and proceeded on his course. The reason which he afterwards assigned for this wanton and murderous neglect of duty was that he feared another vessel bound to the same port as himself, would get in before him.

We trust that the Wilmington, N. C. papers will ascertain the name of this inhuman monster, and publish it in connection with his infamy.

[Philadelphia Exchange Echo.]

It is said that the Great Western made over \$40,000 on her two last trips. This may be exaggerated, but her last trip was certainly a very lucrative one. Already several of her births are engaged. Passengers come here from the West India islands, and from Nova Scotia even as well as the N. Canadas. [Nat. Int.]

Benefit to the United States of Atlantic steam navigation. Mr. James R. Wilson, president of the Tioga Navigation company, went out in the Great Western, arrived in London in fourteen days, succeeded in negotiating a loan for the company over which he presides, on very favorable terms; contracted for iron for constructing their rail road; saw the lions of the British metropolis and returned in the Great Western; being absent exactly six weeks. We congratulate the company on the success of their agent, and the country on the advantage which will be derived from the increased introduction of British capital which steam navigation will bring among us. [Philad. U. S. Gazette.]

Rail road safety. In providing against bursting of boilers in steamboats, we are bound to guard against danger on rail roads from an accident terrible in its consequences, when it does happen to reach passengers. We allude to parts of the rail road iron which being insecurely bolted on the stone or wooden foundation, start or roll when the engine passes over. It has been known that a piece of iron thus loosened has shot up through the cars with the velocity of a cannon ball, passing through the top, and fortunately not touching a passenger. Recently in Pennsylvania a piece of iron went through the skirts of a gentleman's coat, and cut the veil of a ladies' bonnet, and passed through without injury.

Great attention and constant examination should be made of the rails, to see on the whole line that they are properly secured. [N. Y. Star.]

Caution. A fly entered the ear of a harvest hand at work in a field in Miami county, and although the insect was soon extracted, the ear continued painful for several days. The person called upon a physician, who on an examination found the fly had left some of her progeny in his ear, which were grown to medium size, from 1-4 to 1-2 inch. The physician succeeded in dislodging 33, which proved to be all that were in the ear.

[Columbus (Ohio) Register.]

The best application is at once to fill the ear with laudanum or brandy, and let it remain in for a short time. It kills the insect nearly as soon as oil, but what is better, allays the spasmodic excitement of the tympanum or drum of the ear, which seems to the patient like the fluttering of the insect, and is worse than the insect's motion itself.

Silk. The Messrs. Cheneys of New Jersey, obtained a hundred bushels of fine cocoons from their first crop of silk worms, whose labors were perfected about a fortnight since, and for which they have already received the state bounty. Great progress is making in this species of culture in every part of the state, as well as in Pennsylvania, Maryland, North Carolina, Massachusetts, Connecticut, Rhode Island, and several other states.

[Trenton Emporium.]

On Friday evening the 3d instant, the convention of the Protestant Episcopal church of Maryland, elected to the office of bishop of that diocese, the right reverend Jackson Kemper, at present missionary bishop in the valley of the Mississippi.

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 25.—VOL. IV.]

WASHINGTON CITY, AUGUST 18, 1838.

[VOL. LIV.—WHOLE No. 1,403.]

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

NEAPOLITAN INDEMNITY. From the Washington Globe, we learn that the 5th instalment of the Neapolitan indemnity has been paid to the agent of the United States in Paris, and is now in the course of transmission to this country in gold.

Notice of the amount and places of payment will be given by the treasury department, as soon as the net proceeds are computed.

MEXICO. The following extract from a speech of the president of Mexico, on the closing of the last session of the National congress, confirms the statement in page 387, that all points in dispute between this country and Mexico are about to be settled by the mediation of a friendly power. Mr. Martinez, the Mexican minister, who has been for sometime in New Orleans, is now in this city. Translated for the Globe, from a speech addressed by the president of Mexico to the National congress on closing its session on the 30th June last.

"You also know that the government of the United States has accepted the offer of arbitration, by a friendly power, made to it on the part of that of Mexico, for the purpose of restoring the good understanding and harmony which have been unfortunately interrupted. While I lamented the unsatisfactory state of our relations, I never doubted that the cabinet of the United States would, in the end, be ready to come to a settlement in a manner reasonable and conformable with the civilization and with the philanthropic sentiments prevailing both in Mexico and the United States. Far, therefore, from repeating the complaints mutually made, the two governments will employ themselves only in obtaining such a definitive and satisfactory arrangement as may cause the differences which have endangered the peace between us and our neighbors, to be forgotten. The law of neutrality lately passed by the congress of the American confederacy, and the assurances given to our minister, should cause us to be content with regard to the sincerity and frankness of their intentions."

CONSPIRACY AT HAVANA. The New Orleans Bulletin of the 10th instant says: A letter received by a commercial house in this city, from a correspondent at Havana, confirms the statement published in the Bulletin of yesterday. The writer says that a Carlist conspiracy had been detected among some of the regiments stationed at Havana, and many arrests and executions had taken place. From this it would appear that we were mistaken as to the cause of the revolt as originating in dissatisfaction with the removal of general Tacón. The object of the conspirators was to wrest the government of Cuba from the queen, and place it in the hands of Don Carlos.

THE CHEROKEES. It is stated in the Alexandria Gazette, that, at the request of the war department, gen. Scott has postponed his visit to the north until the emigration of the Cherokees in September has been completed.

In another page we have published an article stating that the conduct of the Cherokees had been most exemplary, and that they were comparatively free from sickness; but it appears from the following extract of a letter, which we find in the New York Journal of Commerce, that the praiseworthy and humane injunctions of gen. Scott, have been disregarded in the preparations for removal.

"The following is the latest intelligence, from the Cherokee nation. It is dated from 'Prisoner's Camp, Cherokee Nation, July 21, 1838,' and has been handed to us by the gentleman to whom it was addressed.

"The public are either altogether uninformed, or misinformed, with regard to the current state of Cherokee affairs.

"Major general Scott's address of the 10th of May was received by the Cherokees with a dead silence. As the ominous 23d of May approached, all appeared anxious to have their work forward and their crops in good order,—so that in the event of any interruption taking place, they might sustain as little loss as possible.

"On the 24th May the work of capture commenced, and continued, with unfeeling rigor, until the entire rightful and legitimate population of the country were divested of house and home, and reduced to a state of abject poverty. In most cases, Vol. IV.—No. 25.

the humane injunctions of the commanding general were disregarded. The captors sometimes drove the people with whooping and hallowing, like cattle through rivers, allowing them no time even to take off their shoes and stockings. Many, when arrested, were not so much as permitted to gather up their clothes. The scenes of distress exhibited at Ross's Landing defy all description. On the arrival there of the Indians, the horses brought by some of them were demanded by the commissioners of Indian property, to be given up for the purpose of being sold. The owners refusing to give them up,—men, women, children and horses were driven promiscuously into one large pen, and the horses taken out by force, and cried off to the highest bidder, and sold for almost nothing.

"Then came the shipping off to the west. The agent endeavored to induce the people to go into the boats voluntarily; but none would agree to go. The agent then struck a line through the camp;—the soldiers rushed in and drove the devoted victims into the boats, regardless of the cries and agonies of the poor helpless sufferers. In this cruel work, the most painful separations of families occurred.—Children were sent off and parents left, and so of other relations. But I am obliged to break off, or I shall lose the present conveyance. Next mail I will continue."

EXPLORING SQUADRON. The Norfolk Herald of Wednesday, states that the exploring squadron is for ready sea, and will depart with the first fair wind; to-day, if it should offer. The officers are all on board, and in fine spirits, elated with anticipations of the peaceful triumphs, not less worthy of the wreath of fame than those of "grim visaged war," which await the successful results of scientific research, achieved with greater peril and hardship; and admitting the truth of the old adage, that "a bad beginning will have a good ending," they have a glorious prospect of success to their expedition.

The squadron now rides gallantly abreast of Fort Monroe, in the following order: sloop of war Vincennes, lieut. Wilkes, commanding the squadron; ship Relief, lieut. Long; sloop of war Peacock, lieut. Hudson; brig Porpoise, lieut. Ringgold; schr. Flying Fish, passed midshipman Knox; and schr. Sea Gull, passed midshipman Reid. The schrs. are pilot boat built, and of the rise of 100 tons. The sloops of war are nearly on the peace establishment, shewing only eight guns each.

THE FRENCH SHIP ALEXANDRE. We learn officially that the minister of Marine, at Paris, has received by Telegraph at Bordeaux full confirmation of the suspicions entertained towards Marsaud, the soi-disant captain of the ship Alexandre, for the crime of barratry, for which this ship was detained and the captain imprisoned at Newport.

The conduct of the French authorities in the United States in this affair has been fully approved of, and the minister has given his entire assent to the measures taken by the consular agent at Newport to arrest Marsaud, and as an evidence of this approbation has confirmed Mr. Fawcett Genraud in the rank of Vice consul, previously conferred upon him by the consul general, Mr. La Forrest, at New York. [N. Y. Star.]

[We have on file a detailed account of the proceedings at Newport in this case, and will publish it as soon as we can make room for it. Ed. Reg.]

SHAM FIGHT. We learn from the following communication, that there is to be no sham fight between the French vessels of war in the harbor, as was published in the papers.—N. Y. Star.

Translation of a letter from admiral De la Bretonniere, to the consul general of France at New York:

New York, August 18, 1838.

Moniteur Le Consul General: A rumor has been in circulation for some days, that a sham fight would take place on board the Didon frigate on the 16th. I am sorry that publicity has been given to a project, which, from the inconveniences that might result from it, I have thought it advisable to renounce.

The place where the Didon is moored is at the point of intersection where all the lines of communication are constantly taking place between the city and various points of the harbor, and it is in

the fear of disturbing or interrupting them, that I have been induced to abandon the intention I had.

I pray you, sir, to give all possible publicity to this determination. Respectfully, &c., (Signed) DE LA BRETONNIERE.

RESUMPTION OF SPECIE PAYMENTS. The banks represented in the convention held in Philadelphia, on the 23d ult., resumed specie payments on Monday last, the 13th, and their example has been imitated by a number of others. In no instance, we believe, has there been what is called "a run" for specie, and the resumption appears to have occasioned very little excitement. The demands here, as elsewhere, were chiefly for silver change, of which there is now no scarcity. There is now every prospect that business will speedily resume its old channels, so far as the currency is concerned; for it is certain that every solvent bank in the country will pay specie on demand, on or before the 1st day of January next.

The following notices in connection with this subject are interesting:

Resumption in Savannah. From the following official proceedings, it will be seen that the Savannah banks have resolved to resume specie payments on the first of October next. It is believed that all the banks in Georgia will resume on that day. The Georgian says: "We are informed that the banks of Savannah would resume *instantly*, but that it is deemed an act of courtesy, and sheer justice, to give timely notice to the banks in the interior, of their contemplated movements."

Savannah, 6th August, 1838.

At a meeting of the delegates from the different banks in this city to take into consideration the propriety of an early resumption of specie payments, the following measures were proposed, and unanimously adopted:

The banks of Savannah will resume specie payments on the first day of October next, and invite the banks of the interior to do so likewise.

The banks of Savannah will receive the bills of all the country or interior banks in good credit on deposit, or in payment of debts, but not re-issue them, provided such banks, (except those of Augusta,) agree to redeem their balances in this city, every fortnight, with city or northern funds at par, or specie; and that such agreement shall be consummated by such banks with the banks of the city, on or before the first day of September next.

Resolved, That a copy of the foregoing resolutions be furnished to the several banks in this state.

W. B. Bulloch, president Bank of the state of Georgia.

W. W. Gordon, president Central Railroad and Banking company.

John C. Nicoll, pres't pro. tem. Planter's Bank.

P. Houston, president pro. tem. Marine and Fire Insurance Bank.

B. E. Hand, president pro. tem. Branch Bank Darien.

The western banks. The Lexington, Kentucky, Intelligencer of the 7th instant says: "We understand that the Northern bank of Kentucky has held a correspondence with the banks of Kentucky, Ohio, Illinois, and Indiana, on the subject of resuming specie payments. All have been heard from except the banks of Indiana, and all concur in the propriety of resuming on the 18th instant. We further learn that the Northern bank is now prepared to pay all demands against it in specie."

The Louisville Journal of the 8th instant says: "We are authorized to announce, that the banks in this state (Kentucky) will resume specie payments on next Monday, the 18th instant. The banks of Ohio will resume on the same day. Those of Indiana and Illinois will, it is understood, resume on the same day, or in four or five days after. There is no reason to suppose that resumption will produce any pressure in this region. On the other hand there is reason to believe that the measure will bring relief."

Resumption in Ohio. The Cincinnati Whig of the 8th inst. says—All of our city banks commenced paying specie for all their notes, yesterday.

We do not learn that any unusual demand was made for it, or that the resumption created any

special excitement in the city. It was effected without any parade, and as a matter of course.

We are truly gratified that Cincinnati has led the way in the west in the resumption, and that our banks prove their ample preparation and ability to pay specie, by anticipating the day agreed upon by the banks in the state, by full a week.

We imagine, now that all the banks pay specie, no one will care to demand it, unless for a special purpose.

Resumption in Philadelphia. The banks in Philadelphia resumed specie payments for all their liabilities on Monday, in due course. Remarking upon the subject, the Philadelphia Herald says: There was nothing like "a run" upon the banks for specie. The calls were most numerous at the U. States Bank. The reason of this is found in the fact that the city certificates of loan—that is, small bills, are now redeemable in specie at that bank. The whole amount drawn out of the bank was about eighteen thousand dollars—about one half of which was for city certificates. One individual drew out one hundred dollars in specie, but finding it heavy and cumbersome, came back before he had got fairly into the street, and asked for a hundred-dollar bill in exchange for it.

Tennessee banks. The Nashville Whig of the 5th instant, announces that the banks of that city will resume on or before the first day of January; and the probability is that that day will be formally fixed upon and officially announced on the return of the presidents of the Planters' and Union Banks from the east.

The District banks resumed payment on Monday.

Boston banks. The Boston papers of Saturday contain the official notification that the banks of that city would resume specie payments in full on Monday, the 18th.

The resumption in Philadelphia is thus noticed in the U. S. Gazette of yesterday:

Specie payments. Yesterday was a memorable day to this city, and perhaps we may say, throughout the union. The resumption of specie payments by the banks was without commotion, without injury to themselves, and without inconvenience to the mercantile part of the community. Much anxiety has been felt as to the effect which the resumption was to have upon the specie funds of the banks, and we accordingly took some pains to ascertain the state of business shortly before the time of closing the banks for the day; and we are happy to state that there was not in any of the banks where we inquired, the least reason for believing that any unkindness of feeling was indulged by the community. The demands for specie were few and light, confined, as it was evident, to the wants which the community felt for change. The bank of the United States, it was thought, would feel the pressure upon the specie the most severely, but even there, nothing was seen to lead any one to believe that a run was attempted. The whole amount of specie paid out was short of seventeen thousand dollars, of which between eight and nine thousand were for corporation notes, principally of the denomination of one dollar. The largest sum demanded was three hundred dollars, and nearly the whole amount paid out was in small sums of from one to ten dollars.

We heard in the course of the morning, that certain persons having a few dollars in U. S. Bank notes, demanded and received specie therefor, which they took to the brokers in the expectation of gaining three per cent., and were mortified and astonished to learn that the very circumstance which enabled them to receive silver for their paper, rendered that paper as valuable as silver. This probably checked a small run.

It was reported yesterday morning, that large demands from New York were to be made upon the Philadelphia banks for specie. The demands came, and the United States Bank, in settlement of balances, gave the New Yorkers a check upon New York for the whole amount, say about half a million—not a dollar of specie changed place. We congratulate the community upon this state of things.

The New York Express, second edition of Monday afternoon, has the following paragraph touching the last new bank:

We stated in yesterday's paper, that Messrs. Alsop & Griswold had made a deposit of stock, in compliance with the new law relative to banking. The facts, to be more explicit, are, that Richard Alsop, of Philadelphia, and George Griswold, of this city, have deposited \$200,000 in stock, and taken a certificate from the county clerk, authorizing them to bank under the general banking law,

taking the name of the United States bank at New York,—but though the name of the United States Bank is taken, it is stated to us by one of the gentlemen, that it is an individual concern of their own, and that no other persons are interested. The name was considered preferable to any other and therefore was taken. These gentlemen are well known for their wealth, industry, and experience in business—we have no doubt they will conduct their new concern, with skill and advantage to the public, as well as themselves. Thus it appears while companies are forming, two gentlemen have stepped forward and at once commenced operations.

The annexed paragraph on the same subject, from the Journal of Commerce, is rather at variance with the foregoing, on the point of proprietorship:

Mr. Biddle's branch. George Griswold, esq. of this city, and Richard Alsop, esq. of Philadelphia, have deposited in the proper office the requisite certificate for a bank of one hundred thousand dollars capital; not two hundred thousand as reported in some papers. The bank is to be called "The Bank of the United States in New York." This is understood to be only a legal method of introducing the proposed branch of the Pennsylvania bank of the United States. The amount of capital mentioned in the certificate, is of course only suited to accomplish this purpose, and is no indication of the real strength of the institution.

Resumption in Baltimore. From the "Patriot" of Tuesday. As mentioned in our last, the day fixed upon for the formal and general resumption of specie payments, passed in Baltimore almost unnoticed. The call for specie at the banks, very little if at all exceeded the accustomed call for change, in specie paying times, for the ordinary business transactions. A ten or five, and occasionally two or three city corporation dollar bills, presented for the purpose of getting small change, was in a general way the amount of the "offerings" at the several banks, in this city, yesterday. It is in fact altogether probable that the banks in Baltimore will find themselves in possession of a larger amount of coin at the end of the week of resumption, than they had at the beginning—and that, as the public know, was abundant for all useful purposes. It is not anticipated, therefore, that the act of resumption can, in these latitudes, produce any stricture in the money market. Thanks to the past prudence of dealers and bankers, there have been no pretentious expansions with us, and there are therefore no painful contractions necessary.

Resumption in Virginia. The Richmond Whig of the 14th inst. says: "The banks in this city have for some weeks past substantially resumed—paying out whatever specie was called for. There is however, now that it can be had, no extra demand for specie."

IMPORTANT FROM FLORIDA. The following items of painful intelligence reached us by yesterday's southern express mail:

The following letter, from our fellow citizen col. James Gadsden, says the Tallahassee Floridian of the 4th inst. gives an account of another horrid murder committed by savages near Bailey's Mills, a few miles from col. G.'s, entirely within the frontier border. An express to the governor, received on Thursday, states that two Indian arrows were found in the breast of a small girl, one of the victims. One of the arrows was brought up by the express, which we saw. It is about three feet in length—the barb of iron about 2 1/2 inches long and one inch in width, thin and sharp at the point.

Wednesday morning, Aug. 1, 1838.

To the editor of the Floridian:

Sir: The early part of last evening, Mr. Singletary, his wife and two children were shockingly murdered in this neighborhood. But one of the family, a girl about 5 years of age, miraculously escaped, to tell the melancholy tidings of her parents and sisters. She says the deed was perpetrated by Indians, accompanied by one or two colored persons. Major Dearborn, with volunteers from the neighborhood, is in the search for the murderers, but as they had a whole night in advance to escape, it is not probable that their trail can be followed, or the party be overtaken. Comments are unnecessary.

The contest waging in Florida with the Seminoles has assumed so erratic and guerilla a character, as to require the vigilance and activity of every individual to bring it to a close. No one can anticipate whose house or whose family may be the next victims. Yours, JAS. GADSDEN.

From the Jacksonville Courier of the 9th inst. The following is an extract from a letter, to the editor, giving further particulars of the late Indian

murders in Georgia, an account of which appeared in our paper of Thursday last.

"Fort Williams, (E. F.) July 31st, 1838. Sir: The express has just arrived from Kittle creek, and it appears that the Indians are commencing their career in Georgia. I have received a letter from an officer of our regiment, who was an eye witness to this melancholy fact."

[EXTRACT.]

"Camp Wilds, (Geo.) July 28d, 1838.

"Forty-five miles northwest of Centerville, on Sunday morning, a man came full speed into camp with the cry of Indians. I asked where. He said about 5 miles off, that he had just removed a family who heard the report of guns and the screams of people. We were in our saddles in a few moments, and under full speed to the spot where the alarm originated; and O, God! of all the scenes I ever saw, or ever wish to see, presented itself to view. On reaching the ground, a man, wife, and four children of his own, and two of his own sister's had fallen by the Indians. Three children of the six were alive when we reached the spot, one about 3 years old had been shot through the abdomen, and lay asleep on the dead mother, another about 10 rods from the mother. But, O, horrid to tell, I found a fine young lady of 18, shot in two places and dirked in another, with about 20 hogs around her, and she yet alive and had her senses perfectly. This was the most trying time I had ever seen. I gave her cold water which she wished much, and remained with her as long as I could, till obliged to go in search of the Indians. We left a guard to protect them, and administer to them all that they could, but all expired in less than twenty minutes after we left.

The Indians scattered in all directions, and it was some time before we could find the trail; we followed them about 25 miles, and until further pursuit could not be had, having then gone into the Okafanoka, as far as white men could well go. We left our horses and waded nearly to our hips in mud for two miles, which was as much as we could stand. We returned that night, found all buried, eight in number, in one grave. We returned to camp, then camp —, but now camp Wilds, that being the name of the murdered family. Two children escaped—one of them says a white man was with the Indians, and caught him—asked him why he did not run; the boy told him he would, if he would let him go—which the man did. Said now damn you, run, and so he escaped. On our return we found all the families had removed to our encampment.

We are making arrangements to scour the country about Fort Fanning and its vicinity. In haste, the express waiting, with respect, your obedient servant, N. DARLING, lieut. 2d dragons.

To the editor of the Courier.

Correspondence N. Y. American. Camp in E. Florida, July 19th, 1838.

Sir: Unfortunate Florida has again become the scene of those perilous excitements, by which, for so long a period, her citizens have been agitated. It would seem that the Seminoles, in whatever degree diminished in number, or humbled in pride, are far from being conquered. The citizens in the vicinity of the Santa Fee and Suwanee are under the necessity of abandoning their crops and retiring to the forts, or of incurring the imminent risk of being murdered on their plantations. The son of a Mr. Gwinn came recently into camp saying, that the Indians had attacked his father's house, and he had "left father fighting them." Capt. Dade, with his company of the 2d dragons, immediately galloped to the spot, which was but a few miles above, on the bank of the Santa Fee; but on arriving there, the warfare, such as it had been, was over. The house was deserted. A trail of blood, leading from the yard to a neighboring field, was pursued, and, after passing over a fence, the father was discovered lying dead a few paces beyond. This fence he must have climbed after he was wounded, as the marks of blood upon it corresponded with two wounds which he had received in each thigh. The Indians evidently pursued him to the fence, and from there fired on him again, since, from the nature of a third and fatal wound, he must have fallen upon the spot where it was received.

On examining the premises further, the lifeless and disfigured remains of Mrs. Gwinn were discovered contiguous to those of her husband. She was not scalped, but was made the victim of a cruelty deeper and more refined. The wretches had dashed out the brains of her infant, and placed the mangled innocent in its mother's arms. There she lay, the murdered mother, fondling with the icy embrace of death her murdered child.

The remains of these unfortunate victims of savage cruelty were hastily collected and deposited in a common grave, after which capt. D. resumed

a line of march, pursuing the trail of the relentless and flying foe. Success seemed to smile upon the efforts of himself and men, until they had traversed the distance of twelve miles, when every vestige of the trail suddenly disappeared. It was vain that the horsemen rode around the spot which bore the last impression of the moccasins; the instinct of the red man once more proved a successful antagonist to the education of the white. From this spot, as a centre, the hostiles had separated along the different radii of a circle, whose circumference was the surrounding hammock, and the pursuers were under the necessity of returning to camp, bringing with them nothing but the detail of their melancholy and unsuccessful mission.

Yours, &c.

MOUNTED VOLUNTEER.

"The war nearly ended." Within the last ten days we have heard of the murder of not less than half a dozen of our citizens by the Indians, and yet we are told "the war is nearly ended." It is true a number of the hostiles have been captured and removed out of the country, but there are numbers yet left sufficient to baffle all the efforts of our troops. Our citizens have no security on the frontier, and they are either compelled to abandon their homes, and suffer starvation, or remain with almost certainty of being massacred by the savages. Many of our frontier settlers would gladly avail themselves of the scanty pittance for their families which would be received by volunteer service in the army, but their propositions are met with the reply that there are troops in service already sufficient. The best evidence we have to disprove this, the fact of the frequent depredations and murders committed by the savages, and is, we think, sufficiently conclusive. The government have mostly withdrawn their supplies, and commenced calculating the expense of protecting the defenceless citizen, as though the value of human life could be estimated by the pitiful calculation of dollars and cents. For the honor of our country and the cause of humanity, it is time this course was abandoned.

In relation to the fugitive Creeks, it is true several companies of regular troops have been in constant service since their escape; neither have they their officers lacked energy or industry—they are scouring the country on foot, carrying their provisions on their backs, till they have worn out their clothing and almost their persons—and failed nearly two months in discovering scarcely any trace of the runaways. Their recent discovery, on the banks of the Ocklocknee, prove, however, that the Indians have been in the country, from which nothing but a very superior force to that now in the field will be successful in dislodging them. We receive such policy to be most wretched and certainly most expensive. The war is protracted; the country laid waste—our citizens murdered, and their property scattered to the four winds of heaven—our national character disgraced at home and abroad, and our whole army successfully foiled in all its attempts to remove the most worthless of all the Indian tribes from one of her territories. How long such a state of affairs will continue, heaven only knows. [Tallahassee Floridian of July 13.]

FROM THE CHEROKEE COUNTRY. Athens, Tennessee, July 25. General Scott and colonel Whiting visited our town last week, and we had the pleasure of an interesting interview with the general. He contradicts the rumors that have been put in circulation of the great sickness and mortality amongst the Indians. There is not more sickness amongst the Indians than might ordinarily take place amongst any other people under the same circumstances. The Indians are encamped over a space of about forty square miles; are well provided for, with wholesome provisions, good physicians and medicines, and conduct themselves very discreetly. A few of the North Carolina Indians at first concealed themselves in the mountains, but they are now all coming in. The general speaks well of the chiefs. He says they have used their influence in procuring the Indians to come in and submit peaceably to the terms of the treaty, and have also aided him in maintaining good order in the encampments. [Journal.]

TREASURY CIRCULAR.

To collectors and receivers of public money.

Treasury department, July 14, 1838.

Congress having adjourned without making any additional provisions for the security or safe keeping of the public money, it is obvious that in the present state of the laws and the banks, an unusual responsibility devolves upon those who collect the revenues of the general government. The difficulty in obtaining suitable depositories for it, as well as in transferring or paying it out conveniently, without the

aid of that further legislation, the necessity and character of which have been fully explained in public communications from this department, imposed on all collectors and receivers the duty of extraordinary vigilance and care.

The president expects that exertions corresponding to the occasion will cheerfully be made by every officer, and that no effort will be spared to have all the laws, as well as the regulations and instructions of the treasury department, scrupulously enforced. Accuracy in your accounts; punctuality in returns; promptness in your deposits and payments, and entire forbearance to use any part of the public funds for private purposes, will, it is hoped, characterize the whole class of collecting officers hereafter. In the present condition of things, if any departure should unfortunately occur, it will be much regretted; and however unpleasant the task, an exemplary and severe notice of the irregularity will become necessary, in order to secure the great public interests involved in the subject. The duty on the part of the public officers to abstain from the employment of the public money for private advantage is so apparent, that no excuse whatever for it can be deemed admissible.

Respectfully yours,

LEVI WOODBURY,
Secretary of the treasury.

UNITED STATES AND MEXICO. It is stated that Mr. Martinez, the Mexican minister, has been detained at New Orleans, waiting for full powers from his government to negotiate with ours, concerning a settlement of all points in dispute, by mediation. It is only within a few days that the credentials were received. The minister is expected forthwith at Washington. The king of Prussia, it is said, has been thought of as mediator.

NEW GRANADA. From the Journal of Commerce. Gen. Francisco de Paula Santander, ex-president of New Granada, is now a member of the house of representatives of the same republic, and occupies the station of speaker.

The commission appointed to carry into effect the objects of the convention of 23d December, 1834, for a division of the national debt of the old republic of Colombia, was installed at Bogota on the 25th of April. It consists of Sr. Santos Michelena on the part of Venezuela, Sr. Francisco Marcos on the part of Ecuador, and Sr. Rufino Cuervo on the part of New Granada; these three republics being the fragments into which the old republic of Colombia, after contracting the debt, was divided.

A decree was issued at Bogota on the 25th of April, granting a full and free pardon to all persons who, since the publication of the constitution, and prior to the 1st of January last, were implicated in any conspiracy, treason, or sedition; and this without reference to the question whether they had left the country, or were in process of trial, or actually suffering the penalties of condemnation. The same pardon is extended to deserters from the army and navy. In order to avail themselves of this pardon, however, the parties interested, if within the limits of the republic, were required to present themselves to the governor of the province in which they were, within 40 days after the publication of the decree in said province; and if out of the republic, within six months from the 26th of April, to the governor of the province in which they should first land on returning to their country.

COURT OF INQUIRY. Maj. gen. Gaines has assembled a court of inquiry, by request of maj. Crossman, at St. Louis, to enquire into some alleged misconduct of the last named gentleman. On the 13th ult. the court met, but adjourned over to the 31st, in consequence of a dispute as to rank between majors Hitchcock and Noel, who were to compose a part of the court.

St. Louis, August 2. Owing to the personal difficulty which occurred on the 31st ult. and mentioned in our paper of yesterday, as having transpired at the adjournment of the court, major Crossman was considered as under an arrest, and until this is disposed of by a court-martial, no further proceedings can be had in the court of inquiry. The court, therefore, adjourned over to some future day. [Rep.]

PROMOTIONS IN THE BRITISH ARMY AND NAVY. From the Army and Navy Chronicle. The accession of a sovereign to the throne in any of the governments of Europe, is usually attended with the creation of a number of new peers, and the promotion of officers in the army and navy. Thus we see, that after the coronation of queen Victoria, this custom was not forgotten. Besides the knights, baronets, earls and dukes, in whom our readers take little interest, the promotions in the army and navy were almost as numerous as the aggregate of

similar ranks (where we have similar ranks) in our service.

BREVET PROMOTIONS IN THE BRITISH ARMY. (Including the royal marines and engineers)

	Army.	R. Eng.	Marines.
Captains to be majors,	80	27	2
Majors to be lieut. colonels,	80	1	0
Lieut. col's to be colonels,	46	4	0
Colonels to be maj. generals,	16	5	0
Maj. gen's to be lt. gen's,*	42	5	0
Lt. generals to be generals,	17	2	2

Total, 121 44 4

*Among these were Sir John Macdonald, K. C. B., adjutant general of the British army, and Sir John Colbourne, G. C. B., commander-in-chief of the military forces in Canada.

PROMOTIONS IN THE BRITISH NAVY.

Mates to be lieutenants,	60
Lieutenants to be commanders,	50
Commanders to be captains,	35
Captains to be rear admirals of the blue,	12
R. admirals of the blue to be R. A. of the white,	10
R. admirals of the white to be R. A. of the red,	6
R. admirals of the red to be vice A. of the blue,	4
V. admirals of the blue to be V. A. of the white,	4
V. admirals of the white to be V. A. of the red,	4
V. admirals of the red to be admirals of the blue,	3

Total number promoted, 183

Some of the captains in the royal marines, it is said, have served from 33 to 37 years! Hopeful chances for their reaching the highest grades.

THE POTTAWATTAMIES. An Indian council with the Pottawattamies of the Wabash, was held by colonel Pepper at Plymouth, Indiana, July 17th. Sangoaw, the chief, expressed, in very explicit terms, their unwillingness to quit for the west. Sangoaw said:

My chiefs have all heard and considered upon what you told us, and you shall hear what they now say. When you asked my chiefs an expression of their opinion relative to removal, they were glad, and appointed this day to give you an answer.

My father—You have asked my chiefs and all present to go west of the Mississippi—they have all told me to say they would not go. The Great Spirit desires us to live in peace with all men. We want the United States to pay us our annuity, and we don't know but that we will get our land back again, and this is the reason my chiefs are not willing to go west of the Mississippi. We were glad when you mentioned our great father the president. He does not wish to be at variance with any one, and neither do we.

My father—We heard what you said yesterday, and you have heard what we have just said. We do not want you to say any more on the subject, for if you do, we will not listen to it.

The Indians then immediately arose and departed from the council.

BLACK HAWK. The fourth of July was celebrated at Fort Madison, (Iowa.) Among the invited guests, says the Fort Madison Patriot, the old Indian chieftain, Black Hawk, stood pre-eminent. He was decently clothed in citizen's dress, and we have never seen him show to better advantage. During the interview he made a short speech, which will be found below. Messrs. Hall and Brierly, two good interpreters, were present and took notes. By their politeness we are enabled to lay before our readers this speech, which is a correct translation, *verbatim et literatim*.

After the regular toasts were drank, the following was offered by one of the company:

Our illustrious guest, Black Hawk—May his declining years be as calm and serene as his previous life has been boisterous and full of warlike incidents. His attachment and present friendship to his white brethren fully entitle him to a seat at our festive board.

After the above toast was drank Black Hawk arose and made the following remarks:

Black Hawk's speech. It has pleased the Great Spirit that I am here to-day—I have eaten with my white friends. The earth is our mother—we are now on it—with the Great Spirit above us—It is good. I hope we are all friends here. A few winters ago I was fighting against you—I did wrong perhaps, but that is past—it is buried—let it be forgotten.

Rock river was a beautiful country—I liked my towns, my cornfields and the home of my people. I fought for it. It is now yours—keep it as we did—it will produce you good crops.

I thank the Great Spirit that I am now friendly with my white brethren—we are together—we have eaten together—we are friends—it is his wish and mine. For your friendship I thank you.

I was once a great warrior—I am now poor. Ke-o-kuk has been the cause of my present situation—but I do not attach blame to him. I am now old. I have looked upon the Mississippi since I have been a child. I love the great river. I have dwelt upon its banks from the time I was an infant. I look upon it now. I shake hands with you, and as it is my wish, I hope you are my friends.

SIoux AND CHIPPEWAS. The Detroit Daily Advertiser of the 4th inst., mentions that a letter from Fort Snelling to a gentleman in that city, dated July 12th, states that the Chippewas and Sioux had a brush quite recently on the Chippewa river, which terminated in the death of one Sioux and five Chippewas. One of the latter was roasted and eaten by the former. The above letter also observes that a severe thunder storm occurred at Fort Snelling on the 9th, in which a man (name not given) was killed. The rain fell over five inches on the level.

LIGHT HOUSES, &c. From the *Army and Navy Chronicle*. Under the provisions of the act, approved July 7, 1838, "making appropriations for building light houses, light boats, beacon lights, buoys, and making surveys, for the year 1838," the coast of the United States has been divided into eight districts, and the following named officers of the navy assigned to the duty of making the necessary examinations, surveys, and reports:

Capt. L. Rousseau, from Sabine river to Key West.
Com. E. P. Kennedy, from Key West to Norfolk.
Lieut. W. D. Porter, from Norfolk to New York.
Lieut. G. M. Bache, from New York to Newport.
Lieut. E. W. Carpenter, from Newport to Boston.
Lieut. T. J. Manning, from Boston to Eastport.
Lieut. C. T. Platt, northern lake boundary, east of Detroit.
Lieut. J. T. Homans, do do west of Detroit.

GOVERNOR KENT AND THE BOUNDARY. The Bangor Whig brings us the following important information relative to the intentions of the governor of Maine. Mr. Kent is in earnest, and the bitterest of his opponents will by and by be compelled to do justice both to the wisdom and policy of his administration. "We understand," says the Whig, "that the executive government of the state are taking measures to have every thing in readiness to run the north-east boundary line, according to the treaty of '38, on the first of next month. We suppose the course taken will be, to appoint commissioners to proceed to run the line. If they meet with no resistance from the provincial authorities, well and good; if they do, measures will be taken to protect the commissioners by a competent military force. Already the attention of the adjutant general has been invited to the subject."

[*Boston Atlas*.]

GAMBLING ON THE WESTERN WATERS. This is a most important as well as a most alarming subject; and we trust the authorities of Illinois and other western states will enact such laws as shall suppress a demoralizing vice, which, as will be seen, too often leads to assassination and murder. The Grafton (Ill.) Backwoodsman, has an article on the prevalence of gambling on board the steamers in the western rivers. It records the death of several individuals in an unaccountable manner, and the following extract shows a state of morals almost too depraved for belief.

"Numbers have come to the west, taken passage on board of a boat, and never been heard of again. In repeated instances within the last few years, letters have been addressed to us from a distance, with anxious inquiries for a friend, from whom no tidings had come since he was on the point of embarking on board of a boat. It was feared that he had fallen overboard, or died on the passage, and we were implored in the most affecting terms to seek intelligence of his fate. Our earnest endeavors in most instances have proved unavailing. Could the deep and turbid waters of our rivers reveal their secrets, they would tell but too often the long silence of those absent friends. The midnight gambling, the fierce quarrel, the dirk, the sullen plunge of the ghastly corse, with heavy weights attached, all follow in quick succession, and with the unerring certainty that effect follows cause." [*Phil. Inq.*]

LIBERIA. We copy the following contradiction, from the Liberia Herald, of a story that has been industriously circulated in the country, by the enemies of colonization, causing the impression that the race of color from America soon become extinct in Africa:

[*Nat. Intel.*]

"We hear that a report is circulating in America that there are very few children born here, and of the few that are born, none live. Now, this stale,

worn-out, hackneyed, barefaced, up and down lie, which was first broached by an American ship captain who never told truth, but by mistake, we supposed had ceased to be circulated. But it appears we were mistaken. It is yet said that the former habits of the people were so licentious that none of their children live. This falsehood is too gross and unreasonable to require a serious refutation. If it were necessary, an accurate classification of the ages of the inhabitants of the colony would give as large a number of living children born in the colony, as perhaps any population in the world, of equal number. The rice tub of many a father declares, in language the most unequivocal, that the above is the grossest slander. The first child that was born here is now alive, and James Branden is his name, and sixteen years is his age, and a sturdier little urchin there is not to be found. How abashed would the slanderer be, if he is capable of blushing, if he could only see the said James Branden baring his head to the scorching rays of a vertical sun, and throwing off the heat as indignantly as we do the slanders, back in the teeth of those that attempt to heap them upon him."

STEAMBOAT RACING. The Cleveland Herald of the 31st ultimo, has the following statement respecting a recent steamboat race on Lake Erie. We publish it in order that travellers may avoid taking passage in boats the commanders of which are so reckless of human life.

*American House,
Cleveland, July 31, 1838.*

Messrs. Editors: I wish to avail myself of the columns of your paper, for a word of caution to the travelling public.

After the many and melancholy disasters that have of late occurred in our steamboat navigation, I should suppose that respect for their own reputation, would be a sufficient guarantee for the future discreet conduct of the officers of our steamboats.

But not so. The steamers Buffalo, captain Allen, and Erie, captain Titus, left Buffalo, yesterday morning, about 10 o'clock, the Erie ahead. The Buffalo soon overtook her, and the two boats ran side and side for some time, and the officers of the Erie all the while changing baggage, ordering the passengers hither and thither to trim the boat—consuming pitch, and afterwards grease, and making every possible effort to keep ahead of the Buffalo, but without success.

Again at Erie, the two boats started bow and bow. The Erie got aground in coming out, and the Buffalo kept ahead until dark, when the Erie again came up, and the boats continued side by side for another hour. The Erie passed while the Buffalo stopped at Grand River to wood, and in order to save time, captain Titus of the Erie landed the passengers for Cleveland at two o'clock this morning at the Beacon light on the end of the pier! Men, women, and children were put off at the end of a narrow pier, 1,200 feet from land—surf breaking over its entire length, and this in the darkness of two o'clock at night! One passenger, an invalid on crutches, was obliged to wait there until morning because unable to hobble over the slippery planking, the pier being too narrow to admit of a carriage taking him away.

Such conduct on the part of the captain of any boat is highly reprehensible, and the public ought to be cautioned to avoid such boats and officers as show themselves so reckless of life, and regardless of public sentiment.

Yours, respectfully,

C. A. LORD,

Of N. Y. city, and passenger on board the Erie.

PENAL SYSTEM OF PENNSYLVANIA. The advantages of the system of punishment adopted in Pennsylvania, of combining solitary confinement with labor, are thus set forth by the editor of the Philadelphia Gazette.

We stated the other day, that we believed this system to be the best in the world, in all its main features—best not for the body only, but for the purification of heart and spirit, through "the castigation and severe reproof," of repentant thoughts. The views of Dr. Leibniz on this matter are written with a knowing hand. With him, we conceive uninterrupted solitude and labor of equal importance for the following reasons, among others, to which we should be pleased to see awarded the widest currency and acceptance.

1. It prevents effectually contamination, and it alone can effectually prevent it. It allows, therefore, the offender, at any rate, not to grow worse.

2. It is essentially both a stern and a humane punishment; stern, because solitude is stern in its character and especially so to men, who nearly without exception have spent their lives in boisterous intercourse with fellow criminals; and humane,

because it is a privation rather than an infliction. It is mild, and acknowledged as such by the offenders themselves after the first irksomeness of solitude has passed, especially if they have passed previously through several other prisons or penitentiaries. Solitary confinement at labor is decidedly a calm punishment.

3. It is emphatically graduable and accommodable as no other species of punishment. The offender, undisturbed by others, or by new indications of punishment, receives from solitude just that impression which his peculiar case or disposition calls for or is capable of.

4. Advice and exhortation can be adopted to each single case in no other punishment, so precisely and justly like moral medicine, as in solitary confinement. The religious adviser, assistant and comforter can enter the solitary cell at any time, and, as all religious conversations with a convict must have much of the character of a confession, the undisturbed cell, overheard by no one, is the very place for this converse. In no other penitentiaries can this religious instruction be given effectually.

5. Solitude is the weightiest moral agent to make the thoughtless thoughtful—to reflect, and the only one sufficiently powerful for the criminally thoughtless. Solitude has been sought by the wisest and best of mankind, to prepare themselves for great moral tasks; it is the only means to bring the offender to a more rational course. Labor united with solitude gives steadiness to the thought, and makes it possible to support solitude with ease for those who have not been accustomed to abstract reflection before.

6. It is the only punishment known, which does not irritate anew, does not challenge opposition in mind or body; for it is the only punishment which can dispense with the whip or other means of coercing to obedience, because it takes away the opportunity of offending anew, with the exception of such offences as destroying instruments or materials, for which again the more negative disciplinary means of withholding labor or diminishing rations are sufficient.

7. It makes the lonely prisoner love labor as faithfully as the dearest companion—a companion who will be with him for life.

8. It does not deaden shame by exposure; on the contrary, it shames many into repentance by its absence of all harshness, as is frequently found. It does not inflict on those who have a strong sense of shame, the additional punishment of exposure.

9. It does not expose the convict to acquaintance, even by night, with other criminals, who out of the prison form a very compact fraternity, to escape from the clutches of which form the most difficult obstacle in the way of resuming an honest life. The history of innumerable convicts proves this. When ever re-committed convicts are asked, why, simply on the score of worldly prudence, they had not abstained from a second crime, they invariably answer: "You do not know these things; a man leaving the prison, very often thinks, you shall not catch me again. He begins to work, when old acquaintances will come, induce one to drink and talk, and all will end by agreeing upon a new job. If one resists, he is ridiculed or threatened with exposure." No tiger's fang is so firmly buried in his victims flesh, as that of criminal acquaintance in the life of an offender.

10. It contradicts for the first time, by irresistible fact, the convicts in their belief that society is at war with them, in which they please themselves so much, that frequently they argue as if they were the hunted, the pursued, the injured.

11. The punishment has, therefore, an elevating character. It touches the man in the convict, not the brute. The convict sees himself treated as one on whom far different things than stripes can have an effect.

12. It is, perhaps, the only punishment which allows us to select men for superintendents of prisons in whom sternness does not overbalance kindness.

13. It trains the convict in cleanliness, and paying attention to the neatness of his dwelling; it imparts an attention to the room, which becomes the incipient stage of love of home, with those who have lived in slouchy disregard of it. It is an old English saying, full of meaning, "cleanliness is next to godliness." A strictly cleanly man of the laboring classes will never be much exposed to offend against the laws, as a disorderly, dirty person. Cleanliness, a highly important ingredient of national civilization, is equally such in political reform.

OHIO CANAL COMMERCE. The editor of the Cleveland Herald has been politely favored with the following exhibit of the canal business at Cleveland for the month of July.

Collector's office, Cleveland, Aug. 2, 1838.

Of property on which toll is charged by weight, there arrived at Cleveland, by way of the canal,

during the past month, 27,124,725 lbs. During the corresponding month last year, there arrived 25,164,342 lbs.

The following comprise the chief articles of property that arrived during the month, viz:

196,280 bushels	Wheat
31,418 do	Corn
9,938 do	Oats
42,303 barrels	Flour
3,152 do	Pork
937 do	Whiskey
21,648 pounds	Butter
39,349 do	Lard
243,689 do	Bacon
93 hhd.	Tobacco

Of property on which toll is charged by weight, there were cleared from Cleveland, by way of the canal, during the past month, 5,389,683 lbs. During the corresponding month last year, there were cleared 5,203,773 lbs.

11,107 barrels	Salt
1,278 do	Lake Fish
883,126 pounds	Merchandise
208,522 do	Furniture
101,633 do	Gypsum
818,830 feet	Lumber
670 M.	Shingles

The amount of toll received at this office during the past month is \$12,249 84. During the corresponding month last year it was \$10,136 87.

D. H. BEARDSLEY, collector.

BEAVER IN VIRGINIA. To the editor of the *Richmond Enquirer*: As you have obliged me in every request I have made of you, I feel it but an act of justice and courtesy, to give you the information you seem to desire (in a paragraph in your paper of the 8th inst.,) relative to the appearance of the beaver, in the county of Surry, Va. It has long been known that these animals, to some extent, remain in this part of the country—for instance, in 1832 or 3, I was on a visit to my only brother, in the county of Sussex, residing contiguous to the Nottoway river, on the south side. In that year, he had joined a neighbor of his in the cultivation of a part of the estate of the late Dr. Downman of that county. He invited me, upon that occasion, on a particular day, to accompany him to that part of his then growing crop, which was chiefly corn; and upon arriving on the banks of the river aforesaid, he showed me the most ample proof of the existence of the beaver in that water, and innumerable instances of the most perfect paths at which they would come up the bank, pass through the fence, (always at the same place,) and oftentimes penetrate the fields for a quarter of a mile or more. I remember distinctly, that he told me he had several times tried to stop the gap, which he found they passed in at, but never could; although he had been so particular as to have mangled, for that special purpose, hickory rails, and never had known them to fail of being cut in two in the course of two or three nights—particularly, at particular seasons of the year; and "loud and long," I remember, were his complaints of the ravages committed on his corn, at all stages of its growth, by this wonderfully mischievous and subtle animal; for, as he informed me, with all the pains he had taken, in which he had killed several otters and many muskrats, as yet, he had never been able to get a shot at a beaver, though they had been frequently seen. Well, in February of this year, my brother visited me, and I asked him if he had ever killed a beaver? to which, he replied no—but informed me, that a man, a blacksmith by profession, and a "yankee," had removed to the county and settled on the identical land that he then cultivated, and that he had constructed steel traps of his own make, in which he had, up to that time, caught 3 or 4—two of which were of considerable size, much to the gratification of the neighboring farmers. For, to use his own remark, these animals were more dreaded by the neighborhood, near the bank of this river, than was ever the blue-tail hawk by the fond dunghill hen with a brood of chickens. For myself, sir, I am of the opinion that these animals are to be found in many sections of Virginia at this day. New Kent, my native place, for instance, has a bold run a few miles below the court-house, to all time known as the Beaver Dam run—So, also, Goochland and many other of the counties in Virginia, have places thus named. One thing, I assure you, I never passed the point named, in New Kent, since it was first shown me, now 30 odd years, but I thought, if I examined it at all, that I saw signs of the beaver. If therefore, these additional proofs of the existence of that animal, be thought of any service to you, you are at liberty to use them in any way you may see fit—however desultory and crude they may appear. I have but little doubt, that scientific

"Benefactor," the editor of the *Farmers' Register*, Mr. Ruffin, could, if his leisure would permit him, give you many valuable proofs in confirmation of the fact of the existence of the beaver in the "Old Dominion." Yours, very truly,

B. GRAVES.

Richmond, May 9, 1838.

NEW YORK AUCTION DUTIES. The sum paid into the treasury on account of auction duties for the quarter ending June 30, for each of the three last years, has been as follows, viz:

In 1836	\$58,948 77
In 1837	22,155 17
In 1838	46,546 77

The duties paid this year are less by \$12,402 than in 1836, and greater by \$24,391 60 than in 1837, or an increase of 110 per cent.

While the merchandize going up the canals has increased 18 per cent. the duties paid on merchandize sold at auction are greater by 110 per cent. than in 1837, and only 26 per cent. less than in 1836. And while the merchandize sold at auction this year is 26 per cent. less than in 1836, the merchandize going from tide water on the canals is only 5 per cent. less than in 1836. [Argus.]

APPLICATION OF STEAM TO TRADING SHIPS. Mr. Ogden, the American consul at Liverpool, has expressed his conviction, in a letter to a friend in Baltimore, (an extract of which has already appeared in the papers,) that he could place an engine on board of the ship *Star*, weighing, together with the boilers, from eight to ten tons, propelling the ship at the rate of six knots per hour, with paddle wheels of six feet in diameter, and using not to exceed three tons of coal each day. The expediency of such an application of steam could be better determined by those disposed to examine the subject, by seeing the vessel and knowing the position on board ship, in which Mr. Ogden has proposed to place the machinery.

The ship *Star* is 600 tons burthen, commanded by captain E. Glover, so long and favorably known to the commercial and travelling community, is lying at the foot of Pine street, now loading to take her departure for New Orleans. She is a noble specimen of the great strength, beauty of construction, and perfection of ship building in this country—the accommodation for passengers offering every inducement of the most luxuriously provided packets. [N. Y. Evening Post.]

FROM THE PACIFIC. The editors of the *New York Journal of Commerce* have received, by way of Jamaica, Panama papers and letters to the 18th of June, containing advices from Callao to May 9th, and from Mazatlan to April 22d. Lima papers are only to the end of April. From a Panama paper of June 15th, the editors translate the following paragraph:

Panama, June 15th. Near the end of April, the Chilean squadron arrived before Callao, to carry into effect the blockade of that port, as well as Chorrillos and Ancon. The diplomatic agents were notified of the same on the 26th. Up to the 9th of May, the blockading force consisted only of the corvettes *Libertad* and *Valparaiso*, the brigs *Aguiles* and *Arequipeno*, and two other vessels, whose names we have not yet learned. It was said they were to be reinforced by the *Monteagudo* and three other vessels. The transports *Orbegoso*, *Hope*, *Hemosachilena*, and an Austrian brig, brought 1000 men, who, it seems, are destined to the department of *La Libertad*. At what point the rest of the expedition, consisting of 4,000 men are to disembark, is not known. The command of it had been confided to general Bulnes, who was accompanied by the Peruvian generals *Gamarra* and *Lafuente*.

It was reported at Lima that the English admiral Ross, who arrived at Valparaiso on the 13th of April, with the ships of the Pacific station, would interpose his good offices to bring about a peace. It was even believed that the British minister, Mr. Menville, and a mission sent from Buenos Ayres, headed by general Guido, were co-operating for the same result.

Correspondence of the *Journal of Commerce*.

Panama, 18th June.

We have no very fresh news from the south. Our last accounts are the 16th of April from Valparaiso, and 28th from Lima. Callao was blockaded by the Chilean squadron, and preparations were making in Chili to send a strong expedition of about 5,000 men against Peru. It seems that the two republics, Buenos Ayres and Chili, are determined to crush the great power of Santa Cruz—who is represented to have some inclination to make himself emperor. Money was very scarce, and business very dull, both in Lima and Chili, in consequence of the unsettled state of the country.

The British admiral Ross has been appointed to the Pacific station. He arrived at Valparaiso on the 13th, with several commissioners from Buenos Ayres. It is said that he intends to use all his influence to effect some peaceable arrangement between the three governments.

The U. S. schooner *Boxer*, lieut. Nicholson, arrived here on the 1st from Mazatlan, San Blas, and Acapulco. The *Boxer*, made a long stay on that coast, to protect American property. She sailed about 22d April from Mazatlan, and saw the American ship congress, of New York, clear out, bound for New York via Valparaiso, where she was to land the supercargo, a Mr. Comstock. She had upwards of two hundred thousand dollars on board. Mazatlan was in a very disturbed state on account of the civil war. The port was blockaded by a small Mexican brig.

The *Boxer* left at San Blas H. B. M. ship *Cleopatra*, hon. capt. George Grey. She was to sail about the middle of May, with upwards of three million dollars, for England, via Valparaiso.

United States ship *North Carolina* was at Callao, where she arrived on the 12th of April from Valparaiso. The *Falmouth* had sailed for the *Intermedios*, with Mr. Hodgson, bearer of our treaty.

IMPORTANT DECISION. The *Natchez Courier* of the 13th July has the following notice of some important legal decisions which have just been made there in the U. S. circuit court.

Two motions for new trials came up to-day before judge Coalter presiding in the circuit court here, and were argued upon the following points.

There were suits brought by the *Planters' Bank* against separate individuals, endorsers upon promissory notes, discounted, the one by the *Planters' bank* and the other by the *United States branch bank* at this place and transferred to the former. The defence set up on the trial at the last term of the court was, that the contracts were void, inasmuch as the banks in discontinuing the notes calculated interest by "Rowlett's interest tables" which divided the year into 12 months of 30 days each, giving it but 360 days, which necessarily gave more interest than the laws allow per annum." That it was therefore a corrupt agreement and the contract consequently void. The plaintiffs' attorney urged that this was the general custom, adopted for mere convenience—that the contract was not intentionally corrupt, but was made in good faith and valid. That moreover the law fixing the rate of interest attached no penalty in case of excess being taken, and that therefore the objection could not extend further than the actual excess, whatever it might be. The verdict of the jury was in favor of the plaintiff.

The motion made for the new trial by judge Montgomery who defended the suits, was simply that the verdicts were "contrary to law and evidence," and he waived an argument on the subject. S. S. Boyd, esq., the attorney for the plaintiffs urged at considerable length before the court this morning, that the verdicts ought not to be set aside.

Judge Coalter sustained the motion, and set aside the judgments upon the ground that the evidence was clear that the interest calculated upon the notes was done by the plaintiffs, knowing that that mode of calculation would give them a fraction over the stipulated terms of interest, allowing the year to contain 365 days. That it was therefore "corrupt" and that the court could not interfere to enforce the conditions of an illegal contract.

The question will, I presume, go to the high court of errors and appeals before a final termination.

THE SACRAMENT NEAR THE HERMITAGE. From the *American Presbyterian*. Agreeably to the notice previously given, the senior editor of this paper, together with the rev. Mr. Smith, administered the sacrament of the Lord's Supper, last Sabbath, in the church near the Hermitage.

This church is known, on our Presbyterian records, by the name of *Ephesus*, and was erected many years since on the domain appertaining to the Hermitage, principally by its venerable proprietor, the ex-president of the United States. It is beautifully located, and though not spacious, or even finished, yet it is a delightful summer temple for the calm and pure worship of God. Such, at least, it seemed to us during the services of the late solemnity. While such seasons are generally the most joyous and elevating which believers can enjoy on earth, the one to which we have alluded afforded more than ordinary interest, because among several interesting accessions to the church, was numbered one peculiarly interesting—we mean the ex-president himself.

It may well be imagined that the scene was thrilling, when this veteran in years, and in the service of his country, professed allegiance to the Sovereign of all worlds, and promised eternal fidelity to Him who demands the homage of all created intelligences. How could it be otherwise? A form of no common appearance for inspiring veneration, was standing before the assembly. It was the form of one who had been long known as amongst the most distinguished of his country's generals—who had often perilled his life in her defence, and who, under God, had achieved one of the most memorable victories recorded in the annals of modern warfare. Nor is this all. The same venerable form had filled, as a statesman, the highest seat in the government of his country, and had been clothed with the highest civic honors which that country, in all its unequalled freedom and independence, could bestow.

He had passed through a life of most eventful scenes—he had returned to his own Hermitage—to the tomb of his beloved consort—to the few remaining friends of his former days—to some of the surviving children of these friends, and in their view was about to pledge himself to become a soldier in a new army, and to engage in the performance of duties of higher importance than ever commanded the attention of earthly thrones or confederated states. And to add, if possible to the impressiveness of the scene, the partner of his adopted son, dear to him, indeed, as a daughter, together with a beloved niece, were also about to seal with him their covenant, for the first time, to be followers of the Prince of Peace. The whole of the preparatory service was deeply interesting; but when the time arrived for him and his relatives, and friends, to arise and take their seats at the table of their ascended Redeemer, a scene of weeping gratitude and joy, seemed to pervade the whole congregation.

To see this aged veteran, whose head had stood erect in battle and through scenes of fearful bearing, bending that head in humble and adoring reverence at the table of his Divine Master, while tears of penitence and joy trickled down his care-worn cheeks, was indeed a spectacle of most intense moral interest. No one, indeed, could question the sincerity of his profession of faith in the Son of God. The whole world acquainted with him, whether friend or foe, must acknowledge that his lips have spoken in all his varied difficulties the meaning of his heart, and that his actions have always corresponded with his sentiments.

May God bless and uphold him in his last days, and make them his most comfortable and happy days. And when the time of his departure shall arrive, may he come to his grave, not only full of years, but full of peace, joy, and holy triumph.

In all real conversions to God, let us ever remember, that "it is not by might or power, but by my spirit, saith the Lord." To his grace then be all the glory.

P. S. The health of the general has been generally comfortable during the season.

WASHINGTON MONUMENT. At a meeting of the board of managers of the Washington National Monument society, held on the 19th ult., the following letter was received from Mr. J. Kedgley, offering the choice of three lots of ground in this city, for a site of the Washington monument:

Geo. WATTERSTON, sec'y.

July 18, 1838.

"Gentlemen: I regret to learn, for the honor of the nation, that the senate of the United States have refused to grant a small piece of the public ground, within the city of Washington, for a site on which to build the national monument to the memory of the good; the great, and noble Washington—a name which has always appeared to me in the boldest relief, and with which my feelings are so strongly identified, a monument to his memory has engaged my mind for many years. Influenced by these feelings, I, therefore, respectfully tender to the board of managers a choice of lots in three of the most elevated and perhaps most eligible situations in the city for that purpose; the summit level of each being as high as the site of the capitol, and of unshifting ground. Either of these, if the board approve, I shall be proud to grant, and glory in the deed. I have uniformly supported the society, having attended the original meetings tending towards its creation, and will go heart and hand to promote the object, while I have the pleasure to be,

Very respectfully,

Your most obedient servant,
JOHN KEDGLIE.

In consideration of the above letter, by the board of managers, it was unanimously

Resolved, That the thanks of this board be pre-

sented to Mr. J. Kedgley, for his liberal and patriotic offer of a portion of ground for a site for the monument to Washington.

Note. I am gratified to be able also to state that a similar offer has been made to the board by Mr. Kinslay, another patriotic citizen of Washington, and that the refusal of the senate of the United States to allow the monument to Washington to be erected on public ground has had the tendency to call out the patriotism and liberality of even adopted citizens. The contrast is certainly mortifying.

G. W.

RESIGNATION OF MR. WHITTLESEY. From the note below addressed to the electors of this congressional district, it will be seen that Mr. Whittlesey has resigned his seat in congress. This information will be received by his friends with less surprise than regret; for it is known to many of them that, for the last two elections, he would have declined a poll for the same reason assigned for his resignation, but for the most earnest solicitation.—Mr. Whittlesey was first elected to congress in the fall of 1822, and for fifteen years in succession has represented this district, and discharged the incumbent duties of his office with a fidelity and devotedness not surpassed by the representative of any district in the union. His services were by no means confined to the interests of his immediate constituents, but were of an extended and general nature. And there is not a member of that distinguished body, we are bold to say, whose loss would be more generally felt and sincerely regretted than that of Mr. Whittlesey. [*Western Reserve Chronicle.*]

Canfield, July 20, 1838.

To the electors of the 16th congressional district in the state of Ohio.

I resign to you the unexpired term that you elected me to serve in the 25th congress. If this measure shall not be approved by all of you, I offer, in my justification, my long absence from home, the derangement of my private business, and the neglect of parental responsibilities.

Many esteemed friends in different parts of the district have requested me to be a candidate for the 25th congress. The causes that led me to resign my present appointment control me in declining to be a candidate.

Your fellow citizen,

E. WHITTLESEY.

AFFAIRS IN CANADA.

Correspondence of the New York Commercial.

Toronto, (U. C.) August 6, 1838.

Previous to the departure of the boat on Saturday from Niagara, I had barely time to inform you that sixteen of the state prisoners had been that morning sentenced to death; four are Americans and twelve are subjects of the queen.

On Friday several pleaded guilty, and William Yerks was tried and acquitted. On Saturday, William S. Wilson was tried and acquitted. The law of England, for high treason, requires that when a bill of indictment is found, the prisoner must be furnished with a copy of the bill, and with a list of all the jury that have been summoned to attend, and ten days must elapse before the trial can be brought on.

A bill of indictment for high treason having been found, at the close of the week, against Jacob Beamer, of whom I have before spoken, he could not be tried forthwith, consequently the court determined to adjourn over for the coming ten days, and to postpone the farther trials until Beamer's case could be brought on. They therefore gave notice that the prisoners who had been tried should be brought up for sentence, together with those who had pleaded guilty.

About 1 o'clock the jury which had been out with the case of Wilson, returned with a verdict of *not guilty*. The court then directed the sheriff to bring in those sixteen prisoners who were to be sentenced. The sheriff expressed some doubts of the propriety of bringing in so large a number at once. The judge very properly remarked that there was no danger, that if the civil force was not sufficient, a detachment of the military were at hand. About half past 1 o'clock, the prisoners came in, attended by a military and civil guard, and were seated in the jury box.

I was favored with a very eligible seat, being close both to the bench and prisoners. I was surprised to find so many of the prisoners very young men—and two or three looked more deserving the ordinary chastisement of a parent, than the heavy penalty about to be adjudged them. Two or three are handsome, and with a few exceptions, nothing unfavorable could be drawn from their appearance. They were all well dressed—Miller in a suit of black. He had been, you will recollect, a law

student at Maysville, in Chatauque county, and would probably have defended himself, had not his counsel offered, at the outset, a plea of insanity.

After the crier had made proclamation for 'all persons to keep silence while his lordship, the queen's justice, pronounced the sentence of death,' Mr. Justice Jones called over the names of four American citizens who had been tried under the act of the last session of the provincial parliament. The first was *Linus Wilson Miller*. After a brief recapitulation of the evidence, he asked whether he had any thing to say why sentence of death should not be pronounced on him. After pausing a few moments he spoke, in a fine melodious voice, in substance as follows:

"My Lord: Your lordship has asked whether I have any thing to offer why sentence of death should not be pronounced against me. I shall, with the permission of your lordship, offer a few remarks, not, however, with a belief that I shall be able, by any thing that I might say, to turn aside the impending fate that awaits me.

"In reference to the statute under which I have been tried, I am under the full conviction that it is unconstitutional, and in this opinion I believe I am sustained by some of the legal gentlemen now present. I am of opinion that no statute affecting the life of an individual, whether a subject or not, can be considered the law of the land until it shall have received the sanction of the sovereign. I know, my lord, that under this act others have suffered, and I have no reason to suppose that my pleading its unconstitutionality will be any bar to the awful fiat which is about to fall from the lips of your lordships.

"I am indeed asked why sentence of death shall not be passed upon me. If I had done a deed worthy of death I would say let it come; but I declare to your lordship, that according to the dictates of my own judgment, I deserve neither death nor bonds.

"I have not been guilty of the death of any one. I have taken from no one that which was not my own. I came not into your country to destroy its form of government. I came not upon its borders with arms in my hands. Young and inexperienced as I am, I was led into the error, for which I now stand convicted, by the advice of others. Had truth and justice prevailed, I should not now be called to stand before your lordships in peril of my life.

"I say I stand convicted—but on what evidence has my conviction been obtained? Upon that of the perjured Doan, who has become an evidence for the crown to save his own life. True, there has been some other evidence against me, from persons who I believe intended to speak the truth, but they were in error. No doubt they were led astray from the necessary confusion of the moment.

"When I became sensible of my error—when I found that it was better for me to return to my home—I was told that the lines could not be passed, and that if I forsook my party death would be my portion. Thus situated, what way was there for my escape?

I appeal, my lord, to the lancers, whether I did not use my best exertion to stay the hand of the assassin. I appeal to every individual who was present at the attack upon the lancers, to say whether I did not do every thing in my power to prevent the death of any one, or the loss of any property.

"I am here, before your lordship, convicted as a felon; but appealing to my own conscience, I avow to your lordship and to this whole court, that I cannot consider myself guilty of a felonious act—yet if it is my fate to suffer death, I must bow to the mandate that decrees it."

The judge asked the other three the usual question, and nothing being said, he proceeded to pronounce the sentence, prefacing it with some pertinent remarks, particularly addressing himself to Miller. He said it was apparent that his education should have led him to a different course than to be found with a band of individuals, and with arms too, whose aim was to subvert the government of a country with which he was not connected, and one which was at peace with the United States, of which he was a citizen—that the view he had taken of the constitutionality of the law he had transgressed, was not sound, and that it was as much the law of the land as any under which the province was governed.

The judge then ordered Linus Wilson Miller, George Cooley, Norman Mallory, and William Reynolds, to be taken to the jail whence they came, and that on Saturday, the 25th day of August, they be taken to the place of execution, and there be hanged by the neck until they are dead.

Mr. Solicitor General Draper then moved the court that sentence be passed upon the following persons, convicted of high treason: Samuel Chandler, Benjamin Wait, James Gamble, John Grant, Murdock McFaddon, John James McNulty, George Buck, David Taylor, James Wagoner, Garret Van Camp, John Vernon, and Alexander McLeod.

These persons were separately asked whether they had any thing to say why the sentence of the law should not be pronounced against them.

In the case of Benjamin Wait, his counsel moved that the verdict be set aside, on the ground that Mr. Wagstaff, one of the jury, was not a liege subject, but a citizen of the United States. After a few remarks from the solicitor general, the court decided that it was now too late to interpose that plea. One or two others made a few brief remarks, when the judge proceeded to his painful task.

He told them that in all probability mercy would be extended to some of them, but to whom no one then knew; that the jury by which they had been tried had recommended some of them to mercy, which, of course, would be represented in the proper quarter.

He urged upon them all the importance of preparation for another world, and then pronounced the following sentence, (after calling each by name:)—“That you, and each of you, be taken to the jail from whence you came, and that on the 25th day of the present month of August, you and each of you be drawn on a hurdle to the place of execution, and that you be there hanged by the neck until you are dead; then your bodies are to be quartered: and then may God have mercy on your souls.”

To this last expression, there were several who responded “Amen.” One of the bailiffs, a stout fellow, who stood close to me leaning on his staff, burst into a flood of tears, and I assure you this soon became contagious.

It was a scene I pray I may never again be called to look upon—*sixteen fellow beings whom an earthly judge had limited to a life of three weeks!* and these men in the prime of life, many of them with the blood of youth coursing in their veins—their average, I think, is not more than twenty-five.

THE VICE-PRESIDENT.

*District of Kensington,
County of Philadelphia, June, 1838.*

To the hon. Richard M. Johnson,
Vice-president of the United States:

VENERABLE COLONEL: The undersigned, a deputation of your numerous friends in this district, have heard with great delight, that you purpose returning home, after the close of the present session of congress, by way of Philadelphia, and avail themselves of the opportunity to tender you a hearty and cordial invitation to gratify the general desire that prevails in our good old democratic district, of manifesting our respect and veneration for the favorite son of the west, who has always bravely, in the battle field and in the councils of the nation, fearlessly and faithfully supported the principles of '76, and the just and equal rights of “the land of the free, and the home of the brave.”

With sentiments of the highest regard and esteem, we are your most obedient servants,

Peter Rambo, John A. Klufkee,
Richard Bacon, John Kelled,
Jacob Collar, Joseph Town;
John Fullerton, Jacob Funke,
John C. Brown, Andrew Hague,
Peter Deal, Thos. H. Brittain,
Isaac Smith, Jacob Robson,
William Baldt, Wm. Robson,
David Clayton, Wm. Fans,
Jos. M. Riterson, Wm. C. Rohrman.
Daniel Dickes,

Washington, July 16th, 1838.

GENTLEMEN: Your communication is received, inviting me to visit you, together with your fellow citizens generally in the “good old democratic district” of Kensington. For the honor in which you do me in this “cordial invitation,” please accept the tender of my grateful acknowledgments. It had been my intention to visit Philadelphia on my return to Kentucky, had the session of congress terminated at an earlier day; but my long absence from home, renders it necessary for me to forego my inclination and to make no delay in returning.

Under other circumstances, it would be highly gratifying to repeat the salutations, which, on a former occasion, were so kindly reciprocated by the republican citizens of your district; the recollections of which, are always associated with agreeable sensations. The site of Philadelphia, with all its environs, never fails to bring to the

mind a train of interesting reflections. Consecrated by the landing of the immortal William Penn—the sublime spectacle of harmonious intercourse and mutual good will between the civilized and the savage—the principles of justice and peace, established upon the basis of equal rights, growing from infancy to maturity; justifying the characteristic appellation of the city and county of fraternal affection, and eventually becoming the birth-place of the happiest nation the world ever contained—are circumstances which must always render a visit to that vicinity grateful to an American. But the interest is greatly heightened, from the consideration, that the enlightened citizens of Kensington have continued unshaken in their principles; and in all the revolutions of parties, and the changes which time and circumstances often effect, they have uniformly sustained the great and good cause of democracy, the foundation on which the prosperity and happiness of our country must forever stand. The confidence of such a community is the highest honor to which my ambition would aspire; and its enjoyment constitutes my richest reward. I have the honor to be, &c.

RH. M. JOHNSON.

To John C. Brown, Jacob Collar, Peter Rambo, John Fullerton, Richard Bacon, Peter Deal, and others.

MR. PRENTISS OF MISSISSIPPI.

From the Portland Advertiser.

Correspondence between the hon. S. S. Prentiss and a committee of the whigs of Portland.

The following is the copy of a letter addressed to the hon. S. S. Prentiss, inviting him to partake of a public dinner, with the whigs of Portland, and his answer to the invitation.

Portland, July 23, 1838.

Hon. S. S. Prentiss.

DEAR SIR: A very large number of the citizens of Portland are desirous of tendering to you in a public manner a hearty welcome to this your native place. Located as you are at quite a distance from us, among a high-minded and generous people, we beg of you to be assured, that we have not been unmindful of the valuable service you have rendered to your country, in sustaining with success, and an uncompromising integrity of purpose, the sacred rights, and privileges of the citizens of Mississippi, and in maintaining at a very early period after taking your seat in congress, the great principles of the whig party, on the success of which, the prosperity of this country and the happiness of its citizens so mainly depend. The bold and daring attempt to shut out Mississippi and prevent her citizens from being heard in the councils of the nation, was well put down and nobly destroyed by your untiring exertions, and we trust that the chivalrous spirit of the citizens of that state, will long remember the zeal and noble efforts exhibited by you, which broke up a corrupt combination and gave to Mississippi her rights, as one of the most valuable states in the union. The wicked spirit and party manœuvring so evident in that high handed measure, is seen and felt in almost every public act of congress, producing the most destructive effects, which is testified to, by almost every individual in the community. The wild and visionary speculations of the past and present administration, are ill suited to a republican form of government and the recent indications of elections throughout the United States, give high and cheering hopes, that those who are now in power will have to quit their places, for others who will devote their talents to the best interests of the people. To the whig members of congress the eyes of the whole American people have been turned and will continue so to look, and the people have every assurance that a cause so holy and just, as that advocated by them will finally be triumphant. Their reward will be the gratitude of a free people, which is more durable and honorable than any monument that can be erected by man. We have been requested to earnestly solicit you to accept of a public dinner at such a time as may be most convenient for you, when your fellow townsmen and citizens of this city, will have an opportunity of manifesting to you the feelings which warm and animate their hearts.

We are very happy of being the organ of this communication and beg leave to subscribe ourselves,

Your obedient servants,

John D. Kinsman, John L. Meserve, Noah Hinkley, James Furber, R. W. Lincoln, James L. Merrill, O. B. Dorrance, George Jewett, John Neal, Luther Jewett, Andrew T. Dole, Stephen Waite, Jr. Aloah Sweetser, Oliver Gerrish, S. B. Beckell, E. D. Preble, S. Longfellow, Jr., Geo. Warren.

Portland, August 6, 1838.

GENTLEMEN: I received some days since, your favor of the 23d inst. inviting me to partake of a public dinner with a portion of my fellow citizens

and townsmen of the city of Portland. Absence, from the city since the moment of its receipt, has prevented my answering it at an earlier period, and will I trust, be accepted as an excuse for my apparent neglect.

I assure you gentlemen, that the kind sentiments you have expressed towards my adopted state, as well as towards myself, personally, have awakened in my breast feelings of the deepest gratification; most cordially and fully are they reciprocated,—and should the hand of corrupt and arbitrary power even fall heavily upon your own beloved state, I feel assured a sympathy as warm will be felt for you upon the banks of the Mississippi, as that which you have so generously expressed for the violated rights of your southern sister. I need not say that your partiality has done me honor overmuch, in relation to the humble part which it was my lot to act in this matter, as well as the more general political questions of the day. Without fear or favor have I attempted to perform my duty. I certainly claim no credit for pursuing the only course which was consistent with my notions of honor, principle, and obligation to the country; your approbation of that course, is exceedingly gratifying, as an additional assurance of its propriety. I regret that it does not fall within the scope of the short and flying visit I am making to my relatives, to accept of honor, such as you have so politely tendered me. A long absence from home, and too great neglect of my private affairs, renders it imperative upon me to return forthwith to Mississippi. Permit me therefore, most respectfully, to decline your proffered hospitality, with the assurance that the remembrance of the kindness which dictated it, will ever be cherished by me with the most grateful emotions, and will add another link to the chain which binds me to the place of my nativity. Accept, gentlemen, for yourselves, and those whom you represent, my thanks for your flattering intentions—and my warmest wishes for your individual health, and prosperity.

I am, with high respect,

your friend, and ob't servant,

S. S. PRENTISS

Messrs. John D. Kinsman, John Neal, and others, committee.

HON. HENRY A. WISE.

From the Petersburg Intelligencer.

This gentleman paid our town a short visit on his way to the Virginia springs. He left Petersburg on Saturday; during his stay he was called on by a number of our citizens, and was tendered the compliment of a public dinner, as will be seen by the following correspondence:

Petersburg, August 3, 1838.

Dear Sir: The whigs of Petersburg have heard of your arrival in their borough with unmingled satisfaction. They seize the occasion as a fit opportunity to carry into execution an intention long entertained of paying you the compliment of a public dinner, as a slight testimonial of respect for your talents and approbation of your course in the national legislature. The undersigned, a committee on behalf of a large number of your political friends in Petersburg, therefore request the pleasure of your company to a public dinner to be given on any day convenient to yourself.

We have the honor to be,

Very respectfully, your ob't serv'ts,

JOHN D. TOWNES,

P. DURKIN,

JOHN BRAGG,

WM. ROBERTSON,

JABEZ SMITH.

To the hon. Henry A. Wise, Battersea

Battersea, August 3rd, 1838.

Gentlemen: I have to return you my most grateful acknowledgments for the invitation, in behalf of the whigs of Petersburg, “to a public dinner to be given on any day convenient to myself, which you did me the honor to present in person this morning.”

I arrived here a few days since, and have been delayed in passing to the White Sulphur springs by the kindness of friends, without the least expectation of this manifestation of regard, or a greeting like this in a land of strangers. But whigs know each other by the instincts of gentlemen and of patriots, and under ordinary circumstances I should be tempted to obey your request; especially when I find myself assured that you have seized on the occasion of my casual visit here to execute a design long entertained of paying me the compliment of a public dinner as a testimonial of your respect and approbation. I hardly dare decline to name a day for the cloth to be spread around whose board we should learn to know each other better, and pledge to be better whigs than we now are, even in the day of our country's trial, and it may be our country's triumph too.

But, gentlemen, I regret to add that a severe attack of disease, which commenced before I left home, and prostrated me quite by the time I reached the hospitable mansion of your neighbour, Judge May, has deprived me of the bodily strength to do the duty of "table-talk" or any other kind of dinner service; and an appointment to start on my journey to-morrow morning, will compel me to decline your invitation.

A better day, however, is coming, I hope, for us and all the whigs of the union. I hope I shall soon be re-invigorated by the genial air and waters of our own native mountains, and, if God spares me even to return this way home, I will tell you when I can meet you. Cordially meet you as brethren of the same faith and the same fathers, in the meat and the drink of a whig dinner, to gather new strength and catch new inspiration in a cause of which every patriot should be proud, and in which every Virginian should never tire.

May the genius of our country, whose is that cause, and the avengers of her wrongs, and the people are they, conspire to keep Petersburg an asylum of the thrifty free and a holy abiding place of their principles and their house-hold Gods.

I am, gentlemen,

Gratefully yours,

HENRY A. WISE.

To Messrs. J. D. Townes, P. Burkin, John Bragg, P. C. Spencer, Wm. Robertson, and Jabez Smith, committee.

THE PRESTON BARBECUE.

From the Columbia Telescope.

The barbecue dinner advertised for last Saturday, the 4th instant, took place according to appointment, and was attended by the largest and most respectable collection of citizens that we have seen in this place for some years. About 12 o'clock the company assembled in a shady lot at the upper end of the town, and partook of iced drinks of various kinds until 1, when they sat down to a sumptuous dinner, laid upon five long ranges of tables, conspicuous alike for the excellence of the materials and the handsome style in which it was prepared. Much credit is due to the committee of arrangements for the judicious manner in which the proceedings were conducted; and also to Mr. C. Neuffer, under whose direction the dinner was prepared. Chancellor David Johnson acted as president, and colonel A. Blanding, doctor Robert Henry, and Joel Adams, esq., as vice presidents.

REGULAR TOASTS.

1. *The state of South Carolina*—She cannot join at present in the pitiful scramble for office, without dishonoring herself in the eyes of the world and degrading herself in her own estimation.

2. *Governor P. M. Butler*—The gallant soldier; the vigilant commander; the careful magistrate—whether called on to defend the frontiers of his invaded country, or to devise means of rebuilding a prostrate city—he has shown himself willing, prompt, and efficient.

3. *The speedy and firm union of Texas with the United States*—A measure of vital importance to the south; and in comparison with which the sub-treasury and United States bank sink into insignificance; we must be united.

4. *The Louisville, Cincinnati, and Charleston rail road*—An enterprise worthy of the devotion of such a man as Robert Y. Hayne; a man calculated to grapple with and overcome every difficulty in the way of its triumphant and final accomplishment.

5. *General James Hamilton*—The south rely on his talent, zeal, and enterprise in securing for her a direct foreign trade.

6. *John C. Calhoun*—A Carolinian and an able senator. May he live to be president of the United States.

7. *F. H. Ebnore*—A worthy son of South Carolina—We esteem him too highly to proscribe him for honestly differing from some of us on a matter of doubtful policy.

8. *Hugh S. Legare*—The ripe scholar, the honest statesman, and the uncompromising patriot. May he continue to enjoy the rightful exercise of his own clear judgment upon all questions where-in South Carolina may have an interest.

9. *Henry Clay and Martin Van Buren*—*par nobis fratrum*. If South Carolina is true to herself, or has the least regard for consistency, she can give her vote for neither of them—she cannot, nor will not be drawn into a choice of evils.

10. *Our distinguished senators and representatives in congress*—South Carolina values them too highly to sacrifice any of them to the blind zeal of party or the malignant envy of demagogues.

11. *The fair of South Carolina*—Their smiles are only for freemen.

12. *Wm. C. Preston*—An early, able, and consistent supporter of state rights—a fearless and eloquent advocate of southern principles—a determined enemy of tyranny and usurpation—while there remains a single heart in Carolina alive to the dictates of honorable feeling, or a tongue that dare utter the words of truth, his services cannot be forgotten or go unrewarded.

On the reading of the last toast, Mr. Preston came forward, most heartily and affectionately greeted by the assembly, and addressed them in a speech of very great eloquence, in relation to his own public course, and the political questions now before the country. The committees, we understand, have requested a copy for publication, but severe illness in his family has thus far prevented the eloquent senator from furnishing it.

[We will publish Mr. P.'s address as soon as a copy of it is received.]

A number of volunteer toasts were also given, and the following letter from the honorable Waddy Thompson read by one of the committee.

Greenville, July 22, 1838.

Gentlemen: I regret that it will not be in my power to accept your kind invitation to a dinner to be given to the honorable Mr. Preston on the 28th inst. Concurring as I do entirely with that gentleman upon the currency question which now agitates the state, added to every consideration of a personal character, would have made it agreeable to me to have been with you; but I cannot.

I have lived too long, and seen too much of the fickleness of public opinion, and the instability of personal popularity, to be much surprised at any thing of that sort. But I confess that there is something which I am at a loss to account for in the violence, denunciation and proscription, with which three of us are treated: who hold and express opinions, which, twelve months ago, were held by nine-tenths of those who now denounce us. Two years since, colonel Benton proposed a measure for the gradual collection of the dues of the government in gold and silver only. His measure provided for the infusion of specie into the circulation, by driving out by degrees all bank notes under twenty dollars; and in this particular was certainly a wiser measure than the late sub-treasury bill. It was not supported, as far as I know, by a single newspaper or politician of any party in the state, and was ridiculed and scoffed at by the opposition party without one exception; if there was an exception it has escaped my notice and may be shown.

It cannot be forgotten that less than a year ago, when the reverend Mr. Fisk rose to address a public meeting in Charleston, in favor of these anti-bank opinions now so prevalent, even the sanctity of his robes did not protect him, and he was knocked down. It was regarded as a sort of political blasphemy. Now, I do not object to gentlemen changing their opinions; but I do think that we, who now hold opinions which one short year past were the opinions of the whole state, have a right to ask some little toleration, and that, in despite of some evidences heretofore given of devotion to the state, we should not be denounced as traitors. It was an administration measure, and it is therefore not to be wondered at, that the great mass of the administration party should support it. It has the support of a distinguished individual, who has long enjoyed, above all others, the confidence of the nullifiers, and it is, therefore, not to be wondered at, that the state should be carried in its support; but that it should be regarded as a question so clear, that honest men may not differ about it, and so vitally important as to supersede all past ties, personal as well as political, and a sufficient reason for again blowing up the angry flame of party spirit, and dividing and weakening the south, which has so many reasons for being united—I confess, exceeds my comprehension.

I send you the following sentiment,

And have the honor to be,

Gentlemen, respectfully,

Your friend and ob't servant,

W. THOMPSON, jr.

Public office—Not to be desired by an honorable man, when held upon the tenure of one man's will, and at the sacrifice of opinions honestly entertained.

COMPLIMENT TO MR. PRESTON.

From the Petersburg Intelligencer.

Read the following interesting correspondence between Mr. Preston and a committee of Halifax whigs. The compliment whether considered in reference to the terms of the invitation, or the signatures attached, is one of which any man may be proud. The committee was composed of gentlemen, who, for intelligence and sterling republicanism, are surpassed by none in the commonwealth. Many of

them, we know, have seen the day when they delighted to do honor to Mr. Calhoun, and they, no doubt, now regret that that day has probably passed forever; but his colleague is now attracting the sympathy and the admiration of all in the land, whose sympathy and admiration are worthy the regard of a noble soul; and they indicate not only their own feelings, but those of the state rights party generally, in declaring that this is the worst administration that ever cursed a free country, and merits unabated hostility. Mr. Preston only echoed the universal whig sentiment on this point, in saying, "that the Stuarts must be driven out, whoever else may succeed." It is the settled conviction of the opposition, that the reigning dynasty have perpetrated enormities which the people of this country can never forgive, if they wish to preserve the public liberty and public morals, and it is their settled determination to exert whatever abilities they may possess to expel these miscreants from office. Even if they had not sinned beyond forgiveness, the character of their offences is such as to assure us that we cannot, without being treacherous to ourselves and country, repose the slightest confidence in any of their promises of amendment. [Richmond Whig.

CORRESPONDENCE.

Halifax court house, Va., July 24, 1838.

Dear Sir: At a meeting of many of the whigs of Halifax, convened for the purpose, we were appointed a committee to invite you, in their name, to visit their county on your return to your home in South Carolina, and to dine with them at their court house on such day as may suit your convenience.

We give but a feeble expression to their sentiments, when we declare to you that your steady devotion to and able support of, principles dear to all true whigs—your constant, unwearied and eloquent defence of the constitution when attacked by many and defended by few—your efficient and manly resistance to the tyranny and corruption of the most dangerous administration which this or any other country has ever been cursed with, have called up feelings of gratitude and respect which they would be delighted to have an opportunity personally to express to you.

At a time like the present, when they find many of those whom Virginia has been pleased to honor and to trust, falling one by one from the faith of our fathers, they turn with an honest pride to a native born Virginian, who, in another land, illustrates, by his life and his character, the political creed of the Old Dominion as she once was. We feel that we do no injustice to the sentiments of the meeting, when we say that it is their earnest desire to accord to you a yet more decided and unequivocal mark of the high estimation which they place on your character and services. We cannot permit this opportunity to escape without expressing to you our individual concurrence in these sentiments. While the south, now the weaker portion of the confederacy, finds herself on every side assailed in her dearest rights, it is a source of much satisfaction to know that we have such a champion as yourself on our side. We have the triple security of talent, integrity, and a common interest.

Hoping that we may be permitted to return to the meeting whose organ we are, an affirmative response from you, we are, with sentiments of distinguished consideration,

Your most obedient servants,

James C. Bruce,	Thomas S. Flournoy,
Wm. B. Banks,	E. Barksdale, jr.
Thomas J. Green,	Thomas Leigh,
John S. Lewellen,	Wm. Holt,
Wm. Bailey,	P. H. Gilmer,
T. Baker,	Wm. D. Sims,

Thomas Davenport,
Committee to correspond.

Columbia, July 14, 1838.

Gentlemen: I have had the honor of receiving from you, a committee of the whigs of Halifax, an invitation to a dinner at your court house. Your letter was received at the very instant I was quitting Washington, and not read until I was on board the boat. Travelling with the mail, there was no moment at which I could acknowledge and thank you for this flattering testimonial, elicited, I doubt not, more by the kindness with which you have regarded my wishes and purposes to do good, than by a just consideration of the efficiency with which I have prosecuted them.

I came into the senate, gentlemen, at the moment when the unparalleled usurpations of the executive, consummated by the seizure and detention of the public treasure, brought into existence the whig party, composed of all those who struggle to preserve the constitutional limitations of power, or the principles of free government. Against those usurpations, so utterly destructive of every thing that the

revolution won and sanctified, we have continued to struggle, with a zeal which thus far has not been rewarded by a proportionate success.

In 1833, the public money was found in the hands of the executive, unregulated by law; but even gen. Jackson was unwilling that it should continue thus, and earnestly recommended that the dangerous trust should be taken from his hand, and placed in the custody of the law—now in 1833, a willing senate proposes to place in the hands of this president, exempted from legal restrictions, the funds his predecessor seized. If there were no other indications of the progress of right principles, the patriot whig might be disposed to surrender in despair—but recent events administer consolation, and teach us confidence in the permanence of our free institutions. The power and patronage party has been rebuked by the house of representatives at each appeal made to it, by a stronger and stronger voice.—The people are coming—have come—to the rescue of the constitution. The mad and wild projects of a paupered and reckless party are and will be defeated.

But, at the same time, it is my deliberate conclusion, painfully and reluctantly arrived at, that no defeat, however disgraceful; no warning, however solemn; no experience, however disastrous, will turn the party in power from the error of its ways. Its whole organization, principles and practices are wrong, essentially immoral and revolutionary. As long as it is in power, the country will be tossed with violent agitations, harassed by sudden changes, subjected to rapid alternations of facitious prosperity and real disaster, be divided into sections and classes, in bitter hostility to each other—while a general uncertainty, confusion and anxiety, will pervade the public mind. These are the necessary and inevitable consequences of the domination of such a party as now govern the country—our only hopes are in a change of the dynasty. Let us expel the Stuarts whoever may replace them.

Is there any man who will look back upon the history of the last eight years, and believe it possible that our country can produce any other party or set of men who in the same space can do as much mischief?

The kind temper in which my fellow citizens of the whig party of Halifax have been pleased to regard my humble efforts, will be a stimulus to increased exertions in the common cause of the whigs and the constitution.

For the favorable terms, gentlemen, in which you have been pleased to couch your communication, I beg you to accept my sincere thanks, and that you will be assured of the high respect and consideration with which

I am your obedient servant,

W. C. PRESTON.

To Messrs. J. C. Bruce, Wm. B. Banks, Thomas J. Green, Wm. Bailey, John S. Lewellen, T. Baker, Thomas S. Flournoy, E. Barksdale, Jr., Thos. Leigh, Wm. Holt, P. H. Gilmer, Wm. D. Sims, Thomas Duxenport, committee.

AFFAIR BETWEEN MESSRS. SEGAR AND SAVAGE.

Having published the card of Messrs. *Huston* and *Martin*, (see page 323) in justice to the parties concerned, we give place to the following:

From the Norfolk Herald.

To prevent all misapprehension and misrepresentation of the recent affair of honor between Mr. Segar and Mr. Savage, we are requested to give an immediate publication to the following letters;

Washington, June 24th, 1838.

GENTLEMEN: The affair of honor in which you have been involved is now terminated, and I think it due and just to you both, that I should furnish a statement of the facts of the mediation by which I have the consolation to believe, your differences were honorable adjusted, and their trial by arms peacefully prevented.

Mr. Savage arrived in Washington, Thursday, the 14th inst., and called upon me immediately at the house of representatives. He informed me that he was challenged by Mr. Segar, gave me a detailed account of the causes, showed me the correspondence, and applied to me to be his second, assigning among other apologies for calling on me, that he could not permit several of his friends in Norfolk, who were ready and willing to serve him, to be disfranchised.

I declined to act as his second on the instant, but promised to procure for him a friend with whom his life and his honor should be safe; determining to reserve myself in a position where I could render him and his antagonist a much more essential and grateful service than it is ever in the power of seconds so effectually to render their principals, whatever may be their dispositions or address.

With care and deliberation I reflected and concluded upon the course to be pursued. On Friday morning, I advised Mr. Savage to address to Mr. Segar a letter, that of the 15th, to invite him to this place, and inclosed it myself in a letter which I addressed to Mr. Whiting, accounting for all informalities, and disclosing to him the character which I had assumed.

After despatching these communications, I sought a second for Mr. Savage. Fortunately, I thought of a gentleman and a soldier in the city, general Felix Huston, whose character in private life, and in command of the army of the republic of Texas, has been no less distinguished for sagacity and humanity, than for firmness and chivalry; and on the morning of Saturday, the 19th, I procured his services. He found Mr. Savage unused to arms, and undecided as to the terms of a meeting. He caused him to decide immediately upon the weapon and distance, and despatched a communication forthwith to Mr. Segar's friend, leaving further preliminaries as to the time, place and position to be agreed upon when they should arrive in this city.

Wednesday, the 20th, at midnight, I was visited by my friend and colleague Mr. Hunter, at my room. He said he had important information to give me on a delicate subject, but before he could proceed, he must exact a promise that I would not act upon it under any contingency. Extracting the promise, he told me Mr. Key, the district attorney, had just received information from bishop Meade, that this duel was in prospect, urging his interposition and mine to arrest the parties on the event. I had an interview with Mr. Key myself, immediately, and promised him secrecy on my part, though I could not promise any direct co-operation. The warrant, then, had already been issued. The next evening, on Thursday, the 21st, general Huston came to my room and informed me that he had just been dining with judge Thurston, and heard him say he had issued a warrant for the apprehension of Mr. Savage. His first impulse was, of course, to inform his principal, but I found no difficulty in prevailing on him to assume the responsibility of keeping the information secret from Mr. Savage, and of allowing the opportunity to arrest him. I took care, however, to consult with Mr. Allmand, of Norfolk, upon the propriety of general Huston's acting upon the information he had received at judge Thurston's table, and he, with a due sense of the risk and the responsibility, approved of the course of secrecy towards Mr. Savage. He was therefore kept in ignorance of the danger of arrest until late on Friday evening, when he received a letter from Mr. Segar, through me, complaining of procrastination, intimating the probability thereof of arrest, and excepting strongly in other respects to Mr. Savage's course. As soon as general Huston saw this note, he could no longer withhold from Mr. Savage that it was imperiously necessary then that he should forthwith leave the District. He advised him to keep close quarters for that night, and to depart early the next morning. Friday, the 22d, at about four o'clock, P. M., Mr. Segar arrived, and forthwith despatched Dr. Martin, his friend, in search of Mr. Savage. At about 10 o'clock at night, Mr. Savage was apprised of Mr. Segar's arrival. I was informed of it by Robt. E. Taylor, esq. early the next morning. Mr. Savage's departure was of course, delayed, and he was properly concealed from the peace officers.

As soon as I ate my breakfast, I visited Mr. Segar in company with the hon. F. W. Pickens and my colleague, Mr. Hunter. He met the interview in all respects as became him. I told him my relations public and private to him and to Mr. Savage entitled and commanded me to take them under my jurisdiction as a mediator; that his challenge was informal and irregular, and his letter of the 20th, complaining of Mr. Savage's course since the acceptance, was founded, I knew, and vouched, upon a mistake on his part; and that both the letter and challenge must, upon my authority be withdrawn. He replied very properly, that he was ready to correct any mistake he had made in his letter; that he knew nothing of the etiquette of such affairs, was willing to correct any informality in the challenge, and cared nothing for forms, only for substance; that all matter of form was in the hands of his second, but that he could not consent for him to withdraw the challenge for any other purpose than to make it conformable to the rule of propriety, and to the code under which he sought redress; and when reformed and corrected, it should be renewed immediately. We assured him his second should and would do nothing more than his duty, and left him to seek the seconds, Dr. Martin and general Huston. I informed Mr. Pickens of my course; that he must no longer advise; as he was to be, if I succeeded, a referee, and to leave the rest to Mr. Hunter and myself.

Mr. Hunter and I found the two seconds arranging the terms of the meeting. After some conversation with them, in which Mr. Hunter and myself announced our object in calling, I retired apart with Dr. Martin, who said he saw with pleasure from my letter to Mr. Whiting, that I had manifested a desire the affair should be amicably adjusted, inquired as to the mode and terms in which I conceived the controversy might be settled with due regard to the honor and character of the parties, and presented me with a note he had prepared to that effect, endorsed "INFORMAL," and with the express understanding that it was not written by him as the second of Mr. Segar, or with his knowledge or consent, but solely upon his own individual responsibility, dictated by his own willingness to hear any proposition for peace, and induced by my letter to Mr. Whiting, Mr. Segar's second in the first instance.

I immediately required that Mr. Segar's letter of the 20th should, on my authority for the fact that it was written under a mistake, and because it was an offence subsequent to the challenge (in no case allowable) be withdrawn, and that the challenge and acceptance should both be withdrawn; and I pledged myself then to both seconds, in case of such withdrawal, to propose a mode of adjustment to which neither party could justly except. Mr. Hunter approved the justness and reasonableness of this course; and the seconds were both compelled to accede to the withdrawal of the three papers. I then named the hon. F. W. Pickens and the hon. S. S. Prentiss as referees, with power to call in an umpire to adjust all points of honor and dispute in difference between the parties, and to make their decision final and conclusive, required the seconds to lay before them all the publications and correspondence, and denied to the principals the right of communicating with the referees or of appearing before them. The seconds accepted in due form the proposition of reference, without consultation by either with either principal; and without the knowledge or consent of either. The referees sat immediately, disagreed in no particular, and decided and adjusted the affair by a written award, which I approved, and I believe every man of chivalry will approve, as equally honorable to the board and to the gentlemen whose case they adjudged. The seconds could not withhold their approbation, and thus happily terminated the affair.

My object in addressing you this letter—to state, fairly and fully all the facts in such manner as to hush and silence beyond all cavil or contradiction forever, every whisper or suspicion against the conduct and bearing of either of you in the adjustment of your affair of honor without a meeting in the field—is now attained.

In conclusion, permit me to assure you both that you owe much to the excellent friends Dr. Martin and gen. Huston whom you selected as your seconds. Their conduct has been closely under my inspection, and I am proud to bear testimony that to their prudence, discretion, and nerve in assuming responsibility, you owe the good fortune that one or both of you are not now numbered with the wounded or the dead.

They both have acted as jealous and watchful guardians of your honor, and at the same time, as generous and magnanimous friends of humanity and of your everlasting peace of mind. They have saved your consciences from bloodshed and your characters from all reproach. It is enough to say of the gentlemen who kindly served as referees, that their names are vouchers to a nation, and their decision needs not the authority of their names.

As to my friend Mr. Hunter and myself, we were volunteers, and claim but one obligation to us, which we now enjoin, that you shall both "forget and forgive" the past—meet as if you had always been in peace with each other, and when you return to your homes and your families, afflicted to mourning by the threatening of your recent hostility, you shall earnestly co-operate to appease the excitement of your numerous partizans and friends, and endeavor to restore tranquility to a county which has bestowed upon you both the highest honors and confidence in the gift of its people, who have been agitated and disturbed by your differences and feuds. We are confident you both know how to display courtesy in conciliation, as we are sure you would have stood the severest test of courage in combat.

For myself, permit me to say that I shall ever count it a consolation for the character of "duelist," which I despise, which I thought had nothing to recommend it, but which has undeservedly in the estimation of some attached to me, that it had an influence, perhaps, in drawing your affair of honor within the control of a disposition I have ever felt and manifested on every occasion of the kind.

interpose my mediation for an amicable and honorable adjustment.

You both have my good wishes, as you have had my kindest offices, and, gentlemen,

I am your obedient servant.

HENRY A. WISE.

To Joseph Segar and Wm. Lytt Savage, esqrs.

Washington, 26th June, 1838.

DEAR SIR: Having read, at your request, the statement of Mr. Wise, I am happy to express my warm admiration of its tone and spirit, as well as my acknowledgment of its general accuracy. I would take the liberty of suggesting the introduction of the circumstance that I had called on Mr. Savage on Friday twice before I succeeded in finding him—once early, and again later in the evening. I think it would be well to mention also, that gen. Huston and myself had, before the appearance of Messrs. Wise and Hunter the next morning, promptly agreed that a meeting should take place on that day. But there is one fact which, in justice to my character and feelings, and as well as your own, should certainly not be omitted. I allude to the resistance which I manifested for a considerable space to all overtures of pacific arrangement. This I did, not from a spirit of bravado or from obstinacy, but from a sensitiveness to your honor, and also from that want of confidence in my opinions, however decided, which can only be derived from inexperience in such matters. I solemnly declare that I would a thousand times rather have accompanied you to the field, than enter into a compromise without a positive conviction that its result would leave your honor without a stain. Mr. Wise will recollect that his appeals to me and those of his colleague, were most earnest for a long time, in the presence of general Huston until I thought it indelicate to protract the discussion in the hearing of the latter, and I accordingly requested Mr. Wise to step with me into the next room. I there exhibited to him a letter, which I had previously prepared, in which I suggested the terms upon which alone an arrangement could be effected. This letter contained a solemn declaration, that my act was without the knowledge of Mr. Segar; not in my character of second; not designed for the ear of the opposite party, and upon my sole and serious responsibility. Mr. Wise at once approved of its spirit, but objected to the stipulation of conditions, as incompatible with his plan of arrangement, and desired me to address him a note, simply requesting him to suggest his views in reference to an amicable and honorable adjustment. This I did, in a letter marked "informal and confidential," which bears date, half past ten A. M. whereas the last paper drawn up between gen. Huston and myself is dated nine A. M., proving that considerably more than an hour had elapsed from the interruption of our preliminaries, until I wrote my note in accordance with the suggestion of Mr. Wise. Upon examining Mr. Wise's statement, it will be seen that he has inadvertently confounded my two letters, as he speaks of the one last described, as already prepared, and having been immediately shown to him. Those facts are important, because I had fully made up my mind, much as I desired in my heart a pacific termination, to listen to no terms* until I had positively convinced myself that they would result in an arrangement which ought to prove entirely satisfactory to my principal. In a later stage of the proceedings, I had great scruples about the right or propriety of binding my principal by the decision of the referees, and this again was the subject of a protracted resistance on my part, nor did I yield my scruples, until I had obtained the approval of Dr. Linn of the senate, in whose judgment I had the most perfect confidence.

I omit other particulars as not being to the present purpose, but will merely observe, that after the reference had been made, I deemed it necessary to excuse myself to Mr. Hunter and others, for my apparent pertinacity, by attributing it to the hesitation naturally springing up from a want of confidence, on account of inexperience in such matters. I had gone, however, into the business, with the principles upon which I should act, fully matured; yet I wished myself sustained by the judgment of others of more authority, not so much for my own satisfaction, as for that of my principal. Anxious as I was for arrangement honorable to

both parties, (for it would have been no gratification to me to obtain the slightest triumph over your adversary,) no danger, no obloquy, no tenderness of feeling, no appeal, however earnest or eloquent, could have induced me to compromise in the smallest measure, the character or feelings of my friend. I repeat it—I do full justice to the spirit, the fairness, the eloquence, the general accuracy of Mr. Wise's statement; and yet the reader, uninformed of all the circumstances, might infer, not only that I, representing the challenging party, had yielded too promptly and easily, but that I had even volunteered upon the spot, overtures, which would have been in direct opposition to the known determination of my friend, and to my own ideas of duty and propriety. With the warmest admiration for the course of Mr. Wise, and the fullest confidence in the justice of his intentions and the generosity of his feelings, I request that you will bring this letter under his eye, without delay. Truly your friend,

J. L. MARTIN.

Jos. Segar, esq.

House of representatives,
June 26th, 12 o'clock, M. 1838.

DEAR SIR: I have just read the foregoing letter, and certainly can corroborate its statements, as I do fully, and meant to do in my letter to you, so far as the facts were within my knowledge, and they all generally were. Dr. Martin's statement as to his first letter to me, particularly, is true, and I omitted what he supplies, only from the impression that it was an unnecessary particular. He was assuredly, jealously cautious in every step he took, and I could not prevail on him until he left me to advise with Dr. Linn. I approved of Dr. M's course in every respect. Yours, &c. &c.

H. A. WISE.

Jos. Segar, esq.

DEATH OF PETER W. GRAYSON, ESQ. OF TEXAS.

From the New York Evening Star.

We have the melancholy satisfaction of laying before our readers the authentic details of the late suicide of Mr. Grayson, which has occasioned so much remark throughout the United States. They have been politely furnished us by John G. Tod, esq. of Texas, his friend and associate in the commission appointed by the Texan government to purchase vessels of war in this country. Mr. Tod left Texas two weeks after col. Grayson, and arrived at Lexington July 14th, and, two days after that, received the unexpected and distressing intelligence of the death of his friend, which took place at Bean's Station, a town in the Cumberland mountains of Tennessee.

His own last memorial of himself, supported as it is by the concurrent testimony of those who have known him from youth, prove that he has fallen a victim to a morbid melancholy, which, without any special cause, has preyed upon his existence for many years. And here it is important to premise, that a more temperate person, considering the exciting situations into which his career has thrown him during several years past, has rarely existed.

PARTICULARS OF HIS DEATH. The following is the memorandum taken by Mr. Tod from Mr. Mays, the landlord of the inn at Bean's Station, where col. Grayson committed the fatal deed.

Wythe Court House, (Va.) July 28, 1838.

MY DEAR POTTER: I wrote you last from Harrodsburg, as I was on my way to Barboursville and Bean's Station. When I got to Barboursville, I found that col. Love had been over there, and got all the effects belonging to our much-lamented friend Grayson. He gave me all the papers relating to our mission, and a copy of the two communications which I herewith send you. I only remained there until the next stage, and then went to Bean's station, where I intended to communicate with our government, as well as with my friends McKinney, col. Hill, and many others, who will expect, and think it strange, if I do not give them a full and early account of this distressing and heart-rending occurrence. While at Bean's Station I felt too sensibly that it was useless for me to undertake to write any thing, for there was such a feeling of gloom and distressing reminiscences connected with the place, and I decided to leave there at once for Baltimore. I find myself compelled to remain here until to-morrow, hoping that I will be well enough to prosecute my journey. But I am digressing. Probably it will be better for me to give a kind of preface here of what occurred before he committed the deplorable event. I noted it down from the landlord's own lips.

"Mr. Grayson arrived at Bean's Station on the 8th inst. from Knoxville; appeared restless and impatient, as he asked two or three times for a room

before he was showed one. Came down to dinner, but ate nothing; requested a cup of tea to be sent to his room. In the evening he came down, and conversed with Mrs. Mays, and appeared composed. He had complained of a pain over his eyes, and Mr. Mays recommended him to make use of a sulphur spring in the neighborhood. He appeared anxious to do so at first, but finally declined, stating that he would not be able to rise early. He retired to rest at the usual hour, carrying a short piece of candle to his room, and let it burn out. The next morning the boy went into his room: with a towel and water to wash with. He directed the servant to clean his boots, which was done; and when the boy took them up, he told him he had no further use for him. The boy immediately left the room, and in eight or ten minutes afterwards the report of a pistol was heard, though it was thought by the inmates of the house below to have been a gun fired off out of doors. The hour for breakfast arrived, and the girl carried it up to his room. She found him dead."

A phial of laudanum, about half full, was found on the table. It is supposed that he drank too little of it, which, with the excitement, &c. failed to accomplish his object. The boy said he found him lying on the top of the bed clothes, and looked out of his eyes as if he was very sleepy. There were two beds in the room, and it is thought that he was sitting on the one which he occupied, with his body inclined towards the other, where he shot himself; the other was directly opposite, and he was found half way under it. No blood was found on the bedding, though a piece of the skull bone was found lying there. The brains were thrown about the room, though very little blood. The pistol must have been placed a little below the right temple, as all the upper part of that side of his head was blown entirely off. The following lines were addressed to the landlord, and left on the table in such a position that the eye would discover them immediately on entering the room.

Mr. Mays. I pray you pardon the frightful scene I have made in your house.

You will, ere long, learn that I have not been wholly an unworthy man.

I have to request you to write to colonel James Love, formerly a resident of Bartonville, Ky., who, I think, is there at this time, though intending to remove with his family, in the fall, for Texas, informing him of what has occurred here, and of my wish that he would be good enough to come to this point, and take charge of my baggage, examine, and do with it what he will see is proper. In the meanwhile, I hope the best care will be taken of it.

You will find money in my pocket-book to defray all my necessary expenses.

I beseech you again to pardon the trouble I give you.

P. W. GRAYSON, of Texas.

The following is a copy that he left for his friends:

To my friends. I go to my grave for the quiet the world can never give me.

The fiend that pursued me for a long time previous to 1830, and then let me rest, ('twas when I went to Texas,) has started on me again with redoubled fury. To save myself from the horrors of a mad-house, I go into my grave. Farewell! To you and the few kindred of my particular affections I yield the last pulsations of my heart.

P. W. G.

I have no doubt but the following lines are the last he ever wrote. They were written with a pencil on about a page and a half of blank paper contained in his will, folded up with the above letter and some others papers, and endorsed "important papers, &c." I copied them myself from the will, although the latter was dated "Galveston Island, 10th June, 1838;" yet, as a pencil was found lying on the table, and it appeared as if it had lately been employed, I am pretty certain they are the last lines he ever wrote, and contain the last troubled ideas of the closing scene. I give them to you "verbatim," underscored, &c., as he left them:

"It is necessary to my poor shattered name for me now to confess that at least ten years of my life I have been a partially deranged man.

"I have always kept this a profound secret, from an indescribable horror I have ever felt at the idea of divulging it. A rueful scepticism was at the bottom of all. The period of my suffering in this state was from 1820 to 1830. In this mood so disqualifying and adverse to mental exertion of any kind, I actually wrote a sort of essay upon the influence of law, &c. Went to—, and published it off hand, without examining proof, or correcting it in any way. This I did for excitement alone, with a view and hope of bringing my mind back to something like sanity again by a strong desperate effort at mental energy.

*To prevent all possibility of misapprehension, I will state, that when I speak of terms or overtures, I allude to those proceeding from the mediating friends. The attitude of gen. Huston, as representing the challenged party, was one of decorous reserve, until his reception of my first note.

J. L. M.

"The printer, *silly man*, made more blunders in the type than I had myself made in the manuscript, and, worst of all, put my name in the title page against my express orders—awful exposure of my weakness, which I have ever hoped, however, was confined to a few persons only, who might, by accident, have picked up the strangely contrived, ill-written, crazy production, which contains a good many thoughts that I approve even yet.

"This I write in my last hours of existence. I sincerely think as a sane or living man. Whether I shall be in Bedlam or my grave soon, I know not; I am in the hands of malignant fate, and the worst that can befall me will, I am sure.

"P. W. G.

"The last trap to catch my soul, and send it to a very hell of torture, was the *good feeling* of my friends, urging me and prevailing on me to be a candidate for the presidency of Texas! Oh, God!!"

In reviewing all the facts connected with this distressing and lamentable occurrence, I think we may safely say he has fallen a victim to his own morbid feelings, produced by the *slang* and *calumny* of those opposed to him in Texas for the presidency. His ardent friends pressed this thing upon him contrary to his own convictions, and he has fallen a sacrifice.

TOLLS AND TRADE OF THE NEW YORK CANALS.

From the *Albany Argus* of the 6th inst.

Tolls on the several canals for the last week in July, 1837 and 1838, viz:

1838	\$45,963 97
1837	36,603 45

Increase \$9,360 52

The whole sum received for tolls on all the state canals from the opening of navigation to the close of July, for 1837 and 1838, is as follows, viz:

1838	\$677,351 95
1837	526,768

Increase \$150,583 95

The merchandize cleared from tide water, from the opening of navigation to the close of July, for three years, is as follows, viz:

	1836.	1837.	1838.
Merchandize	46,679 tons.	37,558 tons.	44,383 tons.
The merchandize cleared this year is less by 2,296 tons than in 1836, and greater by 6,825 tons than in 1837. The average for the three years is 42,873 tons. Excess this year beyond the average for three years, 1,510 tons.			

The wheat and flour arriving at tide water to the close of July, in 1837 and 1838, is as follows, viz:

	bushels wheat.	bbls. flour.
In 1837	39,477	282,068
In 1838	236,050	386,896

Increase in 1838 196,573 154,818

Estimating a barrel of flour equal to 5 bushels of wheat, and the quantity for each year will stand as follows, viz:

	2,170,480 bushels
In 1838	
In 1837	1,160,340 "

Increase in 1838 1,010,140 "

The foregoing statements show an increase comparing this year with last, of 18 per cent. in the quantity of merchandize transported on the canals; an increase of nearly 30 per cent. in the amount of tolls, and an increase of 87 per cent. in the aggregate quantity of wheat and flour brought to tide water.

The quantity of flour and wheat shipped at Buffalo from the opening of canal navigation to the 31st July, for the years 1836, 1837 and 1838, was as follows:

	bbls. flour.	bush. wheat.	equal to bbls. flour.
In 1836	73,079	20,592	77,197
In 1837	40,709	264,892	93,687
In 1838	153,940	463,188	246,577

The increase of wheat and flour cleared at Buffalo, comparing this year with last, is equal to 163 per cent. in favor of 1838.

The tolls received at Buffalo from the opening of canal navigation to the 31st July, for 3 years, were as follows:

In 1836	\$68,428 47
In 1837	57,296 43
In 1838	106,142 83

Increase this year over 1836, \$37,714; and over 1837, \$48,906, or nearly 85 1-2 per cent.

The condition of things in Canada has essentially increased the quantity of wheat cleared at Buffalo, a portion of which ordinarily would pass through the Welland canal to Oswego. The wheat which is floured at Black Rock, in most cases, is first cleared at Buffalo and pays toll as wheat to Black Rock, and after being floured is cleared at Buffalo

as flour, and the toll may be paid at that place to Troy or Albany. To a limited extent, therefore, the quantity of wheat, and flour made from the same wheat, are both reckoned in the foregoing estimate of wheat and flour. The amount of toll paid is, therefore, the fairest test of the increase of business at Buffalo, and this shows an increase of 85 1-2 per cent.

THE RISE OF WATERS.

The Toledo Blade has the following interesting article on the subject of the rise of the waters of the great lakes. The fact here mentioned, as accounting for the rise, now meets our eye for the first time, and furnishes a plausible reason for the phenomenon:

The unprecedented rise of the waters of the great lakes from the head of Lake Superior even to where they meet the waters of the Atlantic in the river St. Lawrence, has seemed to baffle all speculation as to its cause. It is beyond dispute that whole farms have been submerged, that harvests and streets have been rendered useless. From all accounts we have seen, we are inclined to think that the rise since 1835 has been between three and a half and four feet. An old and intelligent settler of Cleveland declares that he has seen the level of the water seven feet lower than it now is. This was probably during a season of extraordinary depression. The pier at Monroe was six feet out of water when first completed. It is now nearly immersed.

We have heard several explanations, some of which were ridiculous; some were surmises unsupported by a single fact; and some at war with established facts. The latest explanation, however, is founded in good sense, and traces the phenomena to a direct natural cause. It is said that a large river which has hitherto discharged itself into Hudson's bay, has been from year to year impeded in its course by the accumulation of drift wood, stumps, &c. similar to that of the great raft of the Red river, till finally it has become completely dammed, and has cut out for itself a new channel into some one of the great tributaries to Lake Superior. The account comes, we believe, through the fur traders, who have traversed those remote regions. If this single fact is satisfactorily established, the explanation becomes a truth. It receives confirmation from the assertion that the waters of Lake Michigan have not risen to the same height as the waters of the other lakes. This lake is linked with Lake Huron by a channel distinct from that by which Lake Superior is connected. There would therefore naturally be only that rise in Michigan which would be caused by the setting back of the waters, if this great accession, this threatening deluge owes its origin to the feeders of Lake Superior. We are not well informed as to the comparative level of Lake Michigan, though we have understood repeatedly that it had not risen in so extraordinary a manner as the other lakes. Can it not be possible that the fluctuations for the last twenty years may have arisen from the alternate rising and falling of the great northern flood alluded to, in dry seasons finding vent through its accustomed channel, but occasionally becoming dammed and discharging portions of its accretions this way, till finally it has burst all barriers, and turned its course hitherward, and caused a more sudden, more permanent inundation than before?

We call the attention of publishers and scientific men on Lake Michigan to an accurate comparison of the rise of waters of Lake Michigan with that of other lakes, and all those of the northwest interested in the investigation of so curious and unaccountable a phenomenon, to throw light upon the subject.

FOREIGN ITEMS.

Entertainment at Guildhall. The grand city banquet to the ambassadors and foreign princes now in London took place on Friday, and it was beyond every other consideration which the extraordinary and magnificent scene awakened, a truly ennobling and touching thing to behold the veteran heroes—Soul and Wellington—the opponent chiefs of a long warfare, vying with one another in reciprocating the warmest testimony not to their individual merits as generals (for that were a theme which either of them would almost disdain,) but to the bravery, the moral valor, and the high-mindedness which characterise the two great nations whose troops they so many years commanded; and re-echoing the assurance of the cordial sentiments of friendship and respect which now exist between these two great nations. The preparation for the august occasion were on the same scale of splendour as that which was exhibited on the occasion of the late visit of her most gracious majesty to the city. There was even an addition to the splendour, as the wall around the chief table was ornamented with richly emblazoned shields, of several foreign kingdoms, and states, whose ambassadors ex-

traordinary attended at the coronation of her majesty, and who were seated at the table beneath. We need not describe the splendid aspect of the hall, the number or rank of the illustrious visitors, or the gorgeous munificence of the dinner. The latter was indeed served in the most profused and sumptuous style; to reverse a well-known, ill-natured criticism, the turtle and venison were hot, the wines were deliciously cooled. At about half past eight o'clock, grace was said, and then the crier, according to good old custom, announced that the lord mayor drank "A hearty welcome in a loving cup" to all his royal and distinguished guests, who were enumerated in classes, according to their style and decrees. This announcement was received with loud cheering, and the cup went round the table and was highly relished as well as the good old chivalrous formalities with which its contents are received. On the toast of the queen's health, extraordinary enthusiasm was manifested, and on coupling the duke of Sussex's health with that of the rest of the royal family, that illustrious duke observed, in a short and elegant speech, that there were so many distinguished statesmen from all parts of Europe about him to-day, that it was very possible they might not all agree with him or amongst themselves upon some matters of opinion; but in one common object they were all united, namely in paying respect and homage to the distinguished lady who held the sovereign sway of these realms.—(Cheers.) He congratulated the country that the distinguished foreigners who graced the present happy occasion with their presence had had, during their short sojourn in this country, ample means of seeing that the people of this country had loyalty in their hearts and freedom in their breasts. (Loud cheers.) They would see that in England every man showed respect and honor with willingness where it was due. They were all subjects—he was a fellow subject with them all—and ready, at all times, to give allegiance to his sovereign cheerfully, because he knew that in so doing he and all of them secured their independence and honour.

The lord mayor then gave, "The sovereigns and states whose representatives have honored the city with their presence this day." (Three times three and cheers,) prince Esterhazy returned thanks. The lord mayor then gave, "The health of the foreign princes who have honored the city with their presence this day." (Three times three.) The duke de Nemours returned thanks, and was received with loud cheering.

The toast of "her majesty's ministers" was received with marked cheering from all parts of the hall, on which viscount Melbourne rose and thanked the company cordially, confidently trusting, as he said, that the good feeling which now existed between this country and all the great states represented by the distinguished men then present, was a guarantee that unanimity, peace and concord, would long, very long, reign amongst us—say, to a period very far remote from the present day; a happy state of things, which could not but strengthen the prosperity and promote the welfare of the whole civilized world. (Loud cheers.)

The next toast proposed was "Field marshal the duke of Wellington, and marshal Soult, duke of Dalmatia," tremendous cheers; in the midst of which, a great portion of the company stood on chairs to catch a glimpse of the two warriors, who had risen in acknowledgment of the compliment.

The duke of Wellington said he entertained a high sense of the honor of being associated with so illustrious an individual as him whose name had been given in company with his own on the present occasion. He was glad to find that the merits and services of the illustrious stranger who was now amongst them, had been properly appreciated by the people of this country. (Cheers.) And he had no doubt that the illustrious guest of the corporation must fully appreciate the cordial feelings which had been manifested towards him, not only on the present occasion, but on every other occasion when he had presented himself to the public. He (the duke of Wellington) was delighted that the king of the French had chosen so distinguished an individual to represent him on the occasion of the coronation of their illustrious sovereign. The conclusion of the noble duke's observation were completely drowned with cheers. The duke of Dalmatia, who sat about twelve seats away from his grace, seemed to pay great attention to what fell from him, with the assistance apparently of a gentleman who stood by him, and interpreted what the noble duke said.

The duke of Dalmatia then proceeded, amidst reiterated cheers, to address the company in the French language. He spoke with great feeling, but not with a powerful voice. He commenced by observing that the expressions made use of by the duke of Wellington, had entered into his very heart. Never had there lived a nobler-minded, a braver, or a more honorable man than that illustrious general. The French

tion had learned to appreciate the worth of the English army; its value was known and appreciated all over Europe. Now, however, they had no further resort to arms. Between France and England there should now exist a perpetual alliance.—(The illustrious duke laid an emphasis upon the words "*alliance perpetuelle*," which brought down a thunder of applause.) After some few further observations, the noble duke, alluding, as we imagined, to the hospitality with which he was at that moment treated in company with the duke of Wellington, said that he hoped yet, one of these days, to take his revenge (*revanche*) of the noble duke in France. The illustrious and gallant duke sat down, after drinking, "The health of the British army, and more particular of its great general, the duke of Wellington." (Thunders of applause.)

The duke of Wellington returned thanks for this, also, with much feeling; some necessary toasts followed, and the illustrious company separated before 12 o'clock.

The numbers present at this entertainment may be judged of by the following bill of fare:

120 tureens of turtle, of five pints each; 17 dishes of fish, consisting of salmon, turbot, whiting, fench, and eels; 40 haunches of venison; 80 dishes of fowls, capons, and pullets; 40 cherry, gooseberry, and currant tarts; 30 strawberry tarts, 40 dishes of potatoes, 60 dishes of French beans, 30 French pies, 30 pigeon pies, 30 hams, 30 tongues, 2 barons of beef, 37 Chianti baskets, 80 dishes of peas: 10 sirloins, ribs, and rumps of beef; 45 dishes of shellfish; 30 ribs, chins, and legs of lamb; 40 dishes of ducklings, 20 turkey poult, 80 jellies, 20 creams, 40 salads and cucumber, 20 dishes of cauliflowers.

Desert—75 pine apples of 2 lbs. each, 100 dishes of hothouse grapes, 20 melons, 30 dishes of cherries, 100 dishes of strawberries, 40 dishes of currants and gooseberries, 120 creams and water ices, various; 40 dishes of dried fruit, 35 ornamented Savoy cakes, 80 dishes of preserves, biscuits and olives.

Wines of every kind *ad infinitum*.

John Van Buren, the son of the president, is *feted* in common with the duke de Nemours, prince Esterhazy, prince Schwartzberg, the dukes of Dalmatia, Wellington, and others. At the grand entertainment to the ambassadors at Guildhall, by the corporation of London, John is set down among the very chosen few on the right hand of the lord mayor.

Marshal Soult has been *feted* in great style.

He wrote to a friend in Paris, that as the representative of France, he had "met with a reception equally sincere on the part of the government and of the people. The homage which has been paid to me has filled me with the deepest emotion. I have met with a number of general officers to whom I was once opposed in the field, and by them and every body else in England I have been greeted with a welcome, the honor of which I must attribute to my king and my country."

With regard to the reception the marshal has met with in England, one portion of the press of Paris is in extacies, while the other portion attempts to account for it in a variety of ways, as amusing as they are inconsistent.

The Poles. A fete called "the Polish fete," was given near London on the 13th ult., at which it is said there were not less than 10,000 persons present. It was got up for the immediate relief of the distressed Poles in and about London, and it was expected that it would result favorably.

The Polish fete. The expectations of those by whom this fete was got up have not been disappointed. The gardens at Beulah Spa—large as they are—were yesterday literally crowded with company, there not being less than 10,000 persons present. The arrangements for the musical performances were of the first order. Orchestras were erected on each side of the lawn, in one of which Strauss' band performed, while in the other was placed all the vocal and instrumental strength of the Italian opera.

Marshal Soult was among those present. His excellency was dressed in a plain suit of black clothes, and for a long time passed unnoticed, because unknown, by the company; no sooner, however, was he recognized, than all persons were eager to gain a sight of him, and to express their satisfaction at his presence. The marshal was accompanied by a numerous suite of attendants, and for some time promenaded the grounds, arm in arm, with the duchess of Somerset. He retired shortly after four o'clock, to be present at the civic banquet, and on leaving the gardens was loudly cheered by the assembled thousands both within and without the gates.

Since these gardens have been cleared and planted, there has never been so gay, so fashionable, and so numerous an attendance of visitors as on yesterday, and it is ardently to be hoped that the result of the fete will prove beneficial to those for whose immediate relief it has been got up. It has shown that a proper appeal in a righteous cause is never made

in vain to the feelings of Englishmen, and, we trust, it will prove but the precursor to efforts still more strenuous in their favor, and that a momentum so favorably given to benevolence and patriotism will not be suffered to subside.

Dreadful thunder storm—twenty-six lives lost. On Thursday afternoon the small village of Silkstone, near Barnsley, in Yorkshire, and its immediate neighborhood, were visited by a thunder storm of the most terrible character, and which was attended by a truly appalling loss of life and property. It commenced between two and three o'clock, and continued for about two hours, its direction apparently being from north-west to south-east. The lightning was exceedingly vivid, and the peals of thunder loud; the rain and hail descended in torrents, and the consequence was that the surrounding country was completely inundated. The banks of the small river which passes through the town presently overflowed, and the resistless torrent in its course tore up large trees by the roots, broke the branches of others, washed away walls, and blew up several roads and bridges.

Adjoining the colliery of Mr. Clarke is a small stream, which during eight months of the year is completely dried up. On the banks of the river being overflowed, the water commenced running in at the day hole, of what is termed the Husker-pit, and twenty-six boys and girls employed in that and the neighboring pits, from eight and nine to seventeen years of age, were unfortunately drowned as they were ascending the day hole. Inquests were held on the bodies on the following day, when verdicts of accidental death were found in all the cases. This storm appears to have been very general throughout the north of England, and to have done considerable injury. Accounts from the more western districts state that its effects were also felt there, although in a less degree.

Lamentable accident. On the 11th a company of licensed players, at the Hay, were about to commence performing to a very full house, when a gun loaded with powder was accidentally struck down, the charge exploded, and the wadding entered the foot of Mr. Westley, the manager. The wound was very severe, and Mr. Westley was conveyed to his lodgings. He was attended by two surgeons, and appeared to be going on well till Friday, when a change for the worse appeared, notwithstanding the unceasing attentions of the medical gentlemen, he died on the following Sunday.

We notice with regret the death of captain Morris, the well known song-writer, which took place on Wednesday morning, at Brookham Lodge, near Dorking, in Surrey. He was in his ninety-third year, and had for four years past lived in retirement; his illness, which was only of four days duration, was internal inflammation.

The *Siecle* notices the following story, as circulating in the various drawing rooms at Paris: One of the principal conditions imposed by marshal Soult, on accepting the embassy to London, was, that he should demand the remains of Napoleon. The duke of Wellington has hastened to back the application of his old opponent, and it is affirmed that the governor of St. Helena has been ordered to let the coffin of Napoleon be removed, and all due honours be paid to his glorious memory. The prince de Joinville is, for the first time, to assume the command of a frigate, and to repair to St. Helena, in order to convey back to France the remains of the emperor. The young prince is to be accompanied in his pious voyage, by a soldier from every regiment in the French army. Napoleon's remains are to be deposited under the Place Vendôme Column, when a religious ceremony is to take place, and to afford Louis Philippe an opportunity of receiving, in a worthy manner, those who received his son in Germany. It is said that the duke of Wellington will be invited to the ceremony, as well as one of the king of Prussia's sons.

The emperor of Russia arrived at Warsaw, on his return to Russia, at midnight of June 29, and found the city splendidly illuminated. The director of public instruction in the kingdom of Poland has issued an ordinance containing the following, among other provisions. That in the primary schools of all the parishes, there shall be a professor of the Russian language—that the children of the parishes of every rank shall frequent the primary schools, and shall learn the Russian language—that every child who shall refuse to learn the language, shall be chastised, and his relatives shall be fined for the first offence 50 roubles, for the second 100, for the third 300; and for the fourth they shall be adjudged and punished as having disobeyed the orders of the authority. No person shall hold any civil or military employment who does not speak the Russian language.

According to a report of the minister of public instruction in France, of the number of 85,280 com-

munes in the year 1837, 29,613 were provided with schools, being 3,774 more schools than in 1834, and 8,563 more than in 1829. Of the communal schools, 26,370 are devoted to Catholics, 563 to Protestants, 23 to Israelites, and 2,852 receive children of different forms of worship.

The number of pupils, male and female, admitted into primary schools under the care of male instructors, in 1829, was 969,340; in 1832, it was 1,200,715; and in 1837, 1,949,830. That is the number of pupils to whom the benefits of instruction in these schools were afforded, was doubled in the space of eight years. This is exclusive of the number who receive instruction from female teachers.

Mr. Agnado, who had built a fine bridge over the Seine, at Ris Orangis, near Paris, at an expense of 700,000 francs, on which he was authorized to receive a toll until the year 1921, has generously made the passage gratuitous, and surrendered the bridge to the administration of bridges and highways. On the report of the minister of public works, a royal ordinance has been published, recognizing the name of Agnado bridge, which had been spontaneously awarded to it by the inhabitants who are benefited by it.

At the coronation of Edward I, the price of a seat was half a farthing; the price gradually rose, till at the coronation of Elizabeth I, it was sixpence; of James I, a shilling; Charles I, the same; of Charles II, James II, and William and Anne, half a crown; of George I, five shillings; of George II, half a guinea; of George III, ten guineas; of George IV, twenty guineas.

THE COLONIES OF BRITAIN.

From *Tait's Edinburgh Magazine* for July.

THE COLONIES. The recent revolt in Canada has had the good effect of directing public attention to our colonial system, and to the enormous expense it entails upon the people of Britain. Here, for example, is a table which professes to show the expenditures for the military alone:

Abstract of the commissaries' accounts of the payments from the several military chests in the following colonies, from April 1, 1836, to March 31, 1837.

P. P. No. 361, 1828.	Total payments.
Canada	£219,718
Nova Scotia and New Brunswick	139,664
Newfoundland	17,317
Bermuda	48,724
Bahamas	22,330
West Indies	286,972
Jamaica	423,231
Honduras	16,910
Gibraltar	116,988
Malta	167,671
Ionian Islands	182,104
Cape of Good Hope	313,410
Mauritius	97,410
Sierra Leone	46,269
Gambia	10,171
Ceylon	94,184
New South Wales	328,318
Van Diemen's Land	167,607
Western Australia	17,112
St. Helena	51,893
	£2,727,923

Estimated amount of payments at Western Australia, quarter ending March 31, 1837 - 5,705

Total payments £2,733,627
But it is easy to show that the expenditure is much greater than shown in this return; for the following was the distribution of our army on the 1st of January last:

Great Britain	22,579
Ireland	19,766
India	18,894
Other colonies	34,460
	95,989

Deducting the army in India, which is paid by the East India Company, nearly one-half of our army is stationed in our colonies. If we consider the great expense their conveyance to and from and the great mortality, we may be sure that the 52,000 men in the United Kingdom are maintained at less expense than the 34,000 in the colonies. Now, the total cost of the army, including the ordnance, is eight millions; so that, instead of less than three, the military protection of the colonies must cost four millions. During the war, our navy cost annually about twenty millions, the greater proportion of the ships being employed in defending the colonies, and, since the peace in 1815, the expenditure has varied from nine to about four and a half millions. We may therefore add two millions more for this head, and at least another

million for the maintenance of the civil establishment; so that the people of this country are annually taxed seven millions for the support of our colonies. Were war to break out, (and colonies have always been the most fertile source of wars,) that expenditure would unquestionably be doubled. The average produce of the revenue of late years, after deducting the interest of the debt, has been about fifteen millions, one-half of which is expended on our colonies. This is surely a state of matters which cannot long be submitted to.

EMANCIPATION IN THE WEST INDIES.

The following is the proclamation, issued by sir Lionel Smith, to which we alluded in the last "REGISTER."

JAMAICA, &c.

A PROCLAMATION.

By his excellency sir Lionel Smith, knight commander of the most honorable military order of the bath, knight grand cross in the royal Hanoverian order, a lieutenant general of her majesty's land forces, and colonel of the fortieth regiment of foot, captain general, governor-in-chief and commander of the forces in and over her majesty's island of Jamaica, and the other territories thereon depending in America, vice chancellor and admiral of the same *prædial* apprentices.

In a few days more you will all become *free laborers*—the legislature of the island having relinquished the remaining two years of your apprenticeship.

The first of August next is the happy day when you will become free—under the same laws as other freemen whether white, black or colored.

I, your governor, give you joy on this great blessing.

Remember that in freedom you will have to depend on your own exertions for your livelihood, and to maintain and to bring up your families. You will work for such wages as you can agree upon with your employers.

It is their interest to treat you fairly.

It is your interest to be civil, respectful and industrious.

Where you can agree and continue happy with your old masters, I strongly recommend you to remain on those properties on which you have been born, and where your parents are buried.

But you must not mistake, in supposing that your present houses, gardens or provision grounds, are your own property.

They belong to the proprietors of the estates, and you will have to pay rent for them in money or labor, according as you and your employers may agree together.

Idle people who will not take employment, but go wandering about the country, will be taken up as vagrants, and punished in the same manner as they are in England.

The ministers of religion have been kind friends to you—listen to them—they will keep you out of trouble and difficulties.

Recollect what is expected of you by the people of England, who have paid such a large price for your liberty.

They not only expect that you will behave yourselves as the queen's good subjects, by obeying the laws, as I am happy to say you always have done as apprentices; but that the prosperity of the island will be increased by your willing labor, greatly beyond what it ever was in slavery. Be honest towards all men—be kind to your wives and children—spare your wives from heavy field work, as much as you can—make them attend to their duties at home, in bringing up your children, and in taking care of your stock—above all, make your children attend divine service and school.

If you follow up this advice, you will, under God's blessing, be happy and prosperous.

Given under my hand and seal at arms, at St. Jago de la Vega, this 9th day of July, in the first year of her majesty's reign Annoque Domini, 1838.

LIONEL SMITH.

By his excellency's command,

C. H. DARLING, secretary.

The Massachusetts anti-slavery society held a meeting on Wednesday afternoon, the 1st inst. at the Marlborough chapel, in commemoration of the final emancipation of the slaves in the British West India islands. The following honest and manly letter from John Quincy Adams, was read to the meeting.

Quincy, 28th July, 1838.

Edmund Quincy, esq., Boston:

Dear Sir: I have received your kind invitation in behalf of the committee of arrangements of the Massachusetts anti-slavery society, to attend their celebration of the anniversary of the day upon which

slavery was abolished in the colonial possessions of Great Britain.

It would give me pleasure to comply with the invitation; but my health is not very firm; my voice has been affected by the intense heat of the season, and a multiplicity of applications from societies, political and literary, to attend and address their meetings, have imposed upon me the necessity of pleading the privilege of my years, and declining them all.

I rejoice that the defence of the cause of human freedom is falling into younger and more vigorous hands. That in three-score years from the day of the Declaration of Independence, its self-evident truths should be yet struggling for existence against the degeneracy of an age pampered with prosperity and languishing into servitude, is a melancholy truth, from which I should in vain attempt to shut my eyes. But the summons has gone forth. The youthful champions of the rights of human nature have buckled and are buckling on their armor, and the scouring overseer and the lynching lawyer, and the servile sophist, and the faithless scribe, and the priestly parasite, will vanish before them like satin touched with the spear of Ithuriel. I live in the faith and hope of the progressive advancement of Christian liberty, and expect to abide by the same in death. You have a glorious and arduous career before you, and it is among the consolations of my last days, that I am able to cheer you in the pursuit, and exhort you to be steadfast and immovable in it. So shall you not fail, whatever may betide, to reap a rich reward in the blessings of him that is ready to perish, upon your soul.

I am, dear sir, faithfully your friend and servant,

J. Q. ADAMS.

LAW CASE.

PRESBYTERIAN GENERAL ASSEMBLY.

The commonwealth of Pennsylvania, At the suggestion of the hon. JAMES TODD and others.

vs. The reverend ASHBEL GREEN, D. D. and others.

In the supreme court of Pennsylvania, E. D. March term, 1838. No. 60.

Writ of quo warranto, issued the 2d of June, 1838, returnable the first Monday in July, 1838.

The above case involves the legality of the proceedings of the general assembly of the Presbyterian church in the United States, held in this city in the month of May last. Rules had been entered by the relators on the defendants to plead preparatory to a trial.

The supreme court held their annual session on the last Monday (30th) in July, and Mr. justice Kennedy presided.

Kane, (with whom were Chauncey and Bradford) moved the court for a rule to show cause why the writ in this case should not be set aside as having been obtained improvidently, inasmuch 1st, As it is made returnable in vacation; 2d, As the suggestion filed is insufficient—and for an order, that the rules entered by the relators be in the meantime suspended.

Mr. Kane proceeded to examine the different acts of assembly, and the authorities on his first ground, and argued that the suggestion did not state that the relators were elected in the place of the defendants.

Mr. Meredith, on the part of the relators, replied to Mr. Kane, showing that the writ in this case had been granted by chief justice Gibson, while sitting at Harrisburg, with the approbation of the whole court, that a writ of quo warranto had issued in the same form in the case of the fourth Presbyterian church, that the law, and practice under it, sanctioned this mode of proceeding; that even if it had been irregular, it was waived by the appearance of the defendants, and could not now avail them.

On the 2d ground, Mr. Meredith replied, that the suggestion was in the usual form; that the title of the relators was only stated to show their interest in the subject matter, and that, though the fact were otherwise, it might be assumed for the purposes of this argument, that the relators were not elected in the place of the defendants.

Randall (on the same side) commenced by stating, that they had no right to inquire into the motives of those who made this motion; but its practical effect was delay—if successful, it would only postpone the issuing of the writ until next December. He had indulged the hope that both parties would unite in a prompt and speedy termination of this unhappy controversy—all such expectation he now abandoned—Mr. Randall was then proceeding to cite authorities, when he was stopped by the court, who directed the other side to proceed.

Mr. Bradford then addressed the court on all the grounds, and to the suggestion of delay replied, that

the defendants were ready to meet the case, but would insist on its being done in a legal manner; if the proceedings were irregular, they ought not to waive any advantage it might afford them; that there was great justice in the science of special pleading, and if they could, they would in this case invoke its aid.

The case was continued until a late hour in the day, when the court refused the motion on all the grounds taken by the defendants.

Mr. Kane then stated, that the rule to plead would expire on the next day, (the 31st inst.) and successively asked the court to enlarge the rule, till the second Monday in December and the first Monday in September next, both of which motions were also refused in the order in which they were made.

We are informed that the defendants have since filed their plea, and that the cause will be set down for trial at the next November nisi prius for the city and county of Philadelphia.

[Thus it appears that one material point in the case is decided, viz:—that the case comes within the purview of the civil law, and it is ordered for a hearing in December next.]

GENERAL HARRISON.

General Harrison recently made a tour through a part of the states of Ohio and Indiana, and was everywhere greeted with extraordinary marks of distinction. A dinner was given to him at Massillon, where the following toast, the seventh of the regular series, was received with great enthusiasm:

William Henry Harrison,—Inheriting from his birth the virtues and principles of revolutionary times, well has he illustrated them in a life of uncommon devotedness and fidelity in the public service. His name is enshrined in millions of hearts, and when the waves of party shall cease to beat upon it, posterity will do ample justice to that character whose history will occupy one of the brightest pages in American annals.

Upon the reading of the toast, George Kirkum, esq., vice president of the day, tendered to gen. Harrison, in behalf of the citizens of Portage, "a cordial welcome to the county, and the simple hospitalities which a brief period of preparation had enabled them to offer."

"We honor you," said Mr. Kirkum, "not only for your personal services in the maintenance of our rights and institutions in the civil council, and in the battle field, but also as one of the distinguished men on whom we look as standard bearers of our political faith in the momentous conflict now waging between the political parties of the United States. And although among us there are various predilections and partialities for the several individuals proposed for the presidency, by different portions of the whig party, we all recognize in you a candidate for that office, for whom we shall most cheerfully cast our votes in case you shall be the nominee of the national convention of whigs, and more so, because we perceive in the submission of your claims to the arbitrament of that convention, (when so many ardent and influential friends were resolved to make no terms with your competitors,) another evidence, that under whatever circumstances, or in whatever station you might be placed, you would be actuated by a desire to promote the welfare of your country, and not by a lust of personal aggrandizement, or an obstinate will that would set at defiance the acts of our representatives in congress, and the sober councils of the wise men who might be associated with you in the various departments of the government.

"Entertaining and honoring you, then, as the hero and statesman of by-gone days, and as the Cincinnati who may, by our suffrages, be again called from the plough to hold the reins of state, we invite you to enter, without fear of being regarded as either egotistical or opinative, into free discourse to these veterans of the revolution, these co-workers with you in later wars and councils, these admiring ladies, and these ardent youth who have come up to see and hear you on the interesting events in your own life, so closely interwoven with the history of the west; and on the great political questions and public acts, which distract our country at the present day."

The following extracts are from general Harrison's reply, according to the sketch of it contained in the Ohio Star.

"In relation to the allusion which had been made to the situation in which he stood before the people of the United States, he must be permitted to say, that he was not personally responsible for having been placed in that position. There was not a man in the nation who could with truth say, that any suggestion which had the least tendency towards the expression of a wish to become a candidate for the presidency ever came from his lips or his pen."

And yet he certainly had friends to whom such a suggestion might have been safely made. Could it be supposed that he was ignorant of the fact that at least in four states of the union from the decisive manifestations of attachment to him, frequently made by large bodies of their citizens, he might have entered upon the canvasses under auspices by no means unpromising? Could it be supposed, too, that he did not know that "the thousand and one" calumnies which had been for twenty-five years so industriously circulated against him could be easily refuted? The very fact that he had never before visited this interesting portion of a state of which he had for so many years been a citizen, that (excepting the remnant of those gallant bands whom he had the honor to command in the second war of independence,) he was here in the midst of strangers, afforded sufficient evidence that he never sought the means of placing himself in the situation of competitor to the distinguished men who have from time to time been brought forward as candidates for the highest office in the gift of the people! His ambition had been limited to the faithful discharge of the duties of the more humble offices which the confidence of his fellow citizens or of their government had conferred upon him. Indeed, at the period of his first nomination by a portion of the people of that magnanimous state which upon every occasion has manifested the purity of her patriotism by the disinterestedness of her course, he had supposed that his political career was forever ended. It was the voice of the people which induced him to change the peaceful, and to him most delightful occupation of the husbandmen for the troubles and mortifications incident to the situation in which they placed him. It was the same voice which had again elevated him to an equality in claims for the most exalted office not only in this nation but in the world, with the two most distinguished citizens of our country. And however willing he might be as an individual to acknowledge their superior attainments in the science of government, he could not and would not bring himself to a level below that upon which so many honest, intelligent and patriotic citizens had placed him. The exalted opinion, which he had of the two statesmen to whom he had alluded was well known. One of them, Mr. Clay, he had ever supported with the most ardent zeal whenever an opportunity offered. His claims to rank amongst the most able statesmen none could deny, and he took a great pleasure in stating, that after having enjoyed (as he believed) his unlimited confidence for years, in power, and out of power, he had never formed an idea that Greece or Rome, ever possessed a purer patriot. His distinguished rival in forensic attainments was every way his equal, and he should possess the sympathy of every honest man, for the unjust prejudices which are entertained against him. Daniel Webster was never otherwise than a patriot. All his thoughts, all his wishes, all his aspirations have been for the honor and glory of his country. How unjust, then, to attach to him sentiments he never entertained—conduct which his soul would have abhorred! He had not time to go into particulars, but he appealed to the known generosity of western bosoms to lay aside their unfounded prejudices against a man to whose enlarged and disinterested course they have been so much indebted.

He had not given to these men, the high character which he had ascribed to them for the purpose of deriving advantage from the partiality of his fellow citizens, who had placed him by their side. By no means. If he should be obliged to state his own pretensions, he could only claim the merit of being, "if not an equal," "an older" statesman, always the ardent supporter of the rights of the people, in the councils of the nation, and in the field their faithful and devoted soldier.

He went at length into the subject of the currency.

He spoke of the banks; of the senseless cry raised against them, that their tendency was not as had been pretended, to make the rich, richer, and the poor, poorer. Their tendency might be to make the rich, richer, but he denied their tendency was to make the poor, poorer. They were the means of opening facilities for the poor man to become rich. By increasing the capabilities of men of wealth to embark in enterprises useful to the country—in schemes of internal improvement, in manufacturing, in building, &c., the laboring, the industrious part of the community are vastly benefited, by thus having the means of accumulating fortunes for themselves, scattered abroad among them. He had no interest in any bank—never had but once, and then lost all his stock. But he was a bank man, and in favor of the credit system, and he was so, because he was a democrat. He had been in a country (Colombia) where they had no credit sys-

tem—where they had purely a metallic currency. That country was called a republic; but little evidence of a free republic was to be seen. No works of internal improvement, no public enterprises, no manufacturing establishments, nothing that indicated among the people, industry, prosperity or happiness. In that country were the rich living in their splendid palaces, and the poor were poor indeed. So you will find it in all the despotisms of the old world—so you will find it wherever the credit system is abolished or unknown."

After gen. Harrison had concluded, the following toast was received with great applause:

William Henry Harrison, Henry Clay and Daniel Webster—Three distinguished citizens of the republic whom the people delight to honor. Their names will be transmitted to posterity with undiminished lustre, when the memory of their revilers shall have passed from the earth.

MR. DUNCAN'S SPEECH.

LETTER FROM THE HON. JAMES GARLAND.

From the Madisonian of the 4th inst.

The "Washington Globe" of the 18th inst., contains a speech of the hon. Mr. Duncan, of Ohio, partly delivered in the house of representatives, and partly written out, but not delivered during the late session of congress. In that part of the speech not delivered, is the following paragraph:

"But another mode is adopted by the federal party having the majority in either house, to swell the expenses against the wishes of the administration, and then charge the extravagance to it. For example, at the present session, the house printed more than one hundred thousand dollars in documents, many of them not worth the paper (now made waste paper,) on which they are printed. Of this sort is a volume of one hundred and thirty-eight pages, consisting entirely of the cancelled drafts of the treasury which my colleague [Mr. Bond] called for, and had printed. He could have had no motive in calling for this but to make a fat job of rule and figure work for Gales and Seaton. It is just as valuable a work as so many cancelled checks drawn on a bank. In the beginning of the session, Mr. Garland of Virginia, a conservative, called for the correspondence of the treasury with the banks. The house was informed that there were not clerks in the department sufficient to prepare it during the term of the members. It would have made a fat job of at least \$50,000, on which the gentleman's friend, Mr. Allen, would have had a per centage, and Gales and Seaton their profits. Another call was made by him for all the documents in regard to the defaulters to the treasury; and this would have been to copy and print the papers of the office of the solicitor of the treasury out and out. This would, besides the expense of copying, cost at least \$50,000 more for printing. It was found there were not clerks enough to make the copies, and Mr. Garland moved a resolution to authorize new appointments for this purpose, but it failed. This shows what the conservatives and whigs would have done, by way of bringing grist to Gales and Seaton's press, to afford vast profits to them, and increase the per centage of Allen. What they have done appears from the gross sum of a hundred and twenty thousand dollars for the extra and present session of the house printing, with an arrear of fifteen thousand dollars yet to be received for it, with forty-three thousand dollars for books, and at least fifty-nine thousand dollars to be realized, at the same rate, for the approaching session, showing an aggregate of TWO HUNDRED and THIRTY-SEVEN THOUSAND DOLLARS for one branch of congress for one congressional term; whereas Messrs. Blair and Rives have received, during the six years my colleague, [Mr. Bond,] has scanned their printing, only one hundred and sixty thousand dollars for congress printing and materials, and one hundred and fourteen thousand from all the departments, for the same time."

This paragraph contains two charges against me: the first, that in the beginning of the late session of congress, I made a call for "the correspondence of the treasury with the banks"—the second is, that I made another call for "all the documents in regard to the defaulters of the treasury"—each of which documents it is said would have cost the government \$50,000. The Globe of the 20th inst. repeats the charge in the following terms:—"He (speaking of Mr. Bond and his speech) could join Mr. Garland in calling for the BANK CORRESPONDENCE FOR YEARS BACK, which would have made volumes as large as the old documents on which Gales & Seaton received \$100,000." If I made any such calls, I do not recollect them; if I did, I am ready to admit that they were not necessary, and that I am justly censurable; but I am well satisfied that Mr. Duncan has been misled upon this subject, and that upon an examination of the jour-

nals, he will find that he is mistaken both as to the date and the scope of the resolutions which I offered.

The resolution to which I have no doubt Mr. Duncan refers, was not offered in the beginning of the late session, but was offered on the 12th day of October last, four days before the close of the extra session. The call was not for "all the correspondence of the treasury with the banks," but for the names of all receivers, collectors, or depositors of the public money, who were in default to the government; the amount of such default, the length of time due, the security given, if any, and how much had been, or would likely be lost, together with all correspondence upon the subject, from the 1st day of January, 1834, to that time; a call confined in its scope entirely to existing defaulters, and in the correspondence to a period of four years only. The following is a true copy of the resolution:

"Resolved, That the secretary of the treasury communicate to this house, as early in the next session as practicable, the names of all receivers, collectors, or depositors of the public money, who ARE IN DEFAULT to the government, the amount of such default, the length of time due, the security given, if any, or how much has been, or will likely be lost, together with a copy of all correspondence upon the subject, from the 1st day of January, 1834, to this time."

This resolution was read in the hearing of the house before it was offered; and it was then offered and taken up by the unanimous consent of the house, and adopted without a single dissentient, as well as I recollect. This call, which was made on the 12th day of October, was not answered until the 17th day of January following, and then only in part. The report of the 17th of January, contained a list of the deposit banks, and the names of the collectors and receivers in default, together with the amounts due, the character of the security given with explanatory notes; in fact the whole resolution was answered, except the copies of the correspondence called for. Appended to this report was a letter of the secretary of the treasury, accompanied with one from the solicitor of the treasury, to him in these words:

*Office of the solicitor of the treasury,
January 15, 1838.*

SIR: I have the honor to return herewith the statement of the first comptroller of the treasury of the amounts due from certain collectors of the customs which was referred by you to this office on the 6th December, 1837; and also the statement of the same officer of the amounts due from certain receivers of public moneys, which was referred by you to this office on the 25th December, 1837. I transmit herewith an abstract of the information which is furnished by the records and correspondence of this office relative to each of the cases in these statements. It is impossible in this office to give any thing like an accurate summary of "the amount that has been or is likely to be lost;" nor can any opinion be here formed on the subject, except mere conjecture, further than it is to be derived from the notes and abstracts now annexed to each particular case. It will, however, be seen from these that, in all probability, some of the largest balances will be entirely paid, and that many others will be greatly reduced.

In addition to the statements received from the comptroller, I transmit a statement of balances due from the late deposit banks, which have failed to meet the requisitions of the secretary of the treasury under the act of 16th October last; and also a statement of balances due from banks, formerly depositaries of the public money, which are unavailable, together with similar notes and abstracts of the information that can be furnished from the records and correspondence of this office.

H. D. GILPIN, solicitor of the treasury.

Th the hon. Levi Woodbury, secretary of the treasury.

From a fair interpretation of the resolution, it is manifest that the solicitor of the treasury had misapprehended the scope of the resolution, and regarded it as requiring an extent of correspondence which it did not require. Some few days after this report came in, believing the correspondence called for by the resolution necessary to the just decision of the important financial question then depending before congress, I offered a resolution authorizing the secretary of the treasury to employ such temporary aid as would, with a due regard to the other important business of the department, enable him to report the correspondence in time to avail in the final disposition of that question. When I offered this resolution, various other amendments were offered, which I thought would only embarrass it. Before, however, it was disposed of, I offered another resolution, calling for the correspondence of the treasury department

alone, with the defaulters, thereby superseding the correspondence called for by the resolution of the 12th of October, and greatly lessening its volume, which was adopted without any objection that I heard. Shortly after this resolution was adopted, the report came in, and when my resolution to authorize the employment of such aid as might be deemed necessary by the secretary of the treasury came up, instead of its failing, as charged by Mr. Duncan, it was laid on the table on my own motion, for the simple reason that the resolution had been answered as far as was necessary. To prove that the delay in communicating the correspondence called for in my resolution of the 12th of October, was not caused by the volume of that correspondence, I will state the fact that after the resolution, as subsequently restricted, was responded to, a bill was reported by the judiciary committee, to authorize the employment of an additional permanent clerk, in the office of the solicitor of the treasury, at the earnest solicitation of that officer, on account of the great increase of the business of that office.

The foregoing statement of facts, and for their truth, I refer to the journals of the house of representatives, do not justify the charge that I made the undefined, and unlimited calls for the correspondence of the treasury with the banks, and all the documents in relation to defaulters, as charged by Mr. Duncan, and repeated by the *Globe*; but that the call was specific and limited, seeking the names of defaulters, the amounts of defalcation, the security held by the government, and the correspondence for the four preceding years in relation to these defaults only. Was there anything in this call unimportant or unnecessary? A day or two before it was made, the agitating, the important and all-absorbing sub-treasury bill, had been laid upon the table in the house of representatives. It was well known that it was again to be taken up at the succeeding session, to be discussed and decided on. The question was a vital one, and I feel confident in the assertion that nothing could more successfully elucidate it, than by laying before congress and the country, what had been the experience of the country in the safe keeping of its revenues by banks and individual agents. The call which I made embraced the results of both systems, and could not do otherwise than aid every member in coming to a just conclusion upon the subject. With this view, and this only, I offered that resolution. I did not know what would be the volume of the correspondence, or what would be the cost of printing; about this I knew nothing. I only looked to the value of the document in aiding the deliberations of congress, and enlightening the people upon a subject involving their dearest and most important interests. But what is the cost of the two documents that came? The first is a small document of 53 pages, and I understand cost, for the usual number, \$172 69; subsequently, however, 5,000 extra copies were ordered, costing \$498 42. The second is a larger document, of 400 pages, and cost, as I understand, \$1,074 83. This is very, very far short of the \$100,000, at which the cost has been computed. If the first call would have cost \$100,000, then it was reduced to the actual cost on my own motion. If I offered any other resolutions than those which I have stated, they were either adopted, rejected, or remain undisposed of. If adopted, they are either answered, or remain unanswered. If answered, I have stated the cost. If unanswered, the cost will be ascertained when the reports come in; but there are none unanswered. If I offered any calls which were rejected, will my accusers point them out? If any, which remain undisposed of, what are they, and when were they offered? I have not the most instant idea that any report within the legitimate range of the resolution which I offered would have cost for the printing \$5,000, much more \$100,000. I have no practical knowledge upon the subject, at such is my opinion. For I do not believe that there is as much correspondence behind, as that which was reported, and which cost only \$1,074 83. I suppose it had cost all that is charged, what of it? Does not every man perceive the value of the document in reference to the great question depending before the country, and should it have been withheld for fear of spending fifty or even a hundred thousand dollars? Every patriot will answer no—let us have the light!!

If this correspondence, in relation to defaulters, is very voluminous, it speaks in a voice of thunder to the American people, whether it embraces banks or individual agents; and every man who loves his country, and values the purity of her institutions, should unite in a general demand to bring forth, and expose it to the public gaze, naked and unadorned. For in ascertaining the utmost extent of these defalcations, the people are deeply and vi-

tally interested; and whether it affects mostly the banks, or individual agents, let it come forth—let the truth be known to its utmost extent, that the country may act in reference to this great question from the unobscured and unhidden light of experience. I do not repent of the call which I made, and should not, if it had cost \$200,000, so important do I deem the information which it produced. As to the insinuation, that I was actuated by paltry and unworthy motive of benefiting Gales & Seaton, and Thomas Allen, I have no reply to make—none whatever. Nor have I any to make to the insinuation of "The *Globe*," that I was acting in concert with Mr. Bond, or he with me, in offering my resolution. I had never interchanged one word with Mr. Bond as to the resolution which I offered; nor as to any which he offered. The imputation is entirely gratuitous and unfounded.

I believe I might safely challenge a comparison of my votes with that of the most fastidious economist in the house, either as it relates to public printing, or any other branch of the public service, in appropriating the public money. And as to the books spoken of by Mr. Duncan, if I am not egregiously mistaken, my name is recorded against all appropriations for the purchase of books for the members.

As to the corrupt bargain of which Mr. Duncan speaks between the friends of Gales & Seaton and the friends of Allen, I have only to say that I saw none, heard of none, and was privy to none. I was not at the caucus of which he speaks, and had nothing to do with it. I had determined, before I left home, (whether properly or not I will not discuss) not to vote for Gales & Seaton, or Blair & Rives. And if Allen had not been run, I should have cast a blank vote. During the progress of the ballot, several gentlemen asked me if Allen failed, whether I would not vote for Gales & Seaton; I told them no. Others asked me if Allen failed whether I would not go for Blair & Rives; I told them no, I would not. I did not know Allen when the ballots were going on. I voted for him upon the recommendation of others. I defy the production of a single man, to whom I made any proposition, or who made one to me.

I have no other object in making this communication than to correct the errors into which Mr. Duncan has fallen, as to the character and scope of the resolutions which I had offered. When a copy of the *Journal* of the house shall have reached me, I shall, if I find it necessary, place my conduct upon this occasion beyond the reach of censure. I am not unapprized of the hostility which I have provoked on the part of some of the friends of the administration, and the press in its support for the cause which my own sense of duty and obedience to the wishes of a large majority of my constituents has compelled me to take upon the all-absorbing question of the day. While I have done nothing to provoke hostility, I have no disposition to deprecate it, but will abide all the consequences which may result from it. I shall continue to do my duty according to the dictates of my own conscience, in despite of denunciation or abuse; and shall only feel myself recreant to my trust, when I can be brought to disregard my own conscientious opinions and act upon the principle that party considerations constitutes the first and most important objects of representative duty. I have not so learned my duty, nor shall I so perform it.

Your obedient servant,

J. GARLAND.

From the *National Intelligencer* of the 14th ult.

Messrs. GALE & SEATON: In the "*Globe*" newspaper of the 13th instant is a speech of the honorable Mr. Duncan, of Ohio, from which I have extracted the following paragraph in relation to the public printing of which I am superintendent or manager, for the proprietors, viz:

After discoursing about some supposed bargaining in obtaining the printing, Mr. D. speaks as follows:

"Another natural consequence of this bargaining has been discovered before the committee appointed at the heel of the session, has not yet had time to make full investigation, and report; but I feel at liberty to use the information which I have derived from a witness, sworn before it. A first rate practical printer, called on by that committee to measure the work, and calculate the price which it was lawful to charge for it, and compare it with that which Gales & Seaton, in the name of Allen, as printer to this house, had received for it, found that the first document printed for this house at this session, by Gales & Seaton, was fraudulently printed; and that, by diminishing the page and using types different from those authorized by law, they had made an illicit profit amounting to between thirteen and fourteen hundred dollars."

Now, gentlemen, there is not one word of truth in the above paragraph. The honorable gentleman has been imposed upon by some ignoramus, probably, to use no harsher epithet. I assure, gentlemen, there was no "fraud" practised in printing the document referred to. The size of the page was not "diminished." No "types were used different from those authorized by law."

I quote the law itself to prove the fact. I have never violated it since I have had the management of the public printing, some sixteen years or so.

EXTRACT FROM THE LAW.

"Resolved by the senate and house of representatives of the United States in congress assembled, That the printing of congress, unless when otherwise specially ordered, shall be done in the following form and manner, viz:

"Bill," as heretofore, with English type, on foolscap paper.

"Rule, or table work, in royal octavo size, where it can be brought into that size by any type not smaller than brevier; and, where it cannot in such form as to fold conveniently into the volume.

"All other printing with a small pica type, on royal paper, in pages of the same size as those of the last edition of the laws of the United States."

There is nothing said here about *ems*. The congress pages, however, are of the same size as the laws referred to—they are 55 lines long, and 81 in width, and contain as many small pica *ems* as a page of the laws. I was employed upon the laws, both in composition and proof-reading, during their publication in 1814, by Mr. Weightman, then printer to congress. So, I may be presumed to know something about them.

As to the same document, printed at the *Globe* office, making fifty-six pages less than that printed by Mr. Allen, it can be easily and readily accounted for by practical printers, without resorting to an allegation of fraud.

The small pica type, on which the house document is printed, drives out about a page in every twenty; while that used on the senate document takes in an equal amount. Both sorts of type are "small pica," conformable to law, for the current printing. Some of the tables in the house document are put in small pica, while in the senate document they are put in brevier; reducing, of course, a considerable quantity of press work. I do not think that any tabular statements should be put in brevier when they can be brought into small pica, as, in short numbers, it increases the expense.

Indeed, there are no two printers, probably, unless by an extraordinary accident, who would arrive at the same result in printing a mass of MS., interspersed with tabular statements, equal to one thousand pages.

Very respectfully, I am, gentlemen,

Your obedient servant,
GEO. M. GROUARD.

From the *National Intelligencer* of the 15th ult.

Messrs. GALE & SEATON: A writer in the "*Globe*" of this morning attempts to explain away or invalidate what I said in yesterday's *Intelligencer* in relation to the public printing. I have no disposition for a newspaper war of words about *en quads*. Truth is not likely to be elicited by such a discussion. When the committee shall pursue their investigation again, disinterested testimony will be had before it, when the application of the law and the practices and usages of the profession can be given in evidence by competent and skilful printers, and all cavil and equivocation be put to rest.

With regard to the printing of extra numbers of documents, which the house has not ordered, (as the writer in the "*Globe*" charges,) it demands no other reply than that I am merely an executive officer (standing in my employer's place,) to carry into effect such orders as I may receive. I do not ransack the journals to see what has been done or what has been left undone. Nor have I any access to the vouchers in the fire-proof building of the treasury department to enable me to throw any light upon the charge. It is no part of my business. Nothing, however, is printed by me for the public without instructions from the house of representatives.

For myself, I can have no motive for misrepresentation, much less for fraud in the matter—having every thing to risk and nothing to gain. I have endeavored always to discharge my duty to the extent of my ability, with perfect good faith and justice both to the United States and to my employer. If I shall be found to have committed any error of judgment in the execution of the printing, of which I am not conscious, the correction or the remedy can be readily applied.

Respectfully, &c.

GEO. M. GROUARD.

Expedition trip. From the Petersburg, (Va.) Intelligencer of the 7th inst. A gentleman of this town has just made the trip from this place to Philadelphia and back in three days and a half; having spent six hours in Richmond, eight in Philadelphia, and on his return, twelve in Baltimore, and nine and a half in Washington city. He has favored us with the following memorandum of the trip:

"I left Petersburg in the cars for Richmond on Wednesday night, at 8 o'clock, reached Richmond at 1-2 past 9; went to bed at 10, and left in the cars for Fredericksburg, Thursday morning at 4; arrived in Philadelphia, via Frenchtown and Newcastle, Friday morning at about 4—at 6 dressed and went up to the hotel in the city, where, after dressing and breakfasting, I transacted my business and left at 2 P. M. for Baltimore. Reached Baltimore at 1-2 past 9, same evening; lodged at the new Exchange hotel, (which for attention, neatness and comfort, may be classed with the Tremont-house of Boston, and Mansion-house of Philadelphia and French's hotel of Norfolk,) left that city at 9 Saturday morning; arrived at Washington at 1-2 past 11; remained until 9 that night, when I left in the Potomac boat for Fredericksburg, and reached Petersburg at 1-2 past 11 Sunday morning, without much fatigue or loss of sleep."

A western monster. The famed sea serpent of the Atlantic has not, as heretofore, been rusticated off Nahant this season. The lovers of marvel have not therefore been set agape, as usual, by the wonderful stories respecting that father of snakes.

But we have tidings of a western serpent, which will supply, measurably, the place of his mammoth prototype. It is termed "The Monster of Devil Lake." A correspondent of the Logansport, (Ia.) Telegraph says it was discovered by some men of the name of Robinson, in a small lake, about two miles in length, and one half mile in breadth, and of unknown depth, in the vicinity of Rochester, in that state. The serpent is said to be *sixty feet in length*. One person, Mr. Lindsay, who saw the animal, describes the head as being three feet across the frontal bone, and having something of the contour of a beef's head, but the neck tapering and having the character of the serpent, color dingy, with large bright yellow spots. The Indians who live in the vicinity of the lake never venture upon it for the purpose of fishing or bathing. They have long known it by the name of "Lake Man-i-too," or devil lake, on account of the serpent, or Man-i-too, [devil,] as they call it, that lives in it.

[*Buffalo Commercial.*]

Our fishermen on the Nova Scotia and Newfoundland shore are getting into trouble. The Halifax Recorder gives an account of a New Bedford vessel that maltreated one of the inhabitants of Canaan, whose master was taken prisoner and punished. At the Magdalen Islands, a boat's crew of one of her majesty's ships went on board another American fishing vessel, and threw all the fish she had taken overboard.

Three Indian bodies in a remarkable state of preservation, as unaltered in their terrific features expressing agonies of death, as if buried yesterday, were recently disinterred from a ditch in a turf meadow at Sudbury, Mass. There was a light covering of something like ashes over them, and when the air was admitted they crumbled, as usually happens.

Ship canal from Lake Erie to the sea. The Cleveland Herald of the 4th inst. contains a letter, dated "Toronto, 21st July," and addressed to Messrs. Bronson and Crocker, which says that capt. M'Anly, the head of the engineer department, informed the writer of the letter, that "Lord Durham is determined to make a ship canal to Lake Erie from the sea, and that the navigation of the Welland canal will not be impeded by the construction of the new canal."

Fire in the pines. From the Trenton Gazette. A great conflagration is now sweeping through the New Jersey pines; and the extreme dryness of the timber fearfully augments it. It broke out, as we learn from the Burlington Herald, in that county, on the Martha Furnace tract. While on Long Beach, last week, the editor saw the destroying element, at the distance of many miles, casting a light as though a city were in flames. Owners of timber lands are busily employed firing against the consuming enemy. It is the greatest calamity of the kind ever known there. From the neighborhood of Tuckerton to Burr's mill, the country has been over-run. The loss is at least \$100,000. We learn from another source, that one single proprietor has lost \$20,000. The fire sweeps on, in its devastating progress, in a broad column, twelve miles wide. It sports with man, too, even as with the dry twig, and consumes whole families, in its course.

Health of New Orleans. The following is a copy of a letter from the mayor of New Orleans to the mayor of New York:

New Orleans, 29th July, 1838.

Dear sir: Your letter, requesting information in relation to the existence of the yellow fever in this city, has duly come to hand. In answer thereto, I have the satisfaction to state that there has been among us, so far, no appearance of that malady this season. The condition and prospect of this city are such, at present, as to induce the belief that we shall continue to be exempt from it for the future. It is also the opinion of several of our physicians whom I consulted on the subject.

Any information you may stand in need of from this place will at all times be cheerfully communicated.

It is not true that John Jacob Astor of New York, has made a donation of \$350,000 for a public library. He only intimated an intention of leaving something!

Nature's nobleman. During the fire in New York, on Wednesday, last week, a female was discovered making her way through the flames into a house. The firemen detained her with much difficulty, and to their interrogations she only exclaimed, "My child! my child!" A noble hearted fireman rushed to where she pointed, and was soon seen issuing from the burning building with the infant in his arms. The scene was truly affecting, and the generous fellow who risked his own life to save that of the child, deserves the warmest thanks of every one.

Another! William E. Payne, of Boston, who recently died in Paris, at the early age of 34, performed an act of noble honesty, which deserves to be spoken of wherever his name is mentioned. His father died insolvent, leaving four children, and a full discharge was given by each of his creditors, upon receiving such proportionate dividend as the executor was able to pay.

Upon the death of his unmarried aunts, Mr. Wm. E. Payne inherited from them a large estate, and immediately sent to all his father's creditors, not as a donation, but as a final dividend out of his father's effects, the full balance of all the debts due from him at his decease. The whole sum thus distributed, it is believed, exceeded \$20,000.

The memory of such an act as this, is a rich inheritance, to be transmitted from generation to generation.

[*Salem Gazette.*]

By the death of *com. Rodgers*, commodore Barron becomes the head of the navy, with a salary increased from \$2,500 to \$3,500 a year. Commodore Stewart, now in command of the navy yard at Philadelphia, is second upon the list of officers, having been forty years in the service.

Commodore Biddle has recently been appointed by the secretary of the navy to be governor of the United States naval asylum at Philadelphia.

Serious and extraordinary accident. A gentleman of Cobourg, (U. C.) Mr. Shaw Armour, formerly of Montreal, met with a dreadful accident on board the Rice Lake steamboat Newcastle, his escape from which is little short of a miracle. The particulars related to us are as follows: Mr. A. who is a man of a very large frame, was crossing the boat near the action of the fly wheel, when by some mischance, losing his balance, he fell with his arm through the wheel, and in an instant was dashed by its power headlong through an aperture *ten and a half inches wide!* As to be expected, he is dreadfully crushed, but we are happy to learn from Dr. Goldstone, who since attended him, that no bones are broken, and that at present he does not apprehend the consequence will be fatal. He was carried shortly after the accident to the Inn at Claver-ton, where he now remains. [*Cobourg Star.*]

Thunder storms and loss of life. The vicinity of Frederick, Md., was, on Thursday, the 6th inst., visited by a severe thunder storm and opportune copious rains. A barn was struck and destroyed by lightning. On Saturday, P. M. a violent thunder storm and tornado passed over Baltimore. The new warehouse of Messrs. Donnell and Lurman on Donnell's wharf, and which had reached to the third story and was one hundred feet by forty, was completely prostrated, and two German emigrants, a young man and young woman, out of several who had taken shelter in the building, were killed. A colored man had his leg broken, a brick layer was much bruised. A black boy near Fort McHenry was crushed to death between some lumber. Several roofs were blown off and vessels dragged from their moorings. In Philadelphia, to which place the storm reached, a ware house was struck, and three horses killed in a stable near the naval asylum. A young man was killed at Bristol on the Delaware, and a farm house at Morrisville destroyed.

Fire at Hudson, N. Y. A fire kindled by the cinders from the steamboat congress, while lying at the dock at Hudson, broke out in one of the old warehouses on Wednesday afternoon the 8th inst., about 3 o'clock, which proved to be more destructive in its ravages than was ever experienced in that city. The flames were blown by a fresh north west wind over the hill into the city, and raged with such fury as to render the efforts of the firemen unavailing. The fire swept through in a southeasterly direction to the south bay, where every house was consumed. It then extended up the hill towards the old Presbyterian church, doing great damage. Two extensive lumber yards, one belonging to Mr. Reed, and the other to Mr. Hudson, were entirely consumed. The large fire-proof stores and warehouses, near the docks, are not injured; nor did we learn that the whale company had suffered materially. Apprehending the destruction of their warehouses, the oil was rolled out on the dock, but was safe. The engines, with about sixty firemen, went promptly from Catskill to the aid of their fellow-citizens of Hudson. The flames were distinctly seen many miles up and down the river. We were at Kingston at 7 P. M., where the illumination was alarmingly sublime. In all, sixty buildings were consumed, and the loss is estimated at two hundred thousand dollars.

Saratoga springs. The Saratoga Sentinel gives a table of the arrivals and departures by rail-road and stage for the week ending the 5th inst. The arrivals were 1,343 by railroad and 284 by stage—total 1,627. The departures by railroad 1,354, by stage 3,40—total, 1,674. The Sentinel adds:

"Of the arrivals by private conveyance, we have no accurate knowledge; but they are estimated by well informed persons at not less than 300—so that the total number could not have been less than 1900. The departures, it will be perceived, correspond very nearly with the arrivals; had it been otherwise, the public establishments, with all their facilities, could not have furnished the requisite accommodations. The whole number of strangers now in the village is estimated at more than 3,000, and this number will probably not be materially diminished during the warm weather; for the departure of one through only makes room for the entrance of another, and an almost entire change of population is effected during a week. A visitant, indeed, who has been here a fortnight, is considered an old inhabitant, and entitled to all the rights and immunities of citizenship."

Tribute of respect to Dr. Abbott. It is well known that Dr. Abbott has been principal or preceptor of Phillips Academy, in Exeter, for a great length of time—we believe, quite half a century. He is still, we understand, in pretty good health, and we learn that several of the alumni of the college propose to present him with a picture of himself, and also with some other article, as a memorial of their respect. The meeting, it is understood, will take place at Exeter, on the 23d instant, at which Daniel Webster will preside. Among the eminent scholars of New England, there is a large number who in early life were under the care of Dr. Abbott. No doubt this occasion will call together an assembly, among which will be not a few distinguished men.

[*Boston Atlas.*]

Encouragement of agriculture. The legislature of Maine by a law of the last session have exempted from attachment, the plough, cart, and harrow of the farmer, and the necessary tools used by hand in agriculture.

A bounty has been offered for the production of corn; for the first thirty bushels raised, seven cents per bushel—for the quantity between thirty and sixty bushels, three cents—for the bushels of grain exceeding sixty, two cents each.

A similar bounty is bestowed for the cultivation of wheat—ten cents the bushel for twenty bushels—for the quantity between twenty and two hundred bushels, six cents each—and for each bushel over two hundred, three cents.

East India snakes. The secret so much wondered at, by which the East Indian jugglers safely handle venomous snakes, is said in the Oriental Herald, quoting the authority of lieutenant Hutton, to be this. They are drugged with opium, which renders them quiet and harmless. The effects of the drug will not wear off for a fortnight or three weeks. This fact lieutenant Hutton ascertained by personal experience; a drugged snake which he had purchased having, at the lapse of three weeks, flown at him unexpectedly and nearly strangled him.

Lynn, Mass. We learn with great pleasure that business in Lynn is rapidly reviving. Large numbers of purchasers for the staple of that industrious town, we are told have already made their appearance.

[*Salem Gazette.*]

NILES' NATIONAL REGISTER.

FIFTH SERIES. No. 26.—VOL. IV.]

WASHINGTON CITY, AUGUST 25, 1838.

[VOL. LIV.—WHOLE No. 1,404

THE PAST—THE PRESENT—FOR THE FUTURE.

PRINTED AND PUBLISHED, EVERY SATURDAY, BY WILLIAM OGDEN NILES, EDITOR AND PROPRIETOR, AT \$5 PER ANNUM, PAYABLE IN ADVANCE.

THE HON. WM. PATTERSON, a representative in congress from Genesee county, New York, died at his residence in Warsaw on the 14th inst., aged 49 years. He had been confined to his chamber for several days previous to the adjournment of congress, and was quite indisposed when he left this city, in which he remained several days after the close of the session, in order to attend to business of his constituents. During the extra and regular session, we enjoyed frequent opportunities of becoming acquainted with the character of the deceased, and cheerfully testify to the excellent and estimable qualities awarded to him by those who knew him intimately and well, and so happily portrayed in the following notice of his death.

From the (Genesee) American Citizen.

The hon. William Patterson, representative in congress from this county, died at his residence in Warsaw, on the evening of Tuesday, the 14th inst., aged 49 years. His complaint was a fever, apparently induced by the fatigues attendant upon the close of the last session of congress, and exposures while on his return home. He was quite indisposed when he reached home, and the symptoms soon after assumed a serious aspect; still his friends flattered themselves that the unbroken energies of a very vigorous constitution, would be sufficient to withstand the violence of the disease. Their hopes were doomed to meet with a sad disappointment, and their anxious care and solicitude were alike unavailing. William Patterson is no more! He was kind and affectionate in his domestic relations; an exemplary Christian—a constant friend; the benefactor and advocate of the poor and oppressed; fearless, faithful and untiring in the discharge of his public duties—and in the fullest and broadest sense an upright and honest man.

IMPORTANT FROM THE FRONTIER. *From the St. Louis (Mo.) Republican of the 14th inst.* We are informed that an important despatch has been forwarded by major Mason of Fort Gibson, to general Gaines, the commander of this division. The substance of this communication is, that the Cherokees have built a council house, which is said to be considerably larger than any heretofore erected by any tribe of Indians. They have sent messengers, with the black and red wampum, to all the tribes from the Red river to the Sacs and Foxes on the Mississippi—omitting only the Kansas and Osage—inviting them to meet in council at the Cherokee council house in September next. The movement is believed to be but an incipient step to further difficulties, and made with a view of enlisting and uniting all the tribes along the frontier in such measures as may be adopted. They have proceeded with great caution and secrecy in the measure, and have endeavored to keep all their proceedings from the knowledge of their agents and of the officers of the post. The time proposed for holding the council is sufficiently late to admit of the emigrating Cherokees reaching their country. All the information elicited goes to confirm the opinion expressed some time ago, by general Arbuckle, of the hostile intentions of several of the tribes, though it is not believed that any movement is intended by them until the opening of spring.

General Gaines, we are told, has forwarded the despatch of major Mason to the proper department, with a request that he be permitted to attend the council with an armed force. This would probably be the most effectual means to awe them into a compliance with their duty, and would effectually prevent the formation of any plans for a general and united rising. It is greatly to be desired that his request should be granted.

The above rumor is confirmed by the following which we find in the Nashville Banner of the 18th inst.

We learn from an authentic source, that the Cherokees west of the Mississippi, have invited all the braves of all the principal tribes, except the Osages and Kansas, residing near our western frontier, north of the Red river, to meet them in council in the Cherokee country, on the Illinois river, about ten or fifteen miles above the mouth of the Barren Fork, on or about the 14th September next. The object of the council, including the Osages and Kansas, was not known. A rumor was sent by the Cherokees with the wampum and talk, to the Senecas, and other small tribes in that vicinity; from thence it was carried to the Shawnees, Delawares, and Kickapoos, near Fort Leavenworth. A Kickapoo runner then started with the wampum, two strings, the one black, the other white, to the Sacs, Iowas, &c. The belief is expressed, that the object was to make a simultaneous attack on the settlements of Arkansas and Missouri. Should the fears of the editor of the Banner be realized, scenes of blood, unparalleled in the history of the states, would ensue. There are now congregated on our western frontier, in the neighborhood of one hundred thousand Indian warriors, who need but little to fan them into excitement. They feel that they have been cheated and outraged by the people of the United States, and nothing

would be more acceptable to them than an opportunity to enjoy a revenge—the greatest delight a red man knows. We know not what measures the government has taken to meet this anticipated avalanche, but the most prompt and efficient should be immediately resorted to.

MONTEVIDEO. *Defeat of the national army.* The brig Carroll, of Philadelphia, brings the following letter from an authentic source at Montevideo. It will be seen that the national army has been almost entirely destroyed, and that the government was making extensive preparations for the defence of the city.

Montevideo, June 23, 1838.

"It is now a matter of certainty that the national army has been almost destroyed, and Frutius, I think, will show himself in all next week. Government is making every effort for a last struggle, which will probably be in or near the city. Men and boys are being impressed, the streets closed up by brick walls, and every other demonstration of an expected attack.—General Curando Gomez, the third in command of the national army, reached town night before last, accompanied by a small escort. It is said about six hundred men escaped, in small parties, and are now seeking their homes. As near as I can learn, the government general was outwitted and led into an ambuscade.—The battle was fought on the other side of the Rio Negro, the strong hold of Don Frutius. The forces on either side may have been twenty-five hundred men.—perhaps the national army two thousand men. The general officers, in a council two days before the combat, determined that Don Frutius should not expose himself by entering the field. The command was consequently given to general Lavalle, a Buenos Ayrean.—At 4 P. M. they met, Lavalle opposing or showing a front of twelve hundred men, while on either flank he had six hundred in ambush. Gen. Ordo, supposing he had the whole army before him, made rapid, and, as appeared to him, successful charges, they fighting and retreating slowly and in good order, till the national army, confident of victory, had passed the ambuscade, when they wheeled in upon both flanks in the rear, while the main body stood their ground. Thus placed between two fires, the national army was cut to pieces. There is no prospect of the blockade coming off at Buenos Ayres."

BRASIL. A letter dated 24th May, at Port Alegre, Rio Grande, says: "On the 30th ultimo the 'Grande Divisao da Direita,' amounting to 1,800 men under gen. Barretto, Cunha and Calderon, at Rio Pardo, was entirely routed by the republican generals Bento, Manoel, and Netto. Such was the defeat, though shameful to relate, that only thirty men, among whom were the three generals, escaped. The loss to the emperor, besides the force, may be estimated at five hundred and fifty contos (about half a million of dollars) their field pieces, and fifteen hundred stand of arms, their ammunition, and about sixty or eighty contos of reis, fell into the hands of the republicans."

"This defeat has thrown every thing back, and now the imperial government can have no prospect of ever regaining this province, all the men they can send down from Rio de Janeiro only serve to feed the cause of the 'republicans.' The latter must gain the day, they are now full of spirits, can muster 5,000 men, lots of ammunition, arms, clothing, and even cash, to say nothing of first rate officers, and the best generals, whereas the 'Gallegos' have not got a man fit to take command of men. Barretto will go to Rio Janeiro for trial, as well as Cunha."

VENEZUELA. The Caracas *Literat* of the 14th July makes a flattering representation of the finances of the republic. It is stated that of the \$6,000,000 of the internal debt, apportioned to Venezuela on the partition of Colombia into three states or republics, \$4,000,000 have already been paid. The system of amortization of the debt, which was adopted by the congress, has produced the happiest effects; and various measures of economy have been introduced with great success, the consequences of which has been, that since January the government has been relieved from the necessity of borrowing, and has been enabled to make provision for the punctual payment of interest on the debt in England.

FROM FLORIDA. *St. Augustine, Aug. 4.* Col. Harney has gone on an expedition to scour the Withlacoochee. He has with him a force of 220 men. Capt. Mikler left Palatka two days since, to join col. H. at Micanopy. Col. Harney has 100 men armed with Colt's rifles, and disguised as Indians.

The tracks of three Indians were seen on Monday last, a short distance south of Buena Vista.

REVOLT AT HAVANNA. The New Orleans Bee furnishes the following information on the subject of the late disturbances, which have recently taken place in the chief city of Cuba:

It seems that the intestine commotions which for so many years have been afflicting the mother country, have extended to its dependencies. The island of Cuba, while under the inflexible administration of Tacón, was maintained in strict adhesion and fidelity to the queen. The intrigues of Don Carlos at length reached Havana, and his subsidized agents succeeded in corrupting the fidelity of several regiments quartered in the Moro Castle. As frequently happens, the plot was betrayed by one of the conspirators, and the new governor, Espeleta, who follows in the footsteps of his predecessor, immediately took the most energetic measures for its suppression. The doors of the barracks were closed, and the residence of the troops was at once converted into their prison. We learn that eighty of the most insubordinate were executed on the spot, and an equal number await the decision of the governor. As a sharp firing was heard from the castle, it is presumed that the executive did not accomplish his duty without determined resistance. It was doubtless the struggle of desperate men, who were aware, that if subdued, their decree would be irreversible.

At the last accounts, Havanna was quite tranquil, and business had resumed its usual course.

ELECTIONS. *North Carolina.* We gather the following from the Raleigh Register of the 20th instant:

There are 65 counties in this state, which send 170 members, returns from all which have been received, except Macon, Haywood and Yancy, and give the following results: Whigs 92, Administration 75—Whig loss 18, Whig gain 21. The counties to be heard from were represented in the last legislature by friends of the administration. Should this again be the case, then the whigs will have, on joint ballot, a clear majority of 14—8 in the senate, and 6 in the house. If there be any gain in either county, it will increase the majority by so much.

It is right to state, that though the Buncombe senator is claimed for the whigs, some doubt exists as to his election, Macon and Haywood forming part of the senatorial district, which counties remain to be heard from.

The vote for governor, at the last accounts, was as follows: Dudley (Whig) 29,170; Branch (Ad.) 16,345. At the last election, Dudley's majority over Spraight was 1,769.

In Kentucky, the result will not much vary from that of last year.

Alabama. A slip from the office of the Mobile Mercantile Advertiser of the 16th inst. gives the result of the state election in 22 counties, which have returned 27 whigs and 26 Van Buren men.—In the congressional district made vacant by the death of Mr. Lawler, Mr. Crabb, the whig candidate, was upwards of 700 ahead, all the counties heard from but one, and is no doubt elected.

Indiana. The Indiana Journal of the 18th contains returns from nearly all the counties in the state, and says: The counties to be heard from, have probably elected three Whigs and six Van Buren men to the house, and one Whig to the senate. If they have, parties will stand in the next legislature:

	Whig.	V. B.	Con.	Unknown.
Senate,	30	17	0	0
House,	58	37	3	1
	88	54	3	1

Whig majority over all other parties 30.

From Illinois, the returns indicate the election of Messrs. Douglas, Reynolds and Casey to congress, and Messrs. Carlin and Anderson to the offices of governor and lieutenant governor. They are all friends of the administration, except Mr. Casey, who is ranked among the conservatives. We have nothing certain in relation to the political character of the legislature.

In Missouri, Messrs. Harrison and Miller have been elected to congress by handsome majorities. A majority of the friends of the administration have also been elected members of the house of representatives.

BANKS, CURRENCY, &c. We learn from the "Globe" that directions have been given by the treasury department to the director of the mint at Philadelphia, to have dies prepared for coining eagles, the value of which is ten dollars, and that they will be struck with all convenient despatch. The coinage of the eagle ceased in 1804, because the erroneous standard of our gold caused it to be exported almost as fast as struck. The exhibits of the mint show upwards of \$1,300,000 of this coin to have been struck.

Governor Pennington, of New Jersey, has issued his proclamation, in pursuance of an act passed at the late session of the legislature, requiring all the banks in that state to resume payment of their debts in specie on or before the 30th inst.

The Charleston Courier slip of the 14th inst., contains an official notice of the proceedings of the banks of that city, which resulted in the adoption of a resolution to resume specie payments on the 1st September.

Resumption in Mississippi. It is stated in the New York Journal of Commerce that the Vicksburg bank has arranged for a loan of \$1,200,000, and the Planters' bank of Miss. for a loan of \$1,500,000, and that the Mississippi state stock of five millions, issued for the establishment of the Union bank, has been so far negotiated as that the parties are authorized to draw immediately for two millions. These negotiations, amounting to about five millions in all, have been made at Philadelphia, chiefly, if not wholly, under the patronage of the U. S. Bank there, and will enable those institutions to resume specie payments forthwith.

Resumption in Alabama. The Bank of Mobile has invited a convention of delegates from all the banks in Alabama, to be convened at Blount Springs, on the 17th of September, for the purpose of proposing and taking measures for a simultaneous and early resumption of specie payments.

The Milledgeville Journal of the 14th inst. states that major Crawford, president of the board of commissioners of internal improvement, has succeeded in negotiating in New York a loan of half a million of dollars, to carry on the Western and Atlantic railroad now in progress by the state of Georgia, from the Tennessee line to the Chattahoochee.

The object of gen. McDuffie's contemplated visit to Europe is the negotiation of the South Carolina state loan for the relief of Charleston, granted in favor of that city at the late extra session of the legislature.

Bicknell's Philadelphia Reporter of Tuesday says—"No little excitement has been produced in Philadelphia, within the last week, by the extraordinary course of some of the New York brokers. These gentlemen have, in some instances, forwarded Philadelphia bank notes to this city, and, in order to avoid paying a fair rate for exchange on New York, have demanded the specie from the Philadelphia banks, and had it taken to the commercial emporium. Much indignation has been produced by this conduct. It is unfair, as well towards the Philadelphia brokers as the Philadelphia banks, and has naturally excited censure."

Revival of business. We understand that the western merchants are giving great activity to trade in this section of the country. So numerous have been their orders for shoes in Lynn and the other towns largely engaged in shoemaking, that they cannot be filled and fully complied with under two or three months; it is almost impossible to get workmen enough to supply the demand even in that time. [Boston Advocate.]

At St. Louis, on the 13th, exchange on Philadelphia was at 2 to 2½ per cent. premium. The president of the State Bank had returned from the east, having effected a sale of \$240,000 of the state bonds, and a loan of another sum of equal or greater amount, both of which would enable the bank to proceed on a tolerably liberal scale in giving discounts.

The friends of governor Ritner, in Philadelphia, and in various sections of Pennsylvania, celebrated the 18th inst. as a day of jubilee—that being the day on which the banks resumed specie payments in obedience to his proclamation.

The Philadelphia American Sentinel says—"We understand that the collector of the port of Philadelphia receives the notes of the Bank of the U. States, Bank of the Northern Liberties, and Farmers' and Mechanics' bank, said institutions having notified him that they have resumed specie payments."

Brandon Bank of Miss. The Natchez Courier gives a statement of the affairs of the Brandon bank, from which it appears that its liabilities are \$7,371,183

To meet which, it has notes and bills of planters of the state, \$7,165,408
Due from other banks, chiefly out of the state, 396,796
Due from their cotton and cotton agency, 610,255
Gold and silver, 38,292
Premium on these two items preceding the last, 150,000

Leaving a balance in favor of the bank \$8,360,751
989,569

Large sale. The estate of the N. York Insurance company, No. 34 Wall street, has been sold to George Griswold, esq. for the sum of \$180,000. To refresh the recollection of distant readers, it is proper to say that the estate adjoins the Bank of New York, which is on the N. E. corner of Wall and William streets. It is 48 feet on Wall st., and 117 feet deep, and fronts of course on the new Merchants' Exchange: the buildings of no value. It is the largest fronting on the Exchange, which is to be found in a single ownership, and probably as desirable an estate as is to be found in the city, and we might just as well say—in the world. It was purchased by the company who have just sold it, about the year 1800 for \$17,000, including however 20 feet more of depth, which was sold some years ago to lengthen the lots on Pine street, for \$20,000, making the total amount of sales \$200,000. It was not without great hesitancy on the part of the prudent directors of that day, nor until one of them more daring than the rest declared that he would buy it if the company did not, that they ventured the \$17,000. That was before the destiny of Wall street was understood. The purchase is understood, and we believe avowed, to be in connexion with Mr. Alsop of Philadelphia, and for the "Bank of the U. States in New York." The capital of this institution, it will be recollected, is \$200,000, which, with the new building to be erected on the lot, will be pretty well used up. All the circumstances have confirmed the opinion which we expressed some days ago, but took back again for want of a positiveness of evidence, that the Bank of the United States is the chief party in this movement, and that it is intended to be in fact, what its name describes, "The Bank of the United States (of Penn.) in New York." The purchase, at any rate, now made, is considered a good one, and is made by gentlemen who know very well what they are about. [N. Y. Jour. Com.]

BUENOS AYRES. Recent advices state that things were assuming a serious aspect since the approval of the course of gov. Rosas, by the legislature. The port was being fortified, and government had already purchased several vessels to be armed as men of war, under the command of admiral Brown, who had again been called into active service.

The operations of the flotilla would at first be confined to the protection of coasting vessels, against the launches of the blockading squadron. This will inevitably bring on a conflict which will be the precursor of a war with powder and ball instead of protocols.

ATLANTIC STEAM NAVIGATION. At a meeting of the citizens, held in the room of the Board of Trade, Merchants' Exchange, Philadelphia, August 23, 1838, to take such measures as may forward the plan for a communication by steam packets between that city and Europe, NICHOLAS BIDDLE was called to the chair, and Frederick Fraley appointed secretary.

Mr. Fraley stated to the meeting the purpose for which they had met, and the motives which were offered for action, and presented the following resolutions, which were unanimously adopted:

Resolved, That the success which has attended the recent effort to establish a communication by steam vessels between the city of New York and the commercial cities of England, has given a new aspect to the intercourse which will hereafter take place between the United States and Europe, and demands from the citizens of Philadelphia cordial and united exertions to secure for our own metropolis not only a participation in the advantages of that intercourse, but the means also of availing ourselves of the commanding and central position we occupy in relation to the vast territory which forms the interior state of the American union, now connected with our port by the magnificent system of internal improvement of our own commonwealth and those of other states, for the enlargement of our commerce and the full development of our resources.

Resolved, That it is eminently our duty as Pennsylvanians, cherishing the recollection that our noble commonwealth claims the great inventors of

steam navigation, Rumsey, Fitch and Fulton as her sons, to seize upon the great mechanical agent which their genius brought into the service of mankind, and by its potent aid restore our city to the first rank among her commercial sisters, give active and profitable employment at home to our capital, now contributing to the prosperity of neighboring cities, and bring back to the shores of the Delaware; the forests of masts, which in former days cheered the hearts of our fathers, and laid the broad foundation of our wealth and power.

Resolved, That we have learned with lively satisfaction, the willingness of our brethren of Great Britain to co-operate with us in the prosecution of this great enterprise by a liberal subscription for the construction of one or more steam vessels to ply between London, Liverpool, and Philadelphia; and that in order to combine the capital of citizens of both countries for the attainment of that object, and place its success upon a basis commanding universal confidence, a committee of ten be appointed to report a plan of association, and such other matters as may appear to them advisable at an adjourned meeting to be held in the Philadelphia Exchange at the call of said committee.

On motion, **Resolved,** That the chairman have power to appoint the committee after adjournment.

On motion of Mr. Trevor,

Resolved, That the chairman and secretary be added to the committee.

N. BIDDLE, Chairman.

CAPTAIN DAVIDSON'S CASE. We copy the following letter from the Quebec Mercury. Our readers will doubtless remember the case to which it refers—the arrest of capt. Davidson, at Fort Covington, in this state, upon a writ sued out by a Mr. Paddock, a custom-house officer, in an action for false imprisonment, to recover damages for the arrest and detention of Mr. Paddock, last winter, whilst in Lower Canada on business, under suspicion of being a spy for the insurgents. Lord Duham, it will be seen, undertakes to indemnify Capt. Davidson if the suit goes against him: and this is right enough, if the captain was acting under orders when he arrested Mr. Paddock. [N. Y. Com. Adv.]

Castle of St. Lewis, Aug. 14, 1838.
My Lord: In obedience to your excellency's directions, I have inquired into the circumstances attending the arrest of Mr. Davidson, at Fort Covington, as stated by his brother, who came here to demand the interference of the British government in his behalf.

It appears to me, as I have explained to Mr. Davidson, that this is a matter in which the government cannot at present communicate officially with that of the United States. The latter government has not yet interfered. An American citizen, in his private capacity, has instituted proceedings to which his government or its magistrates are no parties. He has sued out a writ, and commenced an action, on most unjustifiable grounds. But in the United States as in Great Britain, the government and its magistrates have no discretion in such matters. Writs in civil suits are issued as matters of course; nor can the government in either country interfere to stop any proceedings which an individual may think proper to institute thereon. The British government has no reason to presume that Mr. Davidson will not receive the utmost redress that its own laws offer in similar cases; that the courts in the state of New York will not acknowledge Mr. Davidson's plea, that he acted under the authority of the government of Canada, and avenge his vexatious prosecution in costs, or entertain a counter-action against him. When the courts of law in the United States decide that the authority of the British government is insufficient to maintain the acts of its officers in its own territories, it will then be time for it to interfere.

In the mean time Mr. Davidson must, as I have advised him, give bail to the action; a step which, instead of amounting, as he seems to imagine, to a confession of the justice of the proceeding, shows that he means to dispute it. It is not, however, just or politic that the British government should allow its subjects to be harassed by the expense of vexatious persecutions for acts done under its authority. I have, therefore, informed Mr. Davidson that, should it appear on the trial that these proceedings are instituted on the ground of acts legally done by him in the discharge of his duty as a British officer or subject, the government will indemnify him for any expenses incurred by him in this behalf. I have given directions to adopt any measures that may be calculated to aid Mr. Davidson in procuring the most full and efficient defence.

The circumstance is no doubt calculated to create much excitement on the frontier. A singular perversion of the civil law of neighboring states seems to have been attempted for the purpose of harassing

and terrifying those who most efficiently do their duty to her majesty. But I should hope that the feeling must have been calmed by the perception of the fact, that nothing has yet occurred to preclude all those thus aggrieved or menaced from trusting to the usual, but effectual, relief from the ordinary course of justice in the state of New York.

I have the honor to be your excellency's most obedient servant,

CHARLES BULLER,
Chief secretary.

DUTIES ON MANUFACTURES OF SILK. It is stated in the New York Star that in February last the then comptroller of the treasury, gov. Wolf, issued a circular, by which a duty of 12 1-2 per cent. was to be charged on all silk laces, and 25 per cent. on silk hosiery and silk gloves, which since the passage of the act of the 2d of March, 1833, had been entered as free. Remonstrances were forwarded to the comptroller against the said duties, when the following letter was received:

TREASURY DEPARTMENT,

First comptroller's office, April 4th, 1838.

Gentlemen: Your favor of the 5th ultimo was duly received, in reference to the duty properly chargeable on silk gloves, hosiery, and laces.

Being of opinion that the compromise act of the 2d of March, 1833, has released from duty all manufactures of silk, or of which silk is the component material of chief value, coming from this side the Cape of Good Hope, except sewing silk, until the 30th of June, 1842, I have authorized the collector at New York to revise the entries of such of the articles mentioned, in a way that I have no doubt will be perfectly satisfactory to every one interested.

For more particular information, I refer you to him. I am, very respectfully, your obdt serv't,

J. N. BARKER, comptroller.

The Star adds—"This morning a 'Circular' was received in which said duties were 'revised' and further, a duty of 25 per cent. ordered on all silk ribbons, and on all goods composed of silk and cotton, which, as it will be perceived by the comptroller's letter, he expressly designates as free."

THE EXPLORING SQUADRON sailed from Hampton Roads on the afternoon of Saturday last. A list of the officers attached to the expedition shall have a place in the next "REGISTER."

The Norfolk Beacon of Tuesday says—We learn from the intelligent pilot who conducted the squadron to sea, that he left the Vincennes at 9 o'clock on Sunday morning, twenty-five miles east of Cape Henry, with a fine breeze from the north. The officers and crews were in excellent spirits, and all were rejoiced that they were fairly embarked on their interesting mission. The pilot describes the sight of the vessels of the squadron about the flag ship, all under full sail, as highly pleasing. He declared that he never saw men more bent on accomplishing all within their power for the honor and glory of the navy and of the country—all were full of life and zeal.

As there was a rumor afloat respecting some show of mutiny on board the Peacock, it may be well to state that there was no foundation for such a statement, and that a single sailor only used improper language, for which he was duly tried by court martial and punished.

Success and favoring gales attend the squadron. The officers have much to contend with, apart from the novelty of their enterprise, and its uncertain issue; but we trust that they will all come forth like men, and by their boldness and skill, whether successful or not, mingle their names with the destinies of their service.

IOWA. The lands in Iowa, commonly called Black Hawk's purchase, will be offered for sale, it is expected, in about two months.

There is a project for connecting the Wisconsin river with the Fox river, by two canals at different points. One of them is the Portage canal, of 502 rods in length, seven feet deep, fifty feet wide at the bottom, and seventy at top. Contracts are making at Green bay for the construction of this canal. The other canal is the Marquette and Kentucky city canal, which is more than thirty miles in length, for subscription to the stock of which books are in a few days to be opened in Philadelphia. The Fox river Transportation company has completed its arrangements for the transportation of emigrants and merchandise from Green bay to the Portage of the Wisconsin and Fox rivers; and the boats of the company started on their first trip on the 24th of May, freighted with goods, &c. for the interior.

COTTON TRADE OF NATCHEZ, MISS. During the season of 1837 and 1838, 41,787 bales of cotton were shipped from Natchez, Miss., viz:

By Miss. Shipping Co. to Liverpool,	36,210
" " " " Boston,	1,693
From Dunbar's Press to Liverpool,	37,793
By sundry merchants, Boston,	2,145
	1,849
Total to Liverpool,	38,355
" Boston,	8,432
	41,787

On publishing the above statement, the Natchez Courier remarks: Although the number of bales is small compared with the shipments made during the same period from New Orleans, yet the statement possesses great interest from the conclusive evidence which it affords, not only of the practicability of direct shipments to foreign ports, but of the ability and disposition of our people to adopt it upon an extensive scale. We are informed that more than double the number of bales would have been shipped, had there been facilities for compressing them. During the next season, this difficulty will be obviated by the extensive arrangements now making by the Shipping Company and Dunbar's Steam Press, which will enable these two establishments to despatch, in good order, 150,000 bales at least. The Shipping Company will be able to store about 10,000 bales in fire-proof sheds, at one time, which will be a great accommodation to planters shipping their own crops.

THE NATCHEZ. This noble vessel which does so much honor to the naval architects and mechanics of Baltimore, reached the city of Natchez on the afternoon of the 12th instant. It is stated in the Bulletin that she performed the trip from New Orleans in forty-one hours, a speed not often surpassed by the swiftest boats on the river. Her arrival was hailed with the most enthusiastic demonstrations of joy by the citizens of Natchez, and is thus announced in the columns of the Courier.

[Baltimore American.

All hail to the ocean child of Mississippi!—Arrival of "The Natchez," of Natchez.

This magnificent bulwark of Mississippi enterprise, which has excited the admiration of all who have seen her, and won for "the cotton state" a proud name in the annals of commerce, arrived at this port early yesterday afternoon. She first came in sight of "the home of her fathers" at about half past one o'clock, P. M., and sounded her approach in our ears by a copious salute of thunder from the cannon's mouth. Suddenly the bold front of our bluff hills presented an animated array of citizens, in whose every eye the feeling of honest pride glinted as they gazed with a pleasurable anxiety upon the nearing consummation of their brightest hope of state independence.

Another boom! "Is responded by "Old Saratoga," the stand-by of our artillery, and lo, another! Yes, "The Mississippi," poised on the lower bluff, also mingles her voice with the elements, to welcome to an anchorage the ocean star of her god-mother state. The alternate bursts of mutual congratulation were kept up by "The Natchez," "Old Saratoga," and "The Mississippi," with such soul stirring effect that like the nod of Jupiter they shook the surrounding elements to their centre. "The Natchez," as if on fairy foot, passed swiftly along before the gaze of a host of spectators and came to her moorings in the Cotton Press region, the upper environs of the city.

MUSKINGUM RIVER. Among the objects of internal improvement about to be prosecuted by the state of Ohio,—for be it remembered that the states which have gone most liberally into the system are those which are most anxious for its extension,—is the improvement of the navigation of the Muskingum river, by clearing out the channel and by the erection at suitable points of locks and dams. For some time past, great and well founded dissatisfaction existed throughout the Muskingum valley, at the determination to which the state commissioners had come, of having the locks of such limited dimensions as to be unsuitable for the passage of steamboats through them. It is stated, however, in the Zanesville Republican of the 18th instant that the commissioners, "at their recent session in Columbus, after a full investigation of all the facts connected with the improvement of the river Muskingum, have rescinded their order for reducing the size of the locks; and upon the array of facts and arguments addressed by the indefatigable committees of Washington, Morgan, and Muskingum counties, they agreed to increase the size thereof from 150 to 175 feet long, and from 34 to 36 feet in width. This will be joyful intelligence to the people not only along the Muskingum valley, but to others who are less directly interested in the improvement."

[Baltimore American.

THE FAULKLAND ISLANDS. The whale ship general Williams, of New London, which lately arrived at that port, was ordered off from the coasts of the Falkland islands, by a notification in the following form. It will be remembered that the British government expelled the Argentine flag from these islands some years since.

By command of the governor of the Falklands islands or Malvinas.

Sir: The British government having taken possession of the whole of these islands, it is their directions that all foreign vessels are not to fish or seal round or near them. You are hereby warned to leave the coast as soon as possible. After the 1st day of June, 1838, all vessels found here or at any other port, will be proceeded against, being considered as trespassers.

I am, sir, your obedient servant,

W. J. SCOTT,

Master of H. B. M. ketch Sparrow, (pro) the governor of the Malvinas, 7th May, 1838.

DEATH OF DAPONTE. Signor Lorenzo Daponte being a resident of this city, died here on the 17th inst. at the advanced age of 90. His celebrated operas, written for Mozart, have given him a name all over the world. The Sunday Morning News states that he was a Venetian and native of Ceneda, educated for the church, and afterwards from his fine poetic talents and passion for music, that he became a prominent person in the court of the emperor, Joseph II, of Austria. Under his special protection, he formed a close friendship with the celebrated Mozart, which led to the production of these admired operas, Giovannina, Marriage of Figaro, &c. in which the poetry of Daponte is no less eternized by its own beauties than by the divine music in which it is embalmed. After the decease of Mozart, who died in his friend Daponte's arms, the poet went to London, and there for years was intimately associated with the early efforts to introduce a more perfect Italian opera. From thence signor Daponte came to America, where he has resided 32 years, chiefly in this city, and to his indefatigable exertions, commanding talents, and profound literary attainments, are we mainly indebted for the taste every where diffused in our country for the music and language of his native land. He has been the Cadmus to whom we owe an unpayable debt for these inappreciable gifts. His memory will endure; for both his native and adopted country have been honored by his disinterested labors and passionate devotion to the arts which he cultivated. As a Latin and Hebrew scholar he had perhaps no equal or superior here.

[N. Y. Express.

ADMIRAL LA BRETONNIERE. The Courier des Etats Unis copies from the 29th volume of Victories, &c. of the French, the following notice of Admiral la Bretonniere, now in command of the ships of war Dido and Berger, at present in our harbor. After noticing the part taken by this officer in the battle of Navarin, in which he was severely wounded, the following is added.

[N. Y. American.

Captain la Bretonniere, now rear admiral, is one of the officers of the marine of the republic and of the empire, still living, who have served in the most active manner, and taken part in a great number of battles. He particularly distinguished himself in the unfortunate battle of Trafalgar, where he was a lieutenant, first adjutant of rear admiral Magon. We have described in our vol. XVI. the admirable defence of rear-admiral Magon, with his ship, the Algeiras of 74 guns, against the English ship Thunderer of 80 guns, and the honorable death of this brave admiral. The fire of the enemy having cut off, besides this worthy chief, all the officers superior in rank to Mr. La Bretonniere, he found himself invested with the command of the Algeiras, and had to perform the melancholy duty of surrendering her to the enemy, after having defended her to the last extremity. When the tempest which arose on the next day after the battle and dispersed the English fleet, inspired in some portions of the French crews, left on board their captured vessels, the bold idea of re-taking them, Mr. La Bretonniere took the Algeiras from the enemy, and although she was dismantled of all her masts, he carried her into the harbor of Cadiz, with eight seamen of the English ship Thunderer, whom in their turn he made prisoners.

BARON'S CONFESSION. The Rochester papers of the 16th and 17th instant contain a short paper, purporting to be the confession of Octavius Baron, recently executed for the murder of Mr. Lyman—as follows:

The confession. I, Octavius Baron, sentenced to die on to-morrow, 25th of July, for the murder of

William Lyman, do declare, that Thomas Bennet and Leon Fluell are entirely innocent of any participation in the commission of this crime—that they were not accessories before or after the fact—that they had no knowledge whatsoever of this murder but what they received in common with other citizens on the morning of my arrest.

I make this solemn declaration for the purpose of repairing the injury which those innocent persons may have sustained from any previous confession of mine, and also of protecting them from punishment for a crime of which they are as innocent as any other citizen.

I furthermore declare, lest any other person might be suspected or charged with a participation of the murder, that I had no accomplice in the committing of it.

About to appear in a few hours before the judgment seat of God, from whom, through the merits of my Redeemer, I hope for mercy, I do hope that this my last and dying confession will set aside all my previous confessions, and restore to liberty and society, those now indicted for the crime of which I am about to suffer, and of which I alone am guilty.

While with a heart broken with sorrow for this and all my other sins, I am perfectly resigned to the execution of the just sentence pronounced against me, I imploresly entreat young men in general to attend to the practical duties of the Christian religion, for with the neglect of these duties, in opposition to advice and frequent solicitation, commenced the unfortunate career which has led to the commission of the crime for which I must to-morrow suffer.

OCTAVE BARON.

The above confession was made and signed in the presence of Horace Gay, esq. and Ephraim Gilbert, the jailer.

THE NAVY.

From the *National Intelligencer* of the 20th inst. **MEANS, GALES & SEATON:** I notice in the "Madisonian" of to-day an article taken from the "Philadelphia Ledger," headed "The Navy," the writer of which, not satisfied with attempting to detract from some of the senior officers of the navy, has ventured to give credit to one for the achievement of another. He says, in speaking of commodore MORRIS as a member of the board of navy commissioners, "An accomplished seaman, a brave and successful officer, a worthy man, and entitled to the everlasting gratitude of the nation for saving the frigate *Constitution* in her celebrated chase at the commencement of the war."

Commodore Morris, at the time referred to, was but a lieutenant on board the *Constitution*, and had no more to do with saving the noble frigate than he had with the order to "let every thing go by the run," when the breeze first struck her, or with the celebrated exclamation of the "gallant Hull," immediately after the first broadside fired from the *Constitution*, in her engagement with the *Guerriere*: "Hurrah, boys, we've made a brig of her!"

Commodore Hull commanded the *Constitution* in both instances, and to him belong the credit and the glory of the escape and the capture.

Commodore Morris had received full credit for the honorable part he bore in those affairs.

The exceeding modesty of commodore Hull prompted him, on his arrival in Boston, after the fight between the *Constitution* and the *Guerriere*, to request of the inhabitants of "The Cradle of Liberty" a transfer of a part of their acclamations to his first lieutenant, Mr. Morris. We shall see if similar promptings are responded to in another quarter. E.

Washington, Aug. 18, 1838.

From the *Intelligencer* of the 22d inst.

TO THE EDITORS—GENTLEMEN: Your correspondent, E, in the *Intelligencer* of yesterday, first brought to my notice the quotation which forms the subject of his article.

In the chase, to which allusion is made, the situation of the *Constitution* was sufficiently hazardous, for many hours, to require the united exertions and resources of all, and to justify the respectful suggestion of any additional measure that might increase the chances for escape. Such suggestions were occasionally made by myself and several other officers—some, which met the approval of our commander, were adopted. That he was willing to receive and act upon such suggestions cannot certainly be considered as reflecting upon his well-known skill or judgment. He had too much of both to entertain any unworthy jealousy of others, if chance enabled them to recollect something which, under the circumstances of the time, he might have omitted.

Any suggestions which were thus made, whether by myself or others, were simply acts of common duty. They might, or might not, prove advantageous, and involved no responsibility on the part of those who made them.

Commodore HULL, on the contrary, assumed all the responsibility for the success of those which he adopted. If they had proved injurious, he would have been held accountable to the service and the country. If they proved advantageous, the principal, if not the whole, merit should certainly be his due. This principle is universal in military and naval service, and to officers this statement is unnecessary, as the application of the principle is well understood by them.

It certainly has always been well understood by commodore HULL and myself, between whom the most friendly personal and professional feelings have existed, uninterruptedly, for nearly 40 years. To prevent any cause for its being now interrupted by the statements of others, is the principal object, and will, I trust, be considered a sufficient apology for this communication.

I am, very respectfully, gentlemen, your most obedient servant, C. MORRIS.

Washington, Aug. 21, 1838.

THE ARMY—OFFICIAL.

GENERAL ORDERS, NO. 29.

War department, adjutant general's office,

Washington, Aug. 18, 1838.

I. The following regulation relative to the employment of persons to officiate as chaplains at certain posts and military stations, in conformity with the 18th section of the act of July 5, 1838, has been received from the war department, and is published for general information:

"War department, Washington, August 1, 1838.

1. The council of administration, on being duly instituted, agreeably to army regulations, are empowered to employ, from time to time, such persons as they may think proper to officiate as chaplain; and the name of the person so chosen and appointed will be reported by the commanding officer of the post to the war office, through the adjutant general.

2. The chaplain employed at any military post will be required to perform the duties of schoolmaster, under such regulations as may be established by the council of administration, approved by the commanding officer. He will teach and instruct the children of the private soldier, as well as of the officer.

3. The compensation of the post chaplain will be determined by the council of administration, subject to the approval of the secretary of war; but his monthly pay will not exceed forty dollars, in addition to which, he will be allowed four rations per day, with fuel and quarters provided for a captain.

4. The military posts at which chaplains are to be employed in conformity with the act of congress, will be selected by the secretary of war, and be announced in general orders; the number is limited to twenty. J. R. POINSETT."

II. The following is a list of posts at which chaplains are authorized to be employed agreeably to the above regulations:

No.	Names of Posts.	States or Territories.
1	Hancock Barracks,	Maine.
2	Fort Gratiot,	Michigan.
3	Fort Brady,	Michigan.
4	Fort Winnebago,	Wisconsin territory.
5	Fort Snelling,	Upper Mississippi.
6	Fort Crawford,	Wisconsin territory.
7	Fort Leavenworth,	Missouri territory.
8	Jefferson Barracks,	Missouri.
9	Fort Gibson,	Arkansas territory.
10	Fort Jessup,	Louisiana.
11	Fort Towson,	Arkansas territory.
12	Fort Monroe,	Virginia.
13	Fort Pike,	Louisiana.
14	Fort Morgan,	Alabama.
15	Fort Pickens,	Florida.

By order, R. JONES, adj't gen'l.

GENERAL ORDERS NO. 2.

Head quarters of the army,

Buffalo, N. Y., August 11, 1838.

The following disposition will be made of the troops approaching this frontier, from the Cherokee country:

1st. On reaching Cleveland, Ohio, the officer in command of the 2d regiment of artillery, will detach three companies under the officer next in command to the Michigan frontier, to report to brig. gen. Brady, at Detroit; and one at Fort Gratiot.

2d. On the return of the transport, (the steamboat *Milwaukee*), the commanding officer of the 2d regiment of artillery, will embark with the remaining

companies for Buffalo, where he will establish the regimental head quarters and post four companies, detaching two companies to garrison Fort Niagara.

3d. The first regiment of artillery will move upon Plattsburg, where the head quarters will be established with four companies, two companies at French Mills, N. Y., one company at Swanton, one at Troy, and one company at Derby, in Vermont.

4th. When the tenth company of each regiment of artillery shall have been recruited, it will repair to regimental head quarters—that of the 2d regiment, will be thence detached to take their posts at or near Rochester, N. Y.

5th. The 4th regiment of artillery will take posts, till further orders, in the harbor of New York.

6th. The two companies of the 3d regiment of infantry, on the northern frontier, will repair to Houlton, (Maine,) where the head quarters of the regiment will be established; lieut. col. Cummings will take command of that post on being relieved by col. Worth.

7th. The 8th regiment of infantry will be concentrated at Sacket's Harbor, whence detachments or guard will be made and posted at Oswego, French creek, Ogdensburg, and such other points, intermediate, as the commanding officer may find expedient.

8th. The adjutant general of the army will order all other officers not belonging to the regiments on the northern frontier, to repair, without delay to their respective regiments, or to the particular duties to which they have been assigned.

The several commands, as arranged in general order, No. 1, will be continued as heretofore, except as to the posts in Vermont, which will hereafter be regarded as part of the command from French Mills, in New York, to the extreme end of the Vermont frontier—head quarters, at Plattsburgh. By order of MAJOR GENERAL MACOMB, Commander-in-chief.

From the Army and Navy Chronicle.

The names of the following cadets of the United States military academy, at West Point, are to be attached to the next Army Register, conformably to a regulation requiring the names of the most distinguished cadets, not exceeding five in each class, to be reported for the purpose at each annual examination in the month of June:

FIRST CLASS.

1. Wm. H. Wright, N. C.
2. P. G. T. Beauregard, La.
3. James H. Trapier, S. C.
4. Ste'n H. Campbell, Vt.
5. J. M. Scarritt, Mo.

SECOND CLASS.

1. Isaac J. Stevens, Mass.
2. Robert Q. Butler, Va.
3. H. W. Halleck, N. Y.
4. Jeremy F. Gilmer, N. C.
5. Henry C. Smith, Me.

THIRD CLASS.

1. Paul O. Hebert, La.
2. Wm. Page Jones, D. C.
3. C. P. Kingsbury, N. C.
4. John McNutt, Ohio.
5. Sylvanus Wilcox, N. Y.

FOURTH CLASS.

1. Zealous B. Tower, Mass.
2. Thos. J. Rodman, Ind.
3. Henry Wilson, Penn.
4. Josiah Gargas, N. Y.
5. Smith Stansbury, Md.

APPOINTMENTS IN THE MEDICAL STAFF OF THE ARMY.

The following gentlemen having been examined and approved by the army medical board, which convened in this city on the 16th ultimo, have been appointed assistant surgeons in the army:

1. James R. Conrad, Va.
2. Wm. T. Leonard, Md.
3. John Byrne, Md.
4. Ellis Hughes, Md.
5. D. C. De Leon, S. C.
6. R. McSherry, jr. Va.
7. Joseph Walker, Ill.
8. Charles Noyes, D. C.
9. Benj. W. Woods, Ky.
10. Gust. A. Williams, Va.

ARMY MOVEMENTS, &c.

The detachment of 400 U. S. troops under col. Crane, arrived at Lexington, Ky. on the 16th, on their way from Florida to the northern frontier.

A detachment of 125 regulars left Newport Barracks, Ky. on the 16th, in the steamboat *Home*, for Jefferson Barracks, Missouri.

A board of army officers, gen. Scott as president, are to devise a plan in detail to reorganize the different branches of the service, to make a thorough

examination of the condition of each corps and regiment, to create absolute and unchangeable rules respecting seniority, brevet rank, promotion, transfer, furlough, extra service, &c. all so much needed. [Fredericksburg Treas.]

The Knoxville Register states that the 2d regiment U. S. artillery passed Campbell's station on the 3d inst., on their way from the Cherokee nation to Lake Erie, under the command of the following officers: col. J. Crane, commander; captain Green; surgeon G. R. Clark; adjutant lieut. Townsend; quartermaster Payton; commissary lieutenant Morgan; lieutenants Duncan, Bransford, Conckling, Luther, Allen, Daniels, Arnold, Pratt, Sedgewick, and Jones.

Six companies of the 1st artillery, and two companies of the 4th, have arrived at New York from the south destined for the northern frontier, and by the order of gen. Macomb, the troops are to be disposed of as follows:

Of the 2d regiment of artillery, two companies are to be posted at Detroit, one at Fort Gratiot, four at Buffalo, (the head quarters,) two at Fort Niagara. Of the 1st regiment, four are to be posted at Plattsburg, (the head-quarters,) two at French Mills, New York, one at Swanton, one at Troy, and one at Derby in Vermont.

The tenth company of each regiment is to repair to the regimental head-quarters, and the 2d regiment will thence be stationed near Rochester, New York. The 4th regiment, for the present, will take post in New York harbor. Two companies of the 3d regiment will take post at Houlton, Maine, under command of col. Cummings. The 8th regiment of infantry will be stationed at Sackett's Harbor, from whence detachments will be sent to the surrounding points. All officers are to repair to their regiments forthwith. The commands are to remain as in the previous general order No. 1, except the Vermont posts, which are now to be regarded as a part of the command at French Mills, N. Y.

CANADA—THE BOUNDARY, &c.

From the Quebec Gazette, Aug. 13.

The boundary line. It is probable that governor Kent, of the state of Maine, will attempt, shortly after the first of next month, to run and fix the boundary between that state and the British possessions, without the co-operation of the United States' and British governments. It will be a new exercise of state sovereignty, inconsistent with the constitution of the federation. But governor Kent will be acting in obedience to resolutions passed at the last session of the legislature, which were published some time ago in this Gazette. He is supported by a large party in the state of Maine and the United States, ever ready to embarrass the general government, and is besides a candidate for re-election as governor of Maine at the election which commences on the 3d of September; and the running and fixing the boundary has recently been made a local party question, in favor of which his supporters have decidedly pronounced. Under all the circumstances, he will probably find himself compelled to proceed to execute the resolutions of the legislature, till he is positively hindered by force, either on the part of the British or United States' governments. As to the former, governor Kent will probably not have long to wait, after his commissioners set to work within the disputed territory. We do not think it likely that any British authority will suffer itself to be ousted *sans ceremonie*, of an actual and acknowledged possession. The militia of New Brunswick are as good and well disposed for defence, as the militia of Maine for attack.

The proceedings of the legislature of Maine and governor Kent will probably render more difficult the settlement of the boundary question, on which we believe both the British and United States governments are sincerely intent; but in the present position of the two countries, we hardly think war will ensue. It is true, nevertheless, that when the passions of men, connected with national pride become inflamed, there is no great dependence to be placed on the influence of reason.

Some of the United States' papers have connected the meeting of the governors of the British North American provinces, with the difficulties about the boundaries. We rather think that the meetings in question relate entirely to the internal concerns of the provinces and projected improvements. The authority to recruit in Prince Edward's island, which has a population of 30,000 souls, has also been supposed to have been given in view of difficulties with the United States. It is sufficient to say, that this order is dated the 9th May last, and does not seem to have been extended to any of the other provinces, which contain a population of nearly a million and a half, and where recruits might

be obtained in nearly the same proportion as in Prince Edward's island. We have no doubt, but that on the prospect of a war with the United States, twenty-five thousand men could be recruited in the provinces.

Correspondence of the Commercial Advertiser.

Quebec, August 16.

We are at this moment in some anxiety on the boundary question. The military here are of opinion that it will lead to some difficulty between the two countries, while the merchants hope the contrary; but all unite in doubting whether the matter will be brought to an amicable arrangement, the government of Maine having acted so decidedly. It is much feared that the course pursued by Maine will embarrass the general government. I am sorry to say that many of the Canadians are highly delighted at the prospect of a war between England and the United States.

There are very many citizens of New York and Baltimore at present in Quebec. The earl of Durham leaves us on Saturday in the John Bull steamer, to attend the Montreal races, and it is supposed that many of the Americans will also leave us to honor the race-ground with their presence, it being expected that for the attendance of company these races will surpass any that have even taken place in British America.

Yesterday afternoon, at 3 o'clock, the 71st regiment, and two companies of the 73d regiment, paraded on the Champ de Mars, for the inspection of John Forsyth, secretary of state to Mr. Van Buren. The 7th hussars and royal artillery are also to be viewed by the secretary, at a quarter past 10 this morning.

[Montreal Courier.]

From the Boston Daily Advertiser, Aug. 21.

The northeastern boundary. It is stated in yesterday's Providence Journal that governor Kent, of Maine, "has directed a survey to be made of the disputed territory, and has ordered out the military to protect the surveyors in the performance of their duties." We have seen repeated statements of a similar purport in many of the papers, and some of them have quoted the Bangor Whig as the source from which they derived their information. We have not, however, seen any such statement in that paper, nor in any of the papers of Bangor or the vicinity. From the absence of any such announcement in the vicinity of the governor's residence, and in the neighborhood of the disputed territory, where any such movements would be likely to be known as soon as made, and immediately announced to the public, we infer that the report which has been so current is without foundation. We are confirmed in this belief from the impression that the position in which the boundary question was placed, in consequence of the earnest application of the executive of Maine, by the late debate in the senate of the United States, and by the report of the judiciary committee unanimously adopted by the senate, was so satisfactory to the state of Maine as to render any further measures by the government of the state for the present unnecessary. The adoption of that report makes it the imperative duty of the executive of the United States to press the negotiation in the manner most likely to produce a speedy result, and takes away all apology for any unnecessary delay. It also presents, in the most public way, before the people of the United States, and before the government of Great Britain, the point of view in which the question is unanimously regarded by the senate. In having attained this object, the government of Maine has effected an important advance towards a settlement of the question, and the next step, we presume, will be taken by the executive of the United States.

From the Rochester Democrat of August 18.

Important from Toronto. It affords us great pleasure to be able to communicate the release of sixteen state prisoners from the jail at Toronto. Several of them were condemned to death—among the rest, Charles Durand, a relative of Dr. Duncomb. It is supposed that the order for their release was received by the Great Western.

The following is copied from the Toronto Commercial Herald of Thursday:

His excellency sir George Arthur has been pleased to extend to the following prisoners her majesty's pardon, viz:

Seymour W. H. Stockdell, John McCormick, John Gillingham, Daniel Snell, and William DeLang, on condition of their giving security to keep the peace and be of good behavior for three years.

Abraham Haling, Jesse Cleaver, Silas Bardnell, John Brown, John Haling, Joseph Milbourn, Asa Wizen, Joel Wizen, John Hill, Daniel Shephard, and Charles Dnrand, on condition that they banish themselves within three days from the time of their liberation from prison, from this province, and that they remain absent for and during their natural lives.

Lewistown, Aug. 15.

It may be a matter of interest to your readers to be informed of the fate of the sixteen state convicts, sentenced to be executed on the 25th.

Three of them, Chandler, Wait, and McLeod, are to be executed on the 25th, agreeably to their sentence.

Eight others, including Miller and the other Americans, to be transported to some one of the British colonies for life. Three others to the penitentiary for three years.

The case of the remaining convict, Waggoner, has not been decided—great efforts having been made by his friends to procure his banishment to the states.

The trial of Beamer, who led a body of lancers at the affair of the Short Hills, comes on to day or to-morrow; and the general belief is that he will be convicted and sentenced to be executed.

[Albany Argus.]

Detroit, Aug. 14.

The vigilant officers of the customs yesterday made a seizure extraordinary. Among the goods discharging from the Bunker Hill steamer, were some boxes of great weight, one of which having been partially broken, revealed something that looked very like a piece of heavy ordnance. The officers broke open the box and discovered a cannon of beautiful workmanship, entirely new, from a manufactory at the east. Further search was made, and two other similar places were found, and have been lodged in the public store. They are presumed to be "patriot" goods, and intended for the next campaign, if any body of men can be found mad enough to engage in such an affair again.

The activity of the officers engaged in the service on this frontier is deserving of all praise, and we have no doubt will effectually prevent any future disturbances by those self-styled patriots, whose unlawful acts have subjected the government to injurious imputations and large expenses.

[Free Press.]

DISCOVERY OF THE SKELETON OF A MASTODON.

From the Crawford County (Ohio) Republican extra.

Bucyrus, August 14. Mr. Abraham Hahn, while engaged with his work hands in excavating a mill race, about three quarters of a mile east of Bucyrus, (Crawford county court-house,) yesterday, at the distance of from five to seven feet below the surface of the ground, discovered the skeleton of a Mastodon, in a reclined position.

The history of this genus of animals is involved in mystery. No tradition or human record furnishes evidences of its existence at any period. But that it once lived and walked upon the earth, the prince of quadruped kingdoms, is abundantly proven by the numerous and almost entire specimens of its organic remains that have been discovered in various parts of North America, and which have excited the wonder and astonishment of the naturalist and antiquarian.

From the peculiar structure and the immense size of its bones, it must have been an animal far exceeding in size and strength any species of the quadruped races now in existence. The place where this skeleton was found is very near the dividing ridge between the northern and southern waters of the state, in a wet, spongy soil. The bones, so far as discovered, are in a fine state of preservation.

The upper jaw and skull bones are perfect in all their parts, as formed by nature. The under jaw was accidentally divided in removing it from the earth.

This is the only instance in which the skull of the Mastodon has been found in a state of preservation; and it furnishes the only specimen from which correct ideas can be obtained respecting that massive and singularly shaped organ.

Some idea may be formed of the rank this monster held among the beasts of the forest when clothed with skin and flesh, and nerved with life, from the following dimensions of some portions of it, which have been rescued from oblivion:

The skull and upper jaw.

Horizontal length,	39 inches.
Length, following curvature of skull,	42½ "
Breadth across the eyes,	26½ "
Do. at back of head,	25½ "
Vertical height,	22 "
Height occipital bone,	16 "
Diameter of both nostrils,	11½ "
Diameter of each, measuring the other way,	5 "
Diameter of tusk sockets,	5½ to 6 "
Depth do. do.	22 "
Diameter of eye sockets,	6 "
Weight of skull and upper jaw,	160 pounds.

<i>The under jaw.</i>	
Horizontal length, following outside curvature,	31½ inches.
Height to junction with upper jaw,	16½ "
Weight,	69 poundss.
Front molars,	6½ } inches
Back do.	5½ } apart.
Length back molar,	7½ inches.
Breadth back molar,	4 "
Length front molar,	4½ "
<i>Femur, or thigh bone.</i>	
Length,	37 "
Largest circumference,	30 "
Smallest do.	15½ "
<i>Tibia, (largest bone between thigh and hoof.)</i>	
Length,	22½ "
Largest circumference,	24½ "
Smallest do.	11 "
<i>Fibula, (smaller bone between thigh and hoof.)</i>	
Length,	20½ "
Largest circumference,	12½ "
Smallest do.	4½ "
<i>Humerus, (bone from shoulder to knee.)</i>	
Length,	30 "
Largest circumference,	34½ "
Smallest do.	14½ "
<i>Rib.</i>	
Length outer curve,	43½ "
Smallest circumference,	5½ "

LETTER FROM MR. CALHOUN.

From the Columbia Telescope of the 11th inst.

We publish to-day a letter from Mr. CALHOUN to the committee of the late barbecue dinner in this place, which, as it did not arrive till several days afterwards, was not read to the company on that occasion.

Fort Hill, July 24, 1838.

GENTLEMEN: I have received your note of the 14th instant, inviting me to partake of a barbecue dinner, to be given at Columbia on the 28th inst. "as a welcome home to Senator PRESTON, by his fellow citizens of Richland district," and also to afford the other members of congress an opportunity to meet and address the people."

If I had no other reason for not accepting your invitation, the great distance and my recent return home, after a long absence in the laborious discharge of my public duties, would be, I hope, a sufficient apology; but there are others, which are insuperable, for declining it, which, acting with the candor and frankness that I trust shall ever mark my conduct on all occasions, I cannot withhold.

It is impossible I can mistake, that the welcome home to my colleague is intended as a testimony of approbation of his course generally, during the late session, but more especially in reference to the great and leading question of the day, which now so deeply agitates the country, and engrossed so large a portion of the time and attention of congress, at its late sitting. Thus understanding it, I can have no objection to it; but for me to participate in the welcome and the accompanying festivities, would be to condemn my own course. It was our misfortune to differ on the deeply important question in reference to which it is intended to do honor to his course. The difference was, on my part, with great reluctance. I could not but apprehend that a difference on such a subject, involving such important interests, and to be followed by such a mighty train of consequences, for good or evil, would ultimately divide and distract the state, to which no one could be more averse than myself. Every motive that could influence me, personal or patriotic, was on the opposite side. Individually, I had clearly nothing to gain by division or distraction. My position in the state and in the estimation of my fellow citizens could not be materially bettered, and was almost certain to be injured, by any change. But I had far higher motives than mere personal considerations to avoid every act which might by possibility lead to a division at home.

I have long regarded the south as the balance wheel of our beautiful, but complex, system of government, and I consider its union not only as necessary to its own prosperity and safety, but indispensable to the proper working of the whole machine. It is an opinion deliberately formed, after much reflection and no little experience. We are the weaker and the exposed section, and must, of course, have the deepest interest in confining the general government to its proper sphere, on which depend its safety and duration, so essential to the safety and prosperity of all. To effect this, union among ourselves is indispensable, while, as the weaker portion of the confederacy, it cannot endanger either the rights or the safety of the stronger. But union among ourselves at home, in our

own state, if not necessary, is important to the union of the whole south. Circumstances to which I need not refer, have given to the state a pre-eminence and influence far beyond its extent, population or wealth.

Entertaining these views, I was ready to make any sacrifice short of principle and duty to avoid division and discord at home; but it was impossible for me, without sacrificing them, to take any other course, in the present juncture, than that which I did.

I long since foresaw its approach, and made up my mind as to the part I would act, should it arrive in my time. Four years ago, on the removal of the deposits, I openly avowed in debate the principles and sentiments on which I acted at the late and extra session, and, of consequence, could take no other course, without palpably contradicting my recorded opinions, and this without any change of principle or sentiment. So far otherwise, time and reflection have but served to confirm the opinions I then entertained and expressed. I do believe that the only real alternative left, is whether the government shall go back to its original policy, established by the act of 1789, and collect its revenue in the legal and constitutional currency of the country, and keep it by its own responsible officers, or charter another bank; or, in other words, between the constitutional treasury and another national bank, with sufficient capital and power to control the exchanges, the currency, the commerce, and the business of the union. All other measures—the pet bank system, special deposits, and all—are but temporary expedients, half-way houses, and so understood and avowed by the great body opposed to the separation of government from the banks. Between the two—the constitutional treasury and a national bank—I could not hesitate. I do most solemnly believe, that a bank with power and influence sufficient to effect the object proposed, would be the most dangerous of all measures—would be fatal to our free institutions, and destructive of the commerce, interests and safety of the staple states. Its powers would make it despotic, and enable it to control the action of congress, and to take from the people, in reality, the power of electing the president, who would be virtually elected by the bank, and be but an instrument in its hands. It would, in a word, make a master—not a master having a common interest in the whole, and a motive to protect and cherish all the parts, but a local and sectional master, whose power would be wielded to aggrandize and build up one portion, by oppressing the other.

Thus thinking, no alternative was left, but to pursue the course I did, even at the hazard of differing from my colleague and many of my old friends, for whom I have the highest regard and the kindest feelings. In taking it, I could not but foresee that it would bring me into conflict with the greatest and most powerful interest of the community, and that I should be subject to the most unfounded misrepresentations and the fiercest attacks. But, at such a crisis, and with my views of the consequences, I would have been unworthy of representing constituents so intelligent and patriotic, and who had so generously stood by me on so many trying occasions, if I had permitted any personal or selfish considerations to have the least influence.

Having thus differed on a question, according to my conception, of such vast magnitude and importance, I cannot accept your invitation to partake in a festivity intended to honor the course of my colleagues, without condemning and dishonoring my own, and am therefore compelled to decline it.

Nor can I consistently with a due regard to propriety attend the festivity in order "to address the people" on the occasion. My colleague and myself have both fully expressed our opinions on this and most of the other important subjects, which claimed the attention of congress at its late session, in our appropriate places in the senate. What we said has been published and is in the hands of our constituents. If additional light is wanted, as far as I am concerned, I shall cheerfully respond, when called on for that purpose, by any portion of my constituents; but in the present case, where from what has been stated, it is obvious, that different opinions are entertained by your invited guest and myself on a question which cannot but be prominently noticed at your festival, my presence could not be very agreeable either to him or myself.

In stating the reasons for my course and the motives which govern me, it is far from my intention to cast censure on that of my colleague. Neither of us is the rightful judge of the other, where we unfortunately differ in the discharge of our official duties. We hold the same high trust from the same constituency, to whom alone we are responsible for the fidelity and wisdom with which we may discharge our duty. My object is simply to assign

the reasons why I cannot accept your invitation, and I have said as much as I have, in order to be clearly understood. Not to have answered your note might have been considered uncivil, and have exposed me to improper imputations; while it was impossible to answer it, with due regard to truth and candor and what was due to myself, without stating what I have. With respect, yours, &c.

JOHN C. CALHOUN.

To Joseph A. Black, S. Boatwright, J. McCully, T. Center, W. Denley, I. D. Mordecai, J. C. Phillips, T. H. Wade, and Robert Adams, esq.

JUDGE WHITE AND MR. BELL.

The citizens of Knoxville honored these gentlemen with a dinner on their return from Washington. We copy the subjoined notice of their remarks from the Knoxville Register:

The speeches delivered by these distinguished statesmen at the public dinner on Wednesday last, we hope to be able to lay before our readers in a very short time. They are worthy of their authors, of our noble state, and of the palmiest days of our republic. Col. Bell appeared among us comparatively a stranger, except from reputation—and although laboring under the oppressions consequent upon a protracted and laborious session of congress, and the superadded fatigues of a long journey, yet he fully came up to a high public expectation, and in a speech of about two hours length sustained the exalted character he has acquired and the glorious cause he has so zealously espoused in the councils of the nation. Judge White spoke about an hour and a half, and in our estimation surpassed any former effort of his, which we have witnessed. He gave a full and lucid exposition of his present political attitude. In relation to the next presidential election, he, as well as col. Bell, declared they were uncommitted to the support of any person or party—that they were bound alone to their principles—those important and immutable principles upon which gen. Jackson's early election was advocated and sustained. That the most important of these principles were, a retrenchment of the extravagant expenditures of the public money, a limitation of the powers of the executive, and a reform of those abuses by which the power and patronage of the government were used to perpetuate the reign of the then existing functionaries—that these were the great and leading objects for which gen. Jackson was supported against J. Q. Adams in 1828—that they are as sacred and worthy of effort now, as they were then, and that consistency and patriotism require that Tennessee and the old Jackson party should rally upon the same ground, and endeavor to bring about precisely the same salutary reforms, by putting down the administration of Mr. Van Buren. Judge White repudiated the idea that he and Mr. Van Buren were ever of the same party, so far as principles are concerned. Mr. Van Buren was for a high tariff, while he was opposed to it—was for internal improvements, while he was against it. Mr. Van Buren is now for an increase of executive power, while Judge White is for diminishing and limiting it. His whole practice sanctions as legitimate a liberal use of power and patronage in advancing and sustaining his party, while Judge White's ideas of political integrity, as well as true policy, forbid it—and Mr. Van Buren is for a treasury bank, while he is opposed to it.

Judge White said it was possible that some candidate for the presidency might yet be brought forward who would be more acceptable to himself than either Mr. Clay, or Mr. Van Buren, but that this was, from present appearances, improbable; and that if no other candidates than these should be presented, upon a fair and just comparison of their claims, an attachment to great political principles which he has ever cherished and a sacred regard for the general welfare of the country would not suffer him long to hesitate in giving to Mr. Clay a decided preference.

But we will not by further anticipating increase the anxiety of our readers to see these speeches. We wish most ardently that every individual of these gentlemen's constituency could have been present to hear for themselves this able and lucid exposition of the course which consistency and political integrity require them to adopt and pursue.

THE CHEROKEES.

Head Quarters Eastern Division, Cherokee Agency, July 30, 1838.

SIR: I have had the honor to receive your excellency's letter of the 21st instant, offering to pardon and cause to be released twelve Cherokees now in the penitentiary of Georgia.

But a little time before, instructions were received from the secretary of war on the same subject, and I am happy to be anticipated in my request

founded thereupon, by the generous offer in question.

I send with this communication Mr. Hildebrand, a part Cherokee, and a trusty and intelligent young man, to receive and bring to this place the Cherokee prisoners. He is provided with sufficient funds, by the nation, to defray all necessary expenses in going and returning.

The Indian authorities are anxious not to leave one of their people behind.

No guard is supposed to be necessary to bring the prisoners to this place, as it is not doubted that they will be eager enough to return to their kindred and friends; and for their protection on the way, a paper from your excellency, in the nature of a passport, it is supposed, will be all-sufficient.

The whole body of the Cherokees remaining to be emigrated, evince the best dispositions, and the emigration to the west will be renewed the beginning of the month after the next.

I have the honor to be, &c. &c. &c.

(Signed)

WINFIELD SCOTT.

His ex. George R. Gilmer, governor of Georgia.

The Hamilton Gazette, printed at Ross's Landing, in Tennessee, says:

"The collection of the Indians commenced on the 25th of May last, under the direction of major general Scott, and, at the present time, all the Indians are collected at the different depots—about 8,000 at the Cherokee agency—2,000 at this place—1,500 at a new camp, 12 miles from the agency—and 800 at Fort Payne, Alabama. These numbers comprise all the Indians in the territorial limits of the nation, with the exception of a few who have pledged their words to come in in proper time.

"The whole number of Indians in the nation on the 23d May was estimated at 16,000; out of this number, about 2,600 were despatched by the superintendent, by water, to their new homes in the west, during the month of June. They are divided into three parties. The first, consisting of 950, started about the 15th of June, under the following officers: Lieut. Davis, U. S. artillery, conductor; Messrs. Reeves, Walder, and Cox, assistants; and Messrs. Oates and Folger, physicians. The second party of 800 started about the 10th of June, under the following officers: Lieut. Whitely, U. S. artillery, conductor; Messrs. John Hooke and P. Price, assistants; Messrs. Hodson and Morrow, physicians. The third party, consisting of 1,070, started about 16th June, in wagons, for Waterloo, Alabama, where they were to be embarked in boats. The officers in charge of the party are Henry Bateman, conductor; Messrs. Goody and Standiffee, assistants; Messrs. Hoyle and Willoughby, physicians.

"We understand the first party mentioned reached the Western Nation in 20 days, without the loss of a life. The second party is presumed to be near the borders of the Western Nation; and the third party has, perhaps, by this time, reached the Mississippi river.

"On account of the season, gen. Scott, on the 18th of June, suspended the emigration until the 1st of September next, at which time vigorous operations will be commenced; in the mean time, nothing will be done except to subsist the Indians at different depots."

From the Hamilton (Tenn.) Gazette, August 9.

The conference between gen. Scott and the Cherokee council is at length ended. The chiefs of the nation have undertaken the transportation of the remainder of the people to their new homes. It is now a national movement on the part of the Indians, and for the first time there is something like a unanimity of feeling and concurrence of the whole tribe. They have agreed on their part, to furnish all the subsistence and means of transportation that may be necessary to render the Indians comfortable on their journey to the west, and to commence the removal by the first of September, in detachments of about one thousand each, and, after the departure of the first, to have every consecutive detachment to start in a very few days.—It is computed that all the Indians can be removed in twelve detachments, and that the last will leave by the 20th of October. General Scott, on the part of the government, has agreed to allow sixty-five dollars per head for removal, and furnish in advance one-half of the amount. Each detachment will be conducted exclusively by their own people, accompanied by one or two physicians, who will, we suppose, receive their appointments from general Scott, with the concurrence of the chiefs. Until the departure of each detachment, the Indians are to be subsisted by the government.

Thus is settled, we hope forever, one of the most difficult and complex questions which the government has had to contend with since the last war.

If it has not terminated satisfactorily to all, the disaffected must make the most reasonable allowances for the principal actors in this scene. They have had parts to perform of the most delicate and responsible nature. They have had an injured nation's wounds to bind up, and at the same time to avoid compromising the interest or honor of the United States. In the fulfilment of the duties assigned to them, they have had to tear asunder the cords of affection which bound a noble tribe of people to their natal soil and the burial grounds of their fathers, and at the point of the bayonet force them to march to another land. These things, no doubt, combined to influence general Scott to run the risk of incurring the displeasure of many who have made sacrifices on the faith of the promises held out to the public. He was no doubt willing even to abridge his own well-deserved popularity if it would dissipate the gloom and sorrow which rested upon the Cherokees. Then let every lip be closed and every pen be dried that would reflect on that brave and venerated officer for the course he has pursued.

From the New York American of the 23d inst.

As we have seen several statements implying that these Indians were still dissatisfied, and subject, in consequence, to harsh treatment by the forces ordered to superintend their emigration, we take pleasure in imparting, on unquestionable authority, the following facts:

The whole of the Cherokees were, on the 31st ult. collected in four camps—of whom eight thousand were around the head quarters of gen. Scott, and the remainder, about four thousand, in three other camps—in addition to three thousand sent off to the west in June. They are perfectly content to emigrate as soon as the cool season shall return.—The general takes care to see them well fed and well clothed, furnished with tents, physicians, medicines, and hospital stores. The camp is about 12 miles by 4—covered with wood and shale—and supplied with 40 or 50 good springs and running streams, with the beautiful High-wassee river touching it on one side. The Indians are cheerful, and confide unreservedly in the general, who has succeeded in making an arrangement with them, by which they are to conduct the emigration themselves, the government furnishing, from time to time, upon the general's requisitions, out of the purchase money stipulated to be paid to the Indians—amounting to more than six millions of dollars—funds for carrying on the removal. The chiefs and head men are already engaging wagons and organizing parties for the land route. Two regiments only, the 4th infantry and 3d artillery, are retained by the general, rather for protection to the Indians than as a guard over them. The militia are all discharged. No sentinels are posted over any of the Indian camps, and none are wanted. The Indians not only do not attempt escape, but they could not be driven away.

We rejoice in being able to communicate these facts, which soften so much the rigor of the decision that dooms these Indians to deportation, and which redound so much to the honor of general Scott.

MEXICO.

The following is the speech of president Bustamante, delivered at the close of the session of the national congress on the 30th, of which we published an extract in the last "REGISTER."

Gentlemen: The constitutional term which finishes this day, presents circumstances as important for the republic as they are worthy the attention and examination of its legislators. Whether the internal condition of the country or its external relations be considered, you will discover during the period which has transpired since January of the present year, the favor of Providence and the protection which it has dispensed among us to secure the peace and the renown of Mexico among civilized nations. Turn your eyes, gentlemen, to the difficulty in which we are now involved, and reflect upon the numerous embarrassments we have overcome, and upon the necessity of general and constant co-operation, in order to ward off those evils which may otherwise afflict our country.

Tranquillity is being re-established; and the bands of rebels who succeeded temporarily in disturbing it in certain quarters, have been discomfited by the arms of the republic. The paltry few that remain will soon disappear, and the safety of the public roads and villages be perfectly established. It must be a source of satisfaction to the national representatives that the rebellion has been so promptly put down. The reflection that the good sense of the people opposes invincible obstacles to seditions, is a still greater cause of congratulation. All concur in regretting the evils which

civil war has caused, and the unanimous voice of the people calls for public happiness by the maintenance of peace and order.

Were the latter not based on such solid foundations, the differences of the republic with the French government would draw down general execration upon the seditious. The friendly relations which existed with France have been interrupted, its naval forces now blockade our most important harbors, and commit other hostilities. The ultimatum of the French minister is as inadmissible as the dignity and honor of the Mexican nation are invariable. Consequently, the negotiations have become complicated, and the difficulties on both sides have reached the highest point, in spite of the loyal efforts and intentions of the government of the republic to prevent these altercations by honorable measures for both countries.

As congress is already informed of the pretensions of the French government and the grave injuries and offences which the nation have suffered from its hostilities, it cannot fail to appreciate at its proper value the prudent and dignified conduct of the executive. If honor were not the dearest attribute of a free republic, or if a war between two friendly powers were less prejudiced to our interests and welfare, it might be thought that the government should have inclined to one of those extremes which it has ever sought to avoid. But you, gentlemen, are well impressed with the advantages of that system of firmness and moderation which has obtained that respect which the name of the republic merits for the preservation of its peaceful relations with foreign powers.

The hostilities committed by the French naval forces, and the blockade suffered by our ports, would have justified the severest reprisals on the part of the republic. But, gentlemen, since the government has firmly established the nation, it has thought it best to conciliate the French cabinet by its generous moderation, that it may adopt another line of conduct more consonant with decorum and the interest of both countries.

I cannot decide with certainty what will be the termination of these unhappy differences, but I can assure you that whatever it may be, it will comport with the dignity of the Mexican nation. Disposed to sustain, in case of emergency, a war which we shall not have provoked, and desirous of an honorable peace between Mexico and France, the policy to be pursued by us under such circumstances, cannot be questionable.

You are aware that the United States have accepted the arbitration of a friendly power, proposed to them by the government of the republic, for the re-establishment of the amity and harmony so unfortunately interrupted. If I have deplored the unhappy state of our relations, I have never doubted that that cabinet will aid in the rational and just accommodation of the philanthropic sentiments existing between Mexico and the United States. I am now far from reviving the mutual complaints which have been made. Let the two governments apply themselves entirely to a definite and satisfactory arrangement, by which the differences which have endangered the continuance of peace with our neighbors, may be forgotten. The neutrality law lately passed by the two houses of the American congress, and the assurances given to our minister, should satisfy us with respect to their frank and sincere intentions.

The friendship of the republic with the other European and American powers, has extended to Belgium, and the new state of the equator. Their governments have sent plenipotentiaries fully accredited to accomplish negotiations with a view to give an impulse to commercial transactions with those countries. The government of the republic will receive them with all the attention which the reciprocal advantages they will confer, and the progress of our foreign relations alike merit.

I regret sincerely that I cannot announce to you the opening of the campaign of Texas. Your wisdom will enable you to appreciate the incapability of the government to overcome all the difficulties in the case. Fortunately, they all depend upon accidental circumstances, which will ultimately disappear and leave the government free to employ its resources and power in restoring the integrity of its territory.

The stagnation of foreign commerce, although it has severely affected all its ramifications, has likewise demonstrated the internal resources of the nation, and the necessity of a system of internal affairs by which the revenue of the administration may be provided for. This labor, so worthy of the house, would terminate the necessities of the treasury. To remedy this evil as much as possible should be one of the first objects of your attention.

I must not omit the wants which for many years the greater portions of the officers and valiant troops

of the government have suffered with that exemplary patience which it is to be expected from true republicans. They would suffer still more were it requisite, but congress and the government should zealously protect these faithful servants of the country.

The army, police, and system of internal affairs being thoroughly organized, nothing can occur to shake the foundations of public tranquillity. The national character, which at various political crises, has been so nobly developed, will be the *primum mobile* of the fruitful elements of this privileged soil and of general prosperity. Our foreign differences will either terminate honorably, or will occasion new motives to induce the public to pursue its determination for the defence of its national rights. You, gentlemen, constitute one of the firmest pillars of the country, and your legitimate duties at the next session, will doubtless comport with the great object which distinguishes the constitutional compact. Consider well the important and multitudinous duties of the executive, and continue to assist him with the most ardent zeal and the most unflinching confidence.

From a communication made to the minister of war and marine, by the commandant general of the state of Tamaulipas, we learn that the sloop Gualpan, having put off from Tampico to embark some effects on board the British packet, was boarded by three armed boats from the French blockading brig. The British consul, who had hoisted his flag on board the said sloop, and was himself steering her, was removed from the helm, and ordered on board the French brig. He, however, resisted the demand, protested against such hostile proceedings, and insisted that the vessel should be searched. After a short detention he was suffered to proceed; and after placing the objects in question on board the packet, the sloop returned without further molestation to Tampico. We have understood that it is the intention of the consul (Mr. Crawford) to make a complaint to his government of this unwarrantable invasion of his rights. [Nat. Intel.]

APPROPRIATIONS AND OFFICES CREATED IN 1838.

Report of the clerk of the house of representatives of the United States, in compliance with the "act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

Office of the house of reps. of the U. S.

July 19, 1838.

In obedience to the sixth section of the "act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the secretary of the senate and clerk of the house of representatives, as soon as may be after the close of each session of congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices, the salaries of which are increased, and the amount of such increase," the clerk of the house of representatives submits the accompanying statements.

WALTER S. FRANKLIN, clerk ho. of reps.

Statements of appropriations made, new offices created with the salaries of each, offices the salaries of which are increased, with the amount of such increase, during the 1st and 2d sessions of the 25th congress of the United States of America.

July 18, 1838.

Prepared by the clerk of the house of representatives, in obedience to the 6th section of the act of July 4, 1836, entitled, "An act to authorize the appointment of additional paymasters, and for other purposes."

Statement of appropriations made during the 1st and 2d sessions of the 25th congress of the United States of America, specifying the amount and object of each.

EXTRA SESSION, OR 1ST SESSION 25TH CONGRESS.

H. R. 9.

Making further appropriations for the year 1837.

For pay and mileage of the members of congress and delegates	\$248,500 00
For stationary, fuel, printing, and all other contingent expenses of the senate	80,000 00
For stationary, fuel, printing, and all other contingent expenses of the house of representatives	50,000 00
For the contingent expenses of the navy, as enumerated in the act	

of the 8d of March last, in addition to the amount appropriated by that act

For the relief and protection of American seamen in foreign countries

For defraying the expenses attending the prosecution of the claim of the United States to the legacy bequeathed by the late James Smithson, of London

For contingent expenses in the office of the treasurer

For preparing, printing, and binding documents ordered by the resolution of the senate of the 2d of July, 1836, 25th of February, 1837, and 2d of March, 1837, to be disbursed under the direction of the committee to audit and control the contingent expenses of the senate

H. R. 2.

Expense of issuing treasury notes

H. R. 8.

For suppressing Indian hostilities

120,000 00

10,000 00

5,000 00

500 00

25,000 00

20,000 00

1,600,000 00

\$2,109,000 00

2D SESSION 25TH CONGRESS.

H. R. 224.

For the civil and diplomatic expenses of the government for the year 1838.

For pay and mileage of the members of congress and delegates

\$567,680 00

For pay of the officers and clerks of the senate and house of representatives

40,400 00

For stationary, fuel, printing, and all other contingent expenses of the senate

50,000 00

For stationary, fuel, printing, and all other contingent expenses of the house of representatives

225,000 00

For compensation to the president and vice president of the United States, the secretary of state, the secretary of the treasury, the secretary of war, the secretary of the navy, and the postmaster general.

60,000 00

For salary of secretary to sign patents for public lands, per act of March 2d, 1833

1,500 00

For clerks and messengers in the office of the secretary of state

20,300 00

For the contingent expenses of the department of state, including publishing and distributing the laws

25,000 00

For the superintendent and watchmen of the northeast executive building

1,500 00

For contingent expenses of said building, including fuel, labor, oil, and repairs

3,350 00

For compensation to the clerks and messengers in the office of the secretary of the treasury

16,450 00

For compensation to the clerks in said office, per act of 23d June, 1836

3,600 00

For compensation to the first comptroller of the treasury

3,300 00

For compensation to the clerks and messengers in the office of the first comptroller

19,300 00

For compensation to the second comptroller

3,000 00

For compensation to the clerks and messenger in the office of the second comptroller, including the compensation of two clerks transferred from the office of the fourth auditor

12,250 00

For compensation to the first auditor of the treasury

3,000 00

For compensation to the clerks and messenger in the office of the first auditor

15,900 00

For compensation to the second auditor of the treasury

3,000 00

For compensation to the clerks and messenger in the office of the second auditor

17,900 00

For compensation to the third auditor

3,000 00

For compensation to the clerks and messengers in the office of the third auditor

27,250 00

For compensation to two additional clerks, employed under the act of the 18th January, 1837, for the payment of horses and other property lost or destroyed

2,400 00

For compensation to the fourth auditor

3,600 00

For compensation to the clerks and messenger in the office of the fourth auditor

15,950 00

For an additional clerk in the same, to carry into effect the act of the 8d March last, for the more equitable administration of the pension fund

1,000 00

For compensation to the fifth auditor

3,600 00

For compensation to the clerks and messenger in the office of the fifth auditor

9,800 00

For compensation to the treasurer of the United States

3,000 00

For compensation to the clerks and messenger in the office of the treasurer of the United States

16,750 00

For compensation to the register of the treasury

3,000 00

For compensation to the clerks and messengers in the office of the register of treasury

24,200 00

For compensation of the commissioner of the general land office, per act of 4th July, 1836

3,000 00

For compensation of the recorder, solicitor, draughtsman and assistant draughtsman, clerks, messengers, and packers, in the office of the commissioner of the general land office

107,850 00

For compensation to the solicitor of the treasury

3,500 00

For compensation to the clerks and messenger in the office of the solicitor of the treasury

3,950 00

For expenses of stationary, printing, and all other contingent expenses of the treasury department, viz:

For the office of the secretary of the treasury, including copying, and expenses incurred in consequence of the burning of the treasury building

12,500 00

For translating foreign languages, and for receiving and transmitting passports and sea-letters, in the office of the secretary of the treasury

300 00

For stating and printing public accounts

1,400 00

For the office of the first comptroller

2,000 00

For the office of the second comptroller

1,500 00

For the office of the first auditor

1,000 00

For the office of the second auditor

1,000 00

For the office of the third auditor, including \$1,450, the estimated amount due to printers for publishing rules and regulations, and notices to claimants, under the act of the 18th of January, 1837, to provide for the payment of horses and other property lost or destroyed in the military service of the United States

2,250 00

For the office of the fourth auditor

1,000 00

For the office of the fifth auditor

1,000 00

For the office of the treasurer of the United States

1,800 00

For the office of the register of the treasury

3,000 00

For the office of the solicitor of the treasury, including \$500 for the purchase of books

1,500 00

For compensation of superintendent and two watchmen for the additional building for the use of the general land office

1,050 00

For compensation of the superintendent and watchmen of the southeast executive building

2,100 00

For contingent expenses of the building occupied by the treasury, including fuel, oil, labor, repairs, furniture, and for rent, amounting to \$4,350 per annum

12,000 00

For compensation to the clerks and messengers in the office of the secretary of war, including the messenger in the bounty land bureau

18,250 00

For contingent expenses of the office of the secretary of war	\$3,000 00	For salary of superintendent and watchman of the southwest executive building	1,250 00	For compensation of the governor, judges, and secretary of Wisconsin territory	9,100 00
For books, maps, and plans for the war department	1,000 00	For contingent expenses of said building	3,330 00	For contingent expenses, pay, and mileage of the members of the legislative assembly; pay of officers of the council, and taking the census of said territory, and for printing the laws; for furniture and rent of buildings	29,625 00
For compensation of extra clerks, when employed in said office	3,000 00	For compensation to three assistant postmasters general, per act 3d July, 1836	7,500 00	For compensation of the governor, judges, and secretary of the territory of Florida	11,700 00
For compensation of the commissioner of Indian affairs	3,000 00	For compensation to clerks and messengers in the general post office	48,600 00	For contingent expenses, pay, and mileage of the members of the legislative council of said territory; pay of the officers of the council, and for copying the laws for the printer	10,000 00
For compensation of the clerks and messenger in the office of the commissioner of Indian affairs	16,400 00	For contingent expenses of said office, including four thousand dollars for rent and fuel for the auditor's office	12,500 00	For compensation to the chief justice, the associate judges, and district judges of the United States	101,400 00
For contingent expenses of said office	2,000 00	For arrears for the year 1837	6,749 98	For compensation of the chief justice and associate judges of the District of Columbia, and of the judge of the orphans' courts of said district	9,500 00
For compensation of the commissioner of pensions, including five hundred dollars for deficiency in the appropriation for 1837	3,500 00	For compensation of two watchmen	600 00	For compensation to the attorney general of the United States	4,000 00
For compensation of clerks transferred from the office of the secretary of war to the office of the commissioner of pensions	4,800 00	For compensation to the auditor of the post office	3,000 00	For compensation of clerk and messenger in the office of the attorney general	1,800 00
For compensation to clerks and messengers for the office of the commissioner of pensions authorized by the act of 9th May, 1836	13,450 00	For compensation to clerks and messengers in said office	55,500 00	For contingent expenses of said office	500 00
For compensation to clerks and messenger in the office of the paymaster general	6,100 00	For contingent expenses of said office, including the expense of quarterly books, stationery, printing, pay of laborers, and arrearage of expenses incidental to the occupation of the new office	7,437 00	For compensation to the reporter of the decisions of the supreme court	1,000 00
For contingent expenses of said office	300 00	For compensation of the surveyor general northwest of the Ohio	2,000 00	For compensation to the district attorneys and marshals, as granted by law, including those in the several territories	18,250 00
For compensation of the clerk and messenger in the office of the commanding general	1,300 00	For compensation to clerks in his office, per acts of 9th May, 1836	6,800 00	For defraying the expenses of the supreme court and the district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the year 1838 and preceding years; and, likewise, for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners	350,000 00
For contingent expenses of said office	300 00	For compensation to the surveyor general for Illinois and Missouri	2,000 00	For expenses of printing the records of the supreme court	3,000 00
For compensation to clerks and messenger in the office of the adjutant general	7,650 00	For compensation to clerks in the office of said surveyor general, per acts of 9th May, 1836	3,200 00	For the payment of pensions granted by special acts of congress	1,050 00
For contingent expenses of said office	1,600 00	For compensation to the surveyor general of Arkansas	2,000 00	For the support and maintenance of light-houses, floating lights, beacons, buoys, and stakages, including the purchase of lamps, oil, keepers' salaries, repairs, improvements, and contingent expenses	856,863 00
For compensation of clerks and messenger in the office of the quartermaster general	7,300 00	For compensation of clerks in the office of said surveyor general	3,000 00	For survey of the coast of the United States, including the compensation of the superintendent and assistants	80,000 00
For contingent expenses of said office	600 00	For compensation of the surveyor general of Louisiana	2,000 00	For completing the public warehouse at Baltimore	25,000 00
For compensation of clerks and messenger in the office of the commissary general of purchases	4,200 00	For compensation to clerks in the office of said surveyor general, per acts of 9th May, 1836	4,300 00	For completing surveys in Alabama, according to the provision in the appropriation act of 3d March, 1837	2,500 00
For contingent expenses of said office	800 00	For compensation of the surveyor general of Mississippi	2,000 00	For surveys in Missouri, in the towns named in the act of 26th May, 1824	6,000 00
For compensation of clerks and messenger in the office of the commissary general of subsistence	4,300 00	For compensation of clerks in the office of said surveyor general, per acts of 9th May, 1836, including one thousand five hundred dollars for additional clerk-hire in preparing the survey and return of the Cherokee cession	500 00	For the compensation to two keepers of the public archives in Florida	1,000 00
For contingent expenses of said office	2,600 00	For compensation of the surveyor general of Florida	2,820 00	For salaries of ministers of the United States to Great Britain, France, Spain, Russia, and Prussia	45,000 00
For compensation of clerks and messenger in the office of the chief engineer	5,650 00	For compensation of clerks in the office of said surveyor general	2,000 00	For salaries of the secretaries of legation to the same places	10,000 00
For contingent expenses of said office, including one thousand dollars for expenses attending the removal of the office	2,000 00	For compensation to the commissioner of public buildings in Washington	2,800 00	For salaries of the charges des affaires to Portugal, Denmark, Sweden, Holland, Turkey, Belgium, Brazil, Chili, Peru, Central America, New Granada, and Venezuela, and for an outfit to a charge d'affaires to Peru	58,500 00
For compensation to clerk and messenger in the office of the surgeon general	1,650 00	For compensation to three assistants to the commissioner, as superintendent of the Potomac bridge; for the expense of oil for the lamps	1,942 50	For salary of the drogoman, and for contingent expenses of the legation to Turkey	6,500 00
For contingent expenses of said office	700 00	For compensation to the officers and clerks of the mint	20,400 00		
For compensation of clerks and messenger in the ordnance office	8,630 00	For pay of laborers in the various departments of the mint, and for contingent expenses	14,600 00		
For contingent expenses of said office	913 00	For compensation to the officers and clerk of the branch mint at Charlotte, North Carolina	6,000 00		
For compensation of the clerks and messenger in the topographical bureau	2,500 00	For pay of laborers in the various departments of the same	3,600 00		
For contingent expenses of said bureau	1,233 00	For wastage of gold, and for contingent expenses of the same	5,400 00		
For compensation of superintendent and watchmen of the northwest executive building	2,250 00	For renewing the roof of the mint at Charlotte, North Carolina	2,000 00		
For contingent expenses of said building, including rent of bounty land office; for improving the grounds for a new building; for land for the engine-house, authorized by the act of March 3d, 1837; and for the contingencies of the fire engines and apparatus	5,800 00	For compensation to the officers and clerk of the branch mint at Dahlonega, Georgia	6,000 00		
For compensation of the clerks and messengers in the office of the secretary of the navy	12,850 00	For pay of laborers in the various departments of the same	3,800 00		
For contingent expenses of said office	3,000 00	For wastage of gold, and for contingent expenses of the same	4,000 00		
For compensation of the commissioners of the navy board	10,500 00	For enclosing the mint lot, and for buildings	7,500 00		
For compensation to the secretary of the navy board	2,000 00	For compensation to the officers and clerks of the branch mint at New Orleans	12,900 00		
For compensation to the clerks and messenger of the navy board	8,450 00	For pay of laborers in the various departments of the same	22,000 00		
For contingent expenses of said office	1,800 00	For wastage of gold and silver, and for contingent expenses of the same	27,100 00		

For the contingent expenses of all the missions abroad	\$20,000 00	For the Mars Hill military road	364 00	dred and fifty thousand dollars for defraying the expenses of the courts of the United States, made in the "act making appropriations for the civil and diplomatic expenses of government for the year one thousand eight hundred and thirty-eight, approved April sixth, one thousand eight hundred and thirty-eight," to be expended by the secretary of the treasury, under the direction of the president, upon the certificate of the judge of the circuit or district court of the United States of the circuit or district where the expenditure may have been made or the services rendered.	
For salaries of the consuls of the United States at London and Paris	4,000 00	To enable the treasury officers to close the account of Charles Thomas, being part of an amount heretofore appropriated and carried to the surplus fund.		For the paper and printing of a complete catalogue of the books of the congress library, heretofore ordered	1,400 00
For expenses of intercourse with the Barbary Powers	17,400 00	To the state of Maine, to reimburse the expense of said state for allowances to Ebenezer S. Greely, for his sufferings and losses attendant upon his arrest and imprisonment in the jail at Frederickton, New Brunswick, in consequence of taking the census at Madawaska; and to John Baker and others, for sufferings and losses in relation to certain proceedings in said town, the sum of	1,175 00	For compensation to Ferdinando Pettrich, for models of statues for blocking to the western front of the capitol	600 00
For the relief and protection of American seamen in foreign countries	40,000 00	For continuing the construction of the patent office	50,000 00	For enlarging the contingent fund of the house of representatives, to provide for the payment for certain expenses incurred by the house by resolution of 27th of January, 1838	43,960 00
For contingent expenses of foreign intercourse	15,000 00	For furnishing machinery, and for other expenses incident to the outfit of the branch mints at New Orleans, Charlotte, and Dahlonega	2,800 00	For laborers, and horse, cart, and driver employed at the president's square	2,015 00
For clerk-hire, office-rent, stationary, and other expenses, in the office of the American consul in London, per act of 19th January, 1836	2,900 00	For salaries of the governor, secretary, chief judge, associate justices, district attorney, and marshal, and pay and mileage of the members of the legislative assembly of the territory of Iowa, and the expenses thereof, printing of the laws, taking the census, and other incidental and contingent expenses of the said assembly and territory	24,675 00	For repairs of the Potomac bridge	2,050 00
For interpreters, guards, and other expenses incidental to the consulates in the Turkish dominions	5,500 00	For erecting public buildings in the territory of Iowa	20,000 00	For three hundred feet of suction hose for the capitol and capitol grounds	200 00
For salary of the principal and two assistant librarians, pay of the messenger, and for contingent expenses of the library	4,210 00	For contingent expenses of the senate, not anticipated when the ordinary estimate of the year was prepared, being principally for engraving and printing maps, and other printing, the purchase of books and book-cases for the senate committee rooms, the expenses of committees of investigation, and the pay of clerks of committees	50,000 00	For cast-iron settees and chairs for the public grounds	150 00
For the purchase of books for the library of congress	5,000 00	For an outstanding balance of expenditures under the head of military surveys, and to enable the department to settle and close that account	10,000 00	For salary of the collector at the port of Vicksburg	500 00
For registers for ships and vessels, and lists of crews	4,000 00	For an outstanding balance of expenditures for surveys by the civil engineers, to enable that department to settle and close the account for those surveys	2,000 00	H. R. 82.	
For compensation to a person employed in making an abstract of the pension laws, and in preparing the papers for congress, under the resolution of the house of representatives of the 9th of October, 1837	500 00	To close the account for the laying out and construction of a mail route and post road through the Creek country, in the state of Alabama, and to pay the balances due to contractors and workmen upon the said road, the sum of	1,945 50	For the benefit of the levy court of Calvert county, in the state of Maryland	3,000 00
For carrying into effect the fourth article of the treaty with Spain	3,000 00	For the salary of the additional judge of the orphans' court of Washington county, in the District of Columbia, the office having been created by a law of the present session of congress	1,000 00	H. R. 726.	
For alterations and repairs of the capitol, and incidental expenses	6,331 00	For the salary of the judge of the criminal court of the District of Columbia, the said court having been established by a law of congress of the present session	2,000 00	For the erection of a court-house in Alexandria, in the District of Columbia	15,000 00
For filling up the street in front of carpenter's shop, and conducting water to the public stables	550 00	For enabling the secretary of the treasury to carry into effect the resolution of the 29th ultimo, on the subject of steam engines and steamboats, and the loss of life and property which has been suffered in their use, or so much thereof as he may find necessary for that purpose, the sum of	6,000 00	H. R. 733.	
For lighting lamps, and superintendence of the public grounds around the capitol	5,976 00	For defraying the expenses of the marshals, deputy marshals, and other civil officers of the United States, in executing the provisions of an act passed at the present session of congress, entitled "an act to amend an act entitled 'an act in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned,' approved April twentieth, one thousand eight hundred and eighteen," the sum of twenty thousand dollars, to be paid out of the appropriation of three hun-		For compiling the statutes and other laws of the territory of Florida	2,000 00
For extending capitol square west, and improving the same south of the centre footway, according to the plan already in part executed, under the provisions of an act of the last congress	23,127 86			H. R. 822.	
For attendance at the western gates of the capitol	547 50			For completing the public buildings in Wisconsin	20,000 00
For salary of the principal gardener	1,000 00			s. 30.	
For alterations and repairs of the president's house, and for superintendence of the grounds around the same	4,815 00			For office-rent, fuel, and other incidental expenses for the office of the surveyor general of Wisconsin territory	350 00
For flag footways across Pennsylvania avenue at third, four-and-a-half, sixth, seventh, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth streets, and across first street east of capitol square	2,280 00			s. 98.	
For repairing the marine hospital at Charleston, South Carolina	2,000 00			To provide for ascertaining the southern boundary line of the territory of Iowa	4,000 00
For the second payment to Luigi Persico, according to the contract made with him, for a group of statues for the capitol	4,000 00			s. 137.	
For the second payment to the artists engaged in executing paintings for the rotundo of the capitol, under the joint resolution of the two houses	8,000 00			To provide for the payment of the annuities which may become due and payable to the Great and Little Osages, in the year 1838, and for other purposes	12,000 00
For purchasing eighty thousand pieces of parchment, and the expense of printing the same	13,600 00			s. 175.	
For the service of the general post office, for the year 1838, in conformity to the act of 2d July, 1836 H. R. 412.	4,694,000 00			To refund to the Georgia Railroad and Banking company certain duties upon railroad iron	3,361 42
For the compensation of a topographer and clerks employed in the post office department, in conformity with the appropriation act of March 3d, 1837, and for one additional clerk to keep an appropriation account until the 1st of January, 1839	9,200 00			s. 269.	
For the compensation of clerks employed in the auditor's office of the treasury for the post office department, from the 1st of January, 1838, till the 1st of January, 1839	10,500 00			For erecting public buildings in the territory of Iowa	20,000 00
For the documentary history of the revolution, the amount heretofore appropriated for that object, and carried to the surplus fund.				For the purchase of a library for the territory of Iowa	5,000 00
				For the contingent expenses of the same	350 00
				s. 291.	
				For printing the Madison papers	5,000 00
				s. 189.	
				For defraying the contingent expenses of the commissioner for adjusting the claims for reservations of land under the fourteenth article of the treaty of 1830 with the Choctaw Indians	5,000 00
				s. 11.	
				To ascertain and designate the boundary line between the state of Michigan and the territory of Wisconsin	3,000 00
				s. 73.	
				For testing the usefulness of inventions to improve and render safe	

the boilers of steam engines against explosions s. 176.	\$6,000 00
To refund certain duties upon railroad iron, paid by the New York and Harlem Railroad company s. 238.	905 63
To refund to the Newcastle and Frenchtown Turnpike and Railroad company certain duties paid by them upon iron imported for the construction of their railroad	2,008 83
	<u>\$8,252,366 22</u>

H. R. 90.

For the support of the army for the year 1838.

For the pay of the army	\$1,091,193 00
For the subsistence of officers	347,749 00
For forage of officers' horses	70,987 00
For clothing for officers' servants	26,550 00
For payments in lieu of clothing to discharged soldiers	80,000 00
For subsistence, exclusive of that of officers	730,912 50
For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture	413,299 00
For the medical and hospital department	39,200 00
For the regular supplies furnished by the quartermaster's department, consisting of fuel, forage, straw, stationary, and printing,	203,000 00
For barracks, quarters, storehouses, embracing the repairs and enlargement of barracks, quarters, store-houses, and hospitals, at the several posts; the erection of temporary cantonments at such posts as shall be occupied during the year, and of gun-houses for the protection of cannon at the forts on the seaboard; the purchase of the necessary tools and materials for the objects wanted, and of the authorized furniture for the barrack rooms; rent of quarters for officers, of barracks for troops at posts where there are no public buildings for their accommodation, of store-houses for the safe-keeping of subsistence, clothing, &c., and of grounds for summer cantonments, encampments, and military practice	95,000 00
For the allowance made to officers for the transportation of their baggage, when travelling on duty without troops	50,000 00
For the transportation of troops and supplies, viz: transportation of the army, including the baggage of troops when moving either by land or water; freight and ferrages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for the purpose of transportation, or for the use of garrison; drayage and cartage at the several posts; hire of teamsters, transportation of funds for the pay department; expense of sailing a public transport between the posts on the Gulf of Mexico, and of procuring water at such posts as from their situation, require it; the transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase, and the points of delivery under contracts, to such places as the circumstances of the service may require it to be sent; of ordnance from the foundries and arsenals to the fortifications and frontier posts, and of lead from the western mines to the several arsenals, the sum of	195,000 00
For the incidental expenses of the quartermaster's department consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including the compensation of judge advocates, members, and witnesses; extra pay to soldiers, under an act of congress of the 2d of March, 1819;	

expenses of expresses from the frontier posts, of the necessary articles for the interment of non-commissioned officers and soldiers; hire of laborers, compensation to clerks in the offices of quartermasters & assistant quartermasters at posts where their duties cannot be performed without such aid, and to temporary agents in charge of dismantled works, and in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of additional stables	92,000 00
For two months' extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service	24,264 00
For the national armories	360,000 00
For the armament of the fortifications	100,000 00
For the current expenses of the ordnance service	93,000 00
For arsenals, (or so much thereof as may be sufficient to complete the arsenals already commenced, and those on the western frontier)	150,000 00
For the manufacture of elevating machines for barbette and case-mate carriages	5,000 00
For the purchase and manufacture of light field artillery	39,953 00
For the purchase of gunpowder and grape shot	37,500 00
For arrearages payable through the office of the second auditor	1,200 00
For arrearages payable through the office of the third auditor	3,000 00
For taxes on the Passyunk arsenal, near Philadelphia, for the years 1837 and 1838	1,450 00
For contingencies of the army	5,000 00
For paying the balance due the heirs of William Meldrum, one of the commissioners for surveying and marking the road from La Plaisance bay to Chicago	268 55
For paying Adam Eckfeldt, for fine gold and other expenses incurred by him in preparing nine medals ordered by congress for various distinguished officers	1,008 86

H. R. 412.

For carrying into effect the act for the increase of the army, to wit:	
For pay	379,250 00
For clothing	216,730 00
For subsistence	74,645 00
For contingent expenses for recruiting	53,880 00
For defraying the expenses of the board of visitors at the Military academy, in addition to the sum contained in the annual appropriation for that object	698 75
For procuring new machinery for the Harper's Ferry armory, the sum of	20,000 00
H. R. 412.	
<i>For the support of the military academy of the United States for the year 1838.</i>	
For pay officers, cadets, and musicians	56,012 00
For subsistence of officers & cadets	39,566 00
For forage of officers' horses	1,152 00
For clothing of officers' servants	330 00
For defraying the expenses of the board of visitors at West Point	1,998 84
For fuel, forage, stationary, printing, transportation, and postage	15,295 00
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences	7,257 50
For pay of adjutant's and quartermaster's clerks	950 00
For increase and expenses of the library	800 00
For miscellaneous items and incidental expenses	1,575 50
For the erection, as per plan, of a building for recitation and military exercises, in addition to the amount heretofore appropriated	18,254 60

For the erection of a barn and public stables	1,000 00
For compensation to the assistant professor of chemistry, mineralogy, and geology, at the military academy	300 00
For printing and binding the regulations of the military academy	360 00
For the reconstruction of the buildings for the library, engineer, chemical and philosophical departments at the military academy at West Point, destroyed by fire in February last	26,000 00
	<u>\$5,127,860 10</u>

H. R. 89.

For certain fortifications of the United States, for the year one thousand eight hundred and thirty-eight.

For Fort Warren, Boston harbor	\$100,000 00
For the preservation of Castle island, and repairs of Fort Independence, Boston harbor	50,000 00
For Fort Adams, Rhode Island	100,000 00
For fortifications at New London harbor, Connecticut	25,000 00
For Fort Schuyler, East river, New York	100,000 00
For Fort Delaware, Delaware river	40,000 00
For Fort McHenry, Redoubt Wood, and Covington battery, near Baltimore	32,415 00
For Fort Monroe, Virginia	100,000 00
For Fort Calhoun, Virginia	30,000 00
For fortifications in Charleston harbor, and for the preservation of the site of Fort Moultrie	175,000 00
For Fort Pulaski, Cockspar island, Georgia	100,000 00
For the Fort at Foster's bank, Florida	33,000 00
For repairs of Fort Marion and of the sea-wall at St. Augustine	29,500 00
For the purchase of the charter-right to the bridge across Mill creek, at Fort Monroe	4,000 00
For securing the site of Fort Caswell, Oak island, North Carolina	8,500 00
For repairs of the old fort at the Barancas, Pensacola	75,000 00
For repairing Fort Niagara in the state of New York	3,000 00
For contingencies of fortifications	10,000 00
	<u>\$1,015,415 00</u>

H. R. 393.

For the protection of the northern frontier	<u>\$625,500 00</u>
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H. R. 225.

For the naval service for the year one thousand eight hundred and thirty-eight.

For the pay of commissioned, warrant, and petty officers, and of seamen	\$1,312,000 00
For pay of superintendents, naval constructors, and all the civil establishments at the several yards	69,770 00
For provisions	600,000 00
For repairs of vessels in ordinary, and the repairs and wear and tear of vessels in commission	1,200,000 00
For medicines and surgical instruments, hospital stores, and other expenses on account of the sick	75,000 00
For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire	20,000 00
For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts	74,000 00
For improvement and necessary repairs of the navy yard at Brooklyn, New York	61,000 00
For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania	21,500 00
For improvement and necessary repairs of the navy yard at Washington	30,000 00
For improvement and necessary repairs of the navy yard at Gosport, Virginia	77,500 00
For improvement and necessary repairs of the navy yard near Pensacola	76,500 00
For ordnance and ordnance stores	65,000 00
For defraying the expenses that may accrue for the following pur-	

sen's and contingent expenditures	\$12,500 00	of their titles to lands within other tribes, and for other purposes	2,000 00	are not able to supply themselves, and which may be necessary for their comfortable removal	100,000 00
For expenses of delegations of not exceeding three Choctaws, three Creeks, and five Osages, who have obtained permission to visit this city, including the usual presents and contingent expenditures	5,000 00	For defraying the expenses of fourteen Sac and Fox Indians, who were induced to visit Washington by the false representations of their conductor	221 50		\$7,739,410 41
For the value of buildings of the Miamies, on the land ceded by them in the treaty of October 23, 1834	5,607 00	For the purpose of defraying expenses of negotiations with the Miami Indians \$360; to be paid to the following persons in the following proportions, to wit:		H. R. 394.	For certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, during the year 1838.
For carrying into effect the treaties with the Chippewas of Saginaw, of 14th January and 20th December, 1837, and January 23, 1833	91,000 00	To William Marshall, for forty two days' service as commissioner	\$336	For continuing the improvement of the harbor of Chicago, Illinois	\$30,000 00
For carrying into effect the treaty with the Chippewas of the Mississippi, of July 21, 1837	209,500 00	To Henry L. Ellsworth, for forty-four days' services as commissioner	430	For continuing the construction of a harbor at Michigan city, Indiana	60,783 59
For carrying into effect the treaty with the Sioux of the Mississippi, of September 29, 1837, as ratified by the senate	233,250 00	To Allen Hamilton, for seventeen days' services as secretary	102	For continuing the construction of a pier or breakwater at the mouth of the river Saint Joseph Michigan	51,113 00
For carrying into effect the treaty with the Sacs and Foxes of the Mississippi, of October 21, 1837, as ratified by the senate	194,350 00	To defray the expenses of an exploring party of Miami Indians	860 00	For the continuation of the works at the harbor near the mouth of the river Raisin, Michigan	15,000 00
For carrying into effect the treaty with the Sacs and Foxes of the Missouri, of October 21, 1837	12,970 00	For affording temporary subsistence to such Indians west of the Mississippi who, by reason of their recent emigration, or the territorial arrangements incident to the policy of setting apart a portion of the public domain west of the Mississippi, for the residence of all the tribes east of that river, as are unable to subsist themselves, and for the expenses attending the distribution of the same	1,990 00	For continuing the improvement of the harbor at the mouth of Black river, in Jefferson county, state of New York	22,401 00
For carrying into effect the treaty with the Yanktons and Santee Sioux, of October 21, 1837	7,000 00			For continuing the improvement of the harbor at Whitehall, in the state of New York	15,000 00
For carrying into effect the treaty with the Winnebagoes, of November 1, 1837	415,500 00		150,000 00	For continuing the improvement of the channel at the mouth of Genesee river, in the state of New York	25,000 00
For carrying into effect the treaty with the Iowas, of November 23, 1837	500 00		\$3,002,427 73	For continuing the removal of obstructions at Black river, Ohio	5,000 00
To the Osages, for interest at five per cent. on \$69,120, being the value of 54 sections of land set apart by the treaty of 1825 for education purposes, & for which they have agreed to accept \$2 per acre, as authorised by the senate in its resolution of the 19th of January last; which resolution also provides for the investment of the amount	3,456 00	H. R. 450.		For continuing the removal of obstructions at the mouth of the Huron river, in Ohio	5,000 00
To the Delawares, for interest at five per cent. on \$46,080, being the value of 36 sections of land set apart by the treaty of 1832 for education purposes, and for which they have agreed to accept \$2 per acre, as authorised by the senate in its resolution of the 19th January last; which resolution also provides for the investment of the amount	2,804 00	For preventing and suppressing Indian hostilities for 1838, and for arrearages for 1837.		For continuing the improvement of the navigation at the mouth of the Vermilion river, Ohio	23,626 57
For holding a treaty with the Creeks, for the purpose of adjusting their claims for property and improvements abandoned or lost in consequence of their emigration west of the Mississippi	2,000 00	For the suppression of Indian hostilities for the year 1838	\$1,000,000 00	For continuing the improvement of Cleveland harbor, Ohio	51,856 00
For payment of the amount of depredations committed by the Osage and Comanche Indians on the property of the Choctaw Indians	825 00	H. R. 676.		For continuing the removal of obstructions at Cunningham creek, Ohio	5,000 00
For expense of holding a treaty with the Wyandot Indians of the state of Ohio	1,500 00	For forage for the horses of the dragoons, volunteers, officers, and in the service of the trains	400,000 00	For continuing the removal of obstructions at Ashtabula creek, Ohio	8,000 00
For the payment of the expense of the delegation from the Seneca Indians, who visited Washington to protest against the ratification of a late treaty entered into with them by a commissioner acting under the authority of the United States	799 23	For freight or transportation of military supplies sent into Florida and the Cherokee country	350,000 00	For continuing the removal of obstructions at Conneaut creek, Ohio	8,000 00
For the expenses of the delegation of the Senecas who visited Washington to urge the ratification of the late treaty with them and the other New York Indians, and the expenses of negotiating that treaty with the Senecas and the other bands of New York Indians, including all the expenses incident thereto	9,500 00	For wagons, carts, ambulances, and harness, and for boats and lighters	150,000 00	For continuing the improvement of the harbor of Presque Isle, Pennsylvania	30,000 00
For the expenses of submitting again to those Indians the treaty amended, ratified, &c. by the senate	4,000 00	For the transportation of supplies from the principal depots to the points of consumption including the hire of steamboats and other vessels, and the expense of public steamers and transport schooners	700,000 00	For continuing the improvement of Dunkirk harbor, New York	10,000 00
For holding a treaty with the Osages, for the extinguishment		For the hire of a corps of mechanics, laborers, mule-drivers, teamsters, wagon-masters, and other assistants	250,000 00	For continuing the improvement of the harbor of Portland, Lake Erie, New York	35,466 00
		For transportation, and other expenses of four thousand volunteers	100,000 00	For continuing the improvement of the harbor at Cattaraugus creek, Lake Erie, New York	32,410 00
		For miscellaneous and contingent charges of all kinds, not embraced under the foregoing heads	751,000 00	For continuing the improvement of the harbor of Salmon river, Lake Ontario, New York	30,000 00
		For drafts lying over, and arrearages for services and supplies in Florida and the Cherokee country	1,048,600 00	For continuing the construction of a breakwater at Plattsburg, New York	27,500 00
		For pay of four thousand volunteers, for 1833, including \$133,415 arrearages for 1837	1,416,250 32	For continuing the improvement of the harbor at the mouth of Oak-orchard creek, New York	5,000 00
		For subsistence for militia, volunteers, and friendly Indians	265,040 00	For continuing the pier at Kennebunk, Maine	8,000 00
		For the purchase of powder and other materials for cartridges, together with the repairs of gun-carriages, small-arms, and accoutrements	35,000 00	For continuing the improvement of Big Sodus bay, New York	10,000 00
		For tents, knapsacks, and other supplies furnished by the clothing bureau	20,677 56	For continuing the pier and mole at Oswego harbor, New York	46,067 00
		For correcting an error in paying the Indians employed in the public service in Florida	7,775 53	For continuing the construction of a breakwater at Burlington, Vermont	50,000 00
		For all objects specified in the third article of the supplementary articles of the treaty of 1835, between the United States and the Cherokee Indians, the further sum of	1,047,067 00	For continuing the breakwater on Stanford's ledge, Portland harbor, Maine	26,366 00
		For satisfying all claims for arrearages of annuities for supplying blankets and other articles of clothing for the Cherokees who		For continuing the breakwater at Hyannis harbor, Massachusetts	8,764 00
				For continuing the breakwater at Sandy bay, Massachusetts	20,000 00
				For continuing the improvement of the channel of the river Thames, leading into Norwich harbor, Connecticut	10,000 00
				For improving the harbor of Westport, Connecticut	4,782 00
				For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the state of New York, to be expended according to the plan and estimate recommended by the secretary of war	100,000 00

For continuing the improvement of the harbor of Wilmington, Delaware	\$9,356 00	quire it, shall be paid out during the year 1833, to be applied to the objects as above specified, and the other half in like manner in the year 1839.		reef, according to said survey and report	100 00
For continuing the improvement of the harbor of New-castle, Delaware	11,573 00	s. 106.		For the erection of a light-house on Lynde point, at the mouth of Connecticut river, in addition to the sum of five thousand dollars already appropriated	2,500 00
For continuing the Delaware break-water	150,000 00	For the removal of the great raft of Red river	70,000 00	To complete a sea-wall, to preserve the light-house and other buildings on Fairweather island, near Black Rock harbor, pursuant to the report of captain Gregory	1,500 00
For continuing the improvement of the harbor of Baltimore, Maryland	20,000 00		\$1,535,008 53	For the erection of buoys on such of the rocks in the harbor of Milford as may be designated by the superintendent of light-houses for that district	300 00
For continuing the improvement of the navigation of Cape Fear river, below Wilmington, North Carolina	20,000 00	s. 380.		For one buoy on a shoal west of Black point, and one buoy on Pond reef, in the bay of Niantick	160 00
For opening a passage of fifty yards wide and seven feet deep, at low water, between the town of Beaufort and Pamlico sound, North Carolina, and for improving New river	25,000 00	For building light-houses, light-boats, beacon-lights, buoys, and making surveys, for the year one thousand eight hundred and thirty-eight.		For buoys on Cornfield-point rock, Adam's rock, and Oyster-pond-point rock, near Plumb island, in Long Island sound	240 00
For continuing the improvement of Pamlico, or Tar river, below Washington, North Carolina	5,000 00	STATE OF MAINE.		STATE OF NEW YORK.	
For continuing the improvements of the inland channel between St. Mary's & St. John's, Florida	29,000 00	For the erection of two buoys near the entrance of Portland harbor, viz: one on Taylor's ledge, and one on Broad-cove rock	500 00	For completing a beacon on Romer's shoals, in addition to the appropriation heretofore made	10,000 00
For continuing the improvement of Dog-river bar and Choctaw pass, in Mobile harbor	50,000 00	For rebuilding the light-house on Wood island	5,000 00	To complete a light house on Esopus meadows, on the western shore of the Hudson river, in addition to the sum heretofore appropriated	3,000 00
For continuing the improvement of the Cumberland river in Kentucky & Tennessee, below Nashville	20,000 00	For placing monuments on Fort-point ledge, Adams' ledge, and Buck ledge, in Penobscot river, in addition to the former appropriation for that purpose	1,300 00	To complete a light house on Cedar island, Sag Harbor, in addition to the sum heretofore appropriated	2,500 00
For continuing the improvement of the Ohio river, between the falls and Pittsburg	50,000 00	For placing a monument on Bulwark ledge, about seven miles east-southeast of Portland light-house	3,000 00	For the erection of a light house on the northern islet in Fisher's sound, near the northwest end of Fisher's island	3,000 00
For continuing the improvement of the Ohio and of the Missouri river	20,000 00	For placing one buoy on Drummer's ledge, south of Mark island, and one buoy on Mark island ledge	500 00	For the payment of the balance remaining due for the expenses of procuring and locating buoys in the new channel in the port of New York, lately discovered and called Gedney's channel	870 36
For continuing the removal of obstructions at Grand river, Ohio	10,000 00	For erecting a light-house on Bear island, at the entrance of Mount desert harbor	3,000 00	STATE OF NEW JERSEY.	
For continuing the works at Buffalo harbor	20,500 00	For erecting a monument on Bunker's ledge, outside of said island	1,000 00	For erecting a small beacon light at South Amboy, and putting down the following buoys, to wit: One on the tale of the Great Beds; one off Billon's Point shoal, southwest port of Staten island; one on the Middle Ground, near Prince's bay; one on the Old Orchard shoal; one off the point of the Great Kill shoals	1,050 00
For erecting a mound or sea-wall along the peninsula which separates Lake Erie from Buffalo creek, to prevent the influx of the lake over said peninsula	48,000 00	For placing one buoy at the southwest entrance of said Mount Desert harbor, and two buoys on the reef in the middle of Bass harbor	150 00	For the erection of a beacon light at the Corner Stake, so called, between Elizabethtown point and Shorter's island; also another small light or lantern on Shorter's island; also for buoys, &c., at the following places: A spar buoy at Bergen point; a spar buoy at the Mill rocks, in Newark bay; a spar buoy on the first oysterbed or point of the bar between the Hackensack and Passaic channels, one and a half mile below the crossing-place; a spar buoy at the Corner Stake, so called; a spar buoy at the crossing place, on the north side; a spar buoy at the Elbow; all pursuant to the report of captains Kearney, Sloat, and Perry	3,400 00
For continuing the preservation of Plymouth beach	2,400 00	For placing a buoy on Bantam ledge, outside of Ram island	200 00	STATE OF DELAWARE.	
For continuing the preservation of Provincetown harbor	4,500 00	For erecting a stone beacon and a buoy on Half-tide ledge, in the county of Hancock	1,200 00	For rebuilding a floating-light on Fire-fathom bank, at the entrance of Delaware bay	15,000 00
For continuing the preservation of Rainsford island	7,353 00	For placing a spar-buoy on a ledge in the vicinity of Crabtree's point, about four miles below Sullivan harbor, in said county	150 00	STATE OF MARYLAND.	
For continuing the sea-wall for the preservation of Fair-weather island, and repairing the breakwater near Black Rock harbor, Connecticut	11,550 00	For the erection of a monument or beacon on York ledge, off the entrance of York harbor	10,000 00	For placing four buoys at or near Pool's island channel	1,200 00
For continuing the improvement of the harbor at the mouth of Bass river, Massachusetts	10,000 00	For erecting a light-house and sea-wall at Saddleback ledge, in Penobscot bay	10,000 00	STATE OF VIRGINIA.	
For continuing the breakwater of Church's cove, town of Little Compton, Rhode Island	18,000 00	STATE OF NEW HAMPSHIRE.		For placing spar-buoys in James river, between Day's point and Richmond city, on such ledges and shoals as may be selected	3,000 00
For the protection and improvement of Little Egg harbor	10,000 00	For the erection of a pier on the east side of Whaleback light-house, to protect the same, in addition to the appropriation already made for that purpose	17,000 00	For building a light-boat to take place of the one in the narrows of the Potomac	8,000 00
For improving the natural channels at the northern and southern entrances of the Dismal-swamp canal	10,000 00	STATE OF MASSACHUSETTS.		For placing three or more buoys at the entrance of Onancock creek, in the county of Accomac	300 00
For the improvement of the navigation of Savannah river, Georgia	15,000 00	For the erection of two small beacon-lights on the north side of Nantucket island, in addition to former appropriation for that purpose	2,100 00	STATE OF NORTH CAROLINA.	
For the improvement of the Arkansas river	40,000 00	For completing the light-house on Mayo beach, in Wellfleet bay	2,000 00	For marking, staking out, and placing buoys or other such monuments as are most suitable, to designate the channels in Crowatan sound, and at outlets of Pasquo-	
For removing the sand-bar occasioned by the wreck in the harbor of New Bedford, the unexpended balance of an appropriation of ten thousand dollars, made July 4, 1836, being	7,691 37	For a monument, in the place of one carried away, on Bowditch's ledge, in the harbor of Salem	5,000 00		
Sec. 2. And be it further enacted, That the appropriation heretofore made of \$10,000 for removing the mud shoal called the Bulkhead, in the harbor of Appalachicola, be, and the same is hereby, transferred to the deepening of the straight channel in the same harbor.		For a monument on Bowbill ledge, in the harbor of Manchester, or for removing the same, at the discretion of the secretary of the treasury	5,000 00		
Sec. 3. And be it further enacted, That the several sums appropriated by the first section of this act, which exceeds \$12,000 each, one half thereof, if the public service re-		For rebuilding the two light-houses on Plum island, near Newburyport	4,000 00		
		STATE OF RHODE ISLAND.			
		For buoys or dolphins in Providence river	600 00		
		For placing two spindles at the mouth of Pawcatuck river	400 00		
		STATE OF CONNECTICUT.			
		For placing six buoys in the western, and six in the eastern entrance of Mystic river, from Fisher's island sound, in the state of Connecticut, according to the survey and estimate of F. H. Gregory, reported to the board of navy commissioners on the seventh day of August last, four hundred and thirty-five dollars; and for buoys on the rock in the channel east of Ram island, and upon Turner's			

tank, Little, and Perquimans rivers	\$1,000 00	expedient, of the reflector apparatus, of the most improved kinds, to be imported and to cause the said several sets to be set up, and their merits, as compared with the apparatus in use, to be tested by full and satisfactory experiments; and the sum of \$15,000, out of any money in the treasury not otherwise appropriated, is hereby appropriated for that purpose; and the secretary of the treasury is also further authorized to ascertain, by suitable and proper experiments, the merits of the apparatus lately invented by Mr. E. Blunt of New York; and if, in his judgment, it has merits which justify the adoption of it, he is hereby authorized to contract with Mr. Blunt, to light any light-house on the coast with it; and the sum hereby appropriated for the above purposes is	2,500 00	For the survey of Des Moines and Iowa rivers	1,000 00
For the construction of a new light boat, in lieu of that now stationed off Wade's point	8,000 00			For a survey and estimated cost of a railroad from Milwaukee to Du Buque	2,000 00
For a light house on Pea island or Boddy's island, as the secretary of the treasury shall deem to be most for the public interest	5,000 00				\$540,800 00
For three buoys or such marks designating Chickamacomico channel, in Hyde county, as shall be found most suitable for that purpose	150 00			House of representatives.	
For placing buoys at the mouth of Shallote river	500 00			Private claims	\$31,693 67
STATE OF SOUTH CAROLINA.				Senate.	
For erecting buoys on St. Helena bar	1,000 00			Private claims	18,409 93
STATE OF OHIO.					\$45,103 60
For securing, or rebuilding on a better site, the light house on Turtle island, at the entrance of Maumee bay, in Lake Erie	6,700 00			RECAPITULATION.	
For completing a beacon light near the entrance of Sandusky bay, in addition to the sum heretofore appropriated for that purpose	3,900 00			Extra session.	
For the construction of a light house on the northwest end of Bass island, commonly called Put-in-bay in Lake Erie, instead of one on Cunningham's island	2,000 00			For the support of the government and suppression of Indian hostilities for the year 1837	\$2,109,000 00
For placing buoys on a shoal or sunken inland near the western Sister island, and to the southward thereof, in Lake Erie	550 00			2d session 25th congress.	
STATE OF GEORGIA.				Civil and diplomatic	8,252,360 22
For constructing a floating-light to be stationed in Tybee channel, in lieu of an appropriation of that sum heretofore made for a similar light on Martin's Industry shoal	10,000 00			Army	5,127,860 10
For placing three buoys at the entrance of St. Andrew's inlet	540 00			Fortifications	1,015,415 00
For placing beacons or buoys at the entrance of Brunswick harbor	1,000 00			Protection of the northern frontier	625,500 00
STATE OF ALABAMA.				Navy	6,062,136 30
For the construction of a light-house on Dauphin island.	8,000 00			Revolutionary and other pensioners	2,058,532 62
STATE OF LOUISIANA.				Current expenses of the Indian department	3,002,427 73
For marking the entrance and the channel of the Atchafalaya bay	1,500 00			Preventing and suppressing Indian hostilities	7,739,410 41
For rebuilding the light-house at the southwest pass of the Mississippi river	20,000 00			Harbors	1,535,008 53
For completing a light-house at or near the southwest pass on the Vermilion bay, in addition to the sum heretofore appropriated	8,000 00			Light-houses	307,010 36
STATE OF MICHIGAN.				Miscellaneous	540,300 00
For rebuilding a light-house on Bois Blanc island, if a suitable site for the same can be found on said island	5,000 00			Private claims	45,103 60
For erecting a light-house at New Buffalo, on Lake Michigan, instead of one at city west, provided for by an act in 1827	5,000 00				\$38,413,064 87
For erecting a light-house on South Manitou island, Lake Michigan	5,000 00			Statement of the new offices created and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase, during the two last sessions of congress, made in pursuance of the 6th section of the act of the 2d of July, 1836, to provide for the appropriation of additional payments, and for other purposes.	
For erecting a light-house at Presque Isle, Lake Huron	5,000 00			NEW OFFICES.	
For erecting a light-house on Point aux Borgues, Saginaw bay, Lake Huron	5,000 00			Governor of the territory of Iowa	\$1,500 00
TERRITORY OF WISCONSIN.				As superintendent of Indian affairs	1,000 00
For the construction of a light-house on Grassy island, at the head of Green bay, near the mouth of Fox river	4,000 00			Secretary of the territory of Iowa	1,200 00
TERRITORY OF FLORIDA.				Chief justice supreme court territory of Iowa	1,500 00
For placing buoys at the mouth of the St. John's in addition to the appropriation heretofore made for that purpose	850 00			Two associate justices, (\$1,500 each)	3,000 00
For erecting a light-house on Carysfort reef, in addition to the appropriation already made for that purpose	40,000 00			District attorney, same as others	
Sec. 2. And be it further enacted,				Marshal " "	
That the secretary of the treasury be, and he hereby is, directed to cause two sets of dioptric or lenticular apparatus, one of the first, the other of the second class, and also one set, if he deems it				Judge criminal court District of Columbia	2,000 00
				Judge orphans' court District of Columbia	1,000 00
				Two registers and two receivers, Wisconsin territory west of the Mississippi, same compensation as others	
				Surveyor general Wisconsin territory	1,500 00
				Register and receiver northwestern land district of Louisiana, same as others	
				Collector for the port of Vicksburg	500 00
				NEW REGIMENT OF INFANTRY.	
				1 colonel, same compensation as other officers of same grade.	
				1 lieutenant colonel do. do.	
				1 major do. do.	
				10 captains do. do.	
				10 1st lieutenants do. do.	
				10 2d lieutenants do. do.	
				ARTILLERY.	
				4 captains, same compensation as other officers of similar grade.	
				4 1st lieutenants do. do.	
				4 2d lieutenants do. do.	
				CORPS OF ENGINEERS.	
				1 lieutenant colonel, same pay as other officers of same grade in the dragoons.	
				2 majors do. do.	
				6 captains do. do.	
				6 2d lieutenants do. do.	
				COMMISSARY DEPARTMENT.	
				1 assistant commissary general of subsistence, pay same as lieutenant colonel of cavalry.	
				1 commissary of subsistence, pay of quartermaster of the army.	
				3 commissaries of subsistence, pay of assistant quartermasters.	
				ORDNANCE.	
				2 majors, pay of officers of dragoons of same grade.	
				1 professor of chemistry, mineralogy, &c. at West Point, pay of professor of mathematics.	
				MEDICAL DEPARTMENT.	
				7 surgeons, same pay as other surgeons.	
				Note. —The other appointments authorized by the new army bill, are staff appointments, to be made from the line of the army, and do not increase the number of officers.	

CHRONICLE.

Steam ships. The Philadelphia U. S. Gazette of Wednesday says: We learn with pleasure, that the project of adopting the proposition of the English company to run steam ships between Philadelphia and England and France, is now being matured, and will shortly be laid before the public in a form which, we have reason to believe, will be acceptable, and which will secure that co-operation necessary to success."

The New York Journal of Commerce states, on the authority of gentlemen connected with the French trade, that it has been determined at Havre to build four steam ships of 1800 tons burthen each, to constitute a line between that port and New York. The keel of one had been laid, and arrangements were making to complete them all, as soon as possible.

The Great Western left New York on Thursday afternoon the 16th inst. during a violent gale, having on board 86 passengers, and a vast number of letters, the charges on which were nearly two thousand dollars.

She made her last voyage to Bristol in twelve and a half days, and came in sight of land in just twelve days from Sandy Hook. According to the log of that voyage, the shortest distance made in any one day after the first was 216 miles, or just nine nautical miles per hour; and the greatest distance in any day 264 miles, being eleven nautical miles per hour.

The ship Woodbury, Cutting, arrived at New York from Liverpool, reports having seen the steam ship Great Western on the 7th inst. in lat. 40 15, lon. 71 34.

Reminiscence. The hon. Gullian C. Verplanck, at a dinner on board the Great Western, related the following:

"Looking over (said he) a number of old New York papers, I met with one published about the middle of the last century, giving an account of the coronation of George III, which had been brought out in a vessel called the Sally Ann, from Bristol to this port in eighty days. I could not help being struck with the wonderful improvement in our day, by the construction of such vessels as the Great Western, which brought to this port from the same city a full account of the like event, in the coronation of Queen Victoria, in fourteen days and some few hours."

We learn with pleasure that the tunnel on the Harrisburgh and Lancaster railroad is now completed, with the exception of one facade. The passengers are now conveyed directly through it, and the whole distance between Lancaster and Harrisburgh is now run in one hour and twenty minutes; and passengers leaving this city at six o'clock, A. M. arrive at Harrisburgh at two o'clock, P. M. Since last Saturday, the cars have used the tunnel, and we may congratulate the travelling public upon the completion of a work that renders a journey to Harrisburgh a pleasure. [U. S. Gaz.]

Scarcity of birds. It has been remarked by those who live in the country and observe the signs of the times, that never, in any season, have so few birds been about. We have remarked the same fact ourselves, in riding within a dozen miles of the city; and the probable cause of the decrease is owing to the death-searching spirit of the sportsman, who spares neither chipbird nor robin red breast. The orchard birds are of great value to the farmer, in destroying insects, but are of little or no use to the sportsman; and to kill a bird for mere idle sport is indeed cruel. [Boston Post.]

SNAIX AHOY

There is sum live rattail snax tu be sean in a borks on this bote fur sick spunts a cite for groan loax and children half prise.

Please tu call on Old Dick
N B kash pade or no sho

The above is verbatim of an advertisement posted on a small bunk room door on board of the elegant pleasure steamboat on Lake George, alias Lake Horicon, as taken personally, and snakes seen by the communicator. [N. Y. Star.]

A novel arrival. Arrived at this port, yesterday, sloop Native, captain Solomon Attiquen, from the Indian Plantation, Marshpee, Mass. This vessel was built by the native Indians on their plantation, is owned by them, and is commanded by one of their number. She is 32 tons burthen, and is here for a cargo of lumber. [Bangor Whig.]

Great feat in swimming. One of the soldiers of the 82d regiment, at Malden, U. C., deserted to the American side by swimming from that place to Grosse Isle, a distance of three miles. He was pursued to Grosse Isle by an officer and guard, but was protected by American citizens.

Transportation of the mail. It is stated in a western paper that a new mail line has been established between New Orleans and Louisville, by which the mail is to be carried in steam boats, regularly three times a week, between those cities. There are to be eight boats on the line, and each boat to have a postmaster on board, whose duty it is made to attend to the receipt and delivery of the mail at the different points on the route. The contractors for thus carrying the mail, are to receive for this service \$180,000 a year.

Military road. We learn from the Little Rock Gazette, that major Belknap and capt. Bonneville, two of the commissioners appointed by the secretary of war to locate a road from Fort Smith to Red river, had made all their arrangements, and were on the eve of starting to perform the duties assigned them. The road about to be located by the above commissioners, it is understood, is to leave Fort Smith on the Arkansas, and run as directly south with the line of the state as the nature of the country will admit, to Red river, upon which road it is the intention of government to erect two forts, for the purpose of defence.

The national road. The editor of the Wheeling Gazette, who has recently travelled over fifty or sixty miles of the national road west of that city, reports it to be in wretched condition. It has (he says) been very much cut up, and heretofore instead of breaking up stone to repair it, holes have been filled up by throwing them unbroken upon the road, thus rendering it very hard upon horses, and extremely rough. A large number of hands are now employed on the road, and it is probable ere long it will be in much better order. The rate of toll have been advanced since the 1st of August to double price, which has given cause for much complaint, not only to travellers, but also to farmers, tavern keepers, and others along the road. It is feared that the very high tolls charged will be sufficient to cause wagoners and drovers to seek some other route.

The automaton chess player, so long the wonder of the world, the rope dancers, trumpeter, confederation of Moscow, and all the other pieces of mechanism which composed the exhibitions of the late Mr. Maelzel, are to be sold at public sale in Philadelphia on the 1st September next, by his administrator, Mr. Jno. F. Oil.

Sam Putch outdone. On Tuesday last about two miles below the steamboat landing on the Genesee river, a horse attached to a cart loaded with wood, was precipitated from the bank, cart and all, to the water's edge below, a distance of 75 feet nearly perpendicular, and after adjusting himself, commenced browsing upon the shrubbery, without having received the least apparent injury.

[Rochester Daily Advertiser.]

Something new. A very curious feat was performed on Monday evening last at the Washington race course by a youth of eighteen years of age for a wager of \$50. He was to carry a man, weighing one hundred and twenty-five pounds, around the course, measuring one mile, which he performed with the greatest ease in seventeen minutes. After performing the feat he ran about fifty yards and back again, with his load on his shoulders, amid the loud huzzas of the multitude who had assembled to witness the feat.

[Potomac Advocate.]

\$500 reward for a missing letter. Five hundred dollars reward will be paid for the delivery of a letter written by the governor of Georgia to Slade, the abolitionist. It is to be distinctly understood, that said letter is not to be read by the finder, there being certain passages in it, that ought not to meet the public eye. Upon delivery or transmission of said letter to the executive department, the above sum will be paid out of any monies in the treasury not otherwise appropriated. [Savannah Georgian.]

Conviction of a mail robber. The Little Rock Gazette of the 1st instant says:

"The trial of Robert A. Linebaugh, for purloining money from letters, while entrusted with opening the mails at Greenville, Clark county, last spring, took place last week, before the U. S. District court, Judge Johnson presiding. The case was fully made out, and the jury found a verdict of guilty—sentence, 10 years' imprisonment."

Cumberland coal. The Frederick Herald says: "Some estimate may be formed of the value which is attached to the Cumberland coal, as well as of the importance that this mineral is about to attain, as an article of export from our state, so soon as our system of internal improvements are completed, from the fact, that this coal is preferred, as we have it from good authority, on board the steam boat Great Western, to any other which they have tried."

END OF VOLUME FIFTY-FOUR.

Correction. Captain Charles, owner and master of the schooner Merchant, of Elizabeth city, N. C., utterly denies the truth of the statement that has been published respecting that vessel, to wit: that it passed near the wreck of the Pulaski and was hailed by some of the survivors, but passed on, giving no attention to their cries for help. Captain Charles was not on board at the time, the schooner being then in command of a captain Gaylard; but he says that he has conversed with many of the passengers who were saved from the Pulaski, and heard nothing of the kind from any of them. To this negative evidence he adds the affidavit of the mate, as follows:

State of North Carolina, } Elizabeth city, August 14,
Pasquotank county, } 1838.

Personally appeared before me James M. Pool, one of the justices of the peace for Pasquotank county, Rufus Robbins, who being first duly sworn, deposed and saith, that he was the mate on board the schr. Merchant of Elizabeth city, on her late voyage from Elizabeth city to Wilmington, N. C. loaded with corn—that the statement taken from the Philadelphia Exchange books and published in the Baltimore American has been shown to him this day, and that the same is entirely false as regards the said schr. Merchant being hailed by the sufferers of the Pulaski for assistance. He farther swears that they never saw the Pulaski, nor does he believe that they went within fifty miles of the wreck of the said Pulaski,—he farther states that the schr. Henry Cameron arrived at Wilmington twelve hours previous to the arrival of the schr. Merchant.

RUFUS ROBBINS.

Sworn to before me this 18th August, 1838.

JAMES M. POOL.

Some laborers employed in grading a street in Norfolk, at a spot where it passed through an old burying ground, struck upon a coffin near which was a trunk much decayed. It was found to contain a substance resembling tinder, which was once bank notes, or perhaps, continental money, and a parcel of gold coin, all of which was greedily taken up by the black men engaged in digging. They would not reveal the number of coins in the trunk. The one of which they exhibited proved to be a ducat, coined in Holland in 1758, and is valued at \$2.50.

The cattle are dying off at a shocking rate in some parts of New Hampshire by some unknown disease. The bodies putrify so soon after death, that it is necessary to bury them immediately. Some persons had been poisoned by attempting to skin the dead animals. [Gazette.]

A late Mobile Chronicle states, that Messrs. Fountain and Prince, members of two prominent houses in that city, are about to embark in a new enterprise—that of establishing a commercial house in Liverpool. This is of course with a view to favor, or profit by the direct trade between Mobile and Liverpool.

New cotton. The first bale of new cotton reached here on Saturday, by the rail road cars from Harrisburgh. It is from the plantation of Turner Clanton, esq., Columbia county, (Ga.) and consigned to Messrs. Luffite & Brother. The quality is said to be excellent. We understand 13 cents was offered for it and refused. [Charleston Courier, Aug. 19.]

The eldest of the craft. The venerable colonel Andrew Marchalle, a veteran of the revolution, died on the tenth instant at Washington, Adams county, Mississippi. The deceased was the father of the then typographical art in Mississippi, having brought into the then territory in '97, a small printing press the first ever used there.

[New Orleans American.]

Hunting in Mississippi. Two parties in Lowndes county started, last week, on a hunting excursion, in the course of which they bagged 5 3/4 scalps. L. H. Willeford's company, consisting of 11, counted 2,404, and that of J. A. Snell 1,521. [Id.]

The packet ship Oxford, which sailed from New York on Monday for Liverpool, carried out eight thousand letters.

A weighty toast. The following heavy affair, in the way of toasts, was given at the celebration of the 4th in Boston:

"The fifty-six signers of the Declaration of Independence; the heaviest fifty-six the world ever saw—the whole strength of Great Britain couldn't raise it."

The Alexandria Gazette states that the village of Orcoquan, Va. was much infested by mad dogs, and that a citizen of that place, who had been bitten by one, had gone to the "mad-stone" in another country for relief.



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